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Committee on Sanitary and Phytosanitary Measures

SPECIFIC TRADE CONCERNS

Note by the Secretariat[1]

Addendum

RESOLVED ISSUES

This part of document G/SPS/GEN/204/Rev.11 contains summary information regarding all issues which were raised in the SPS Committee from 1995 through 2009, and on which a resolution was reported prior to 2010.

[1] This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights or obligations under the WTO.

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ARGENTINA

CONCERNS RELATED TO MEASURES MAINTAINED BY ARGENTINA

Animal health

4. Measures related to BSE – Maintained by Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Czech Republic, France, Germany, Italy, Netherlands, Poland, Romania, Singapore, Slovak Republic, Slovenia, Spain and the United States

Raised by:	Switzerland
Supported by:	
Dates raised:	May 1996 (G/SPS/R/5 and Corr.1, paras. 6-9), October 1996 (G/SPS/R/6, para. 53), March 1997 (G/SPS/R/7, para. 56), July 1997 (G/SPS/R/8, paras. 10-19), October 1997 (G/SPS/R/9/Rev.1, paras. 15-17), March 1998 (G/SPS/R/10, para. 9), March 1998 (G/SPS/R/14, para. 14), June 1998 (G/SPS/R/11, para. 29), September 1998 (G/SPS/R/12, paras. 26-30), November 1998 (G/SPS/R/13, paras. 17-18), March 1999 (G/SPS/R/14, para. 8)
Relevant document(s):	G/SPS/N/AUS/56, G/SPS/N/AUS/57, G/SPS/N/CAN/18, G/SPS/N/CHL/1, G/SPS/N/CHL/6, G/SPS/N/CHL/31, G/SPS/N/CZE/14 and Add.1, G/SPS/N/SGP/1, G/SPS/W/68, G/SPS/W/79, G/SPS/GN/5, G/SPS/GEN/71
Solution:	Slovak transit ban removed, mutually satisfactory solution found with regard to Slovak importation of Swiss milk and milk products; Chilean import measure modified; some other measures withdrawn/revised
Status:	Resolved
Date reported as resolved:	1 March 1999

1. In May 1996, Switzerland presented information on its BSE situation, and noted that a number of countries had restricted imports of dairy products, although both the OIE and the WHO concluded that dairy products posed no risk in respect of BSE. In October 1996, Switzerland provided an update of its sanitary prescriptions, culling and veterinary measures to be adopted at the border. In March 1997, Switzerland indicated that although it was a country of low incidence of BSE, it had been subject to a number of BSE-related trade restrictions, some of which could not be justified under WTO rules. The Chairman agreed to hold informal consultations with interested Members on 21 March 1997.

2. In July 1997, Switzerland reported that although there had been some positive developments, problems remained. Switzerland addressed some questions to the Members concerned, stressing its interest to find rapid solutions through bilateral discussions. Argentina informed the Committee that it had replied to Swiss questions and would provide more information; Switzerland expressed satisfaction with this progress. Brazil noted that its import prohibition of bovine semen was based on the classification of bovine semen as a medium risk product, and on Brazil's BSE-free status. At the subsequent meeting of the relevant MERCOSUR working group in July 1997, Brazil would attempt to reclassify bovine semen as low risk.

3. Canada noted that there had been no changes to its import conditions for the importation of live cattle, bovine embryos, bovine semen, bovine meat or meat products from Switzerland, although a draft document on BSE policies was being discussed. Canada was receiving comments on its draft measure, which would be in accordance with the OIE Code. Canada was concerned with the lack of

§quantitative or qualitative parameters for the differentiation between countries with high and low incidence of BSE, and re-extended an invitation for bilateral discussions.

4. The United States stressed that it did not prohibit the importation of meat. BSE-related measures were subject to continued review based on scientific evidence, which, for example, had led to the opening of trade in bovine semen, although other matters remained unresolved. The United States remained open to scientific discussion in the area. Switzerland noted that the United States required certification for dried meat, and hoped that the reviewed US policies would be in line with OIE recommendations.

5. Romania informed the Committee that it had held bilateral discussions with Switzerland. Its policies were in line with OIE recommendations, and would be notified shortly. Switzerland expressed satisfaction with the results of bilateral talks. Poland noted that imports to Poland were carried out on the grounds of individual import permissions, but that no application had been received from Switzerland. Switzerland requested bilateral clarifications. Singapore indicated that countries exporting beef were required to certify BSE-freedom for six years. It believed this measure to be consistent with the SPS Agreement, and planned to notify it shortly.

6. The Czech Republic was concerned about continued occurrence of BSE in Switzerland, especially since the Czech Republic was BSE-free. However, imports of bovine semen, brain and embryos from Switzerland were not restricted. The Czech Republic would prefer to continue discussion at the level of veterinary experts. The European Communities noted that measures were taken on a national basis by EC member States, but were screened for conformity with EC law before being notified to WTO. In the case of BSE, this had taken more time than expected, and although there was no common position within the European Communities, changes to the policy were being considered. The European Communities indicated it was going beyond OIE recommendations, and indicated that it would be useful to continue discussions with the relevant experts.

7. In October 1997, Switzerland indicated that its BSE-situation was improving, but that numerous restrictions continued to affect Swiss exports of live cattle, genetic material, meat, and in certain cases milk products. Bilateral consultations were continuing. Switzerland questioned why the Australian quarantine requirements for the importation of bovine embryos and semen applied to Switzerland only, and whether countries with actual BSE incidents were subject to similar requirements. Switzerland also wondered why the objective of the new requirements was to "develop import requirements…based on international standards", whereas the notification indicated that no international standard existed. Australia replied that it had developed generic conditions for importation of ruminants and ruminant genetic material from member States of the European Communities, but had established bilateral conditions with other trading partners. The conditions in the notified draft requirements for Switzerland were in accordance with Australia's general import policy relating to BSE promulgated in January 1995, and were equivalent to BSE requirements for all other countries. International standards existed and Australia did not consider that the notified draft measures deviated from such standards.

8. Switzerland questioned why the Czech import restriction on imports of cattle over six months applied to Switzerland only, and whether countries with actual BSE incidents were subject to similar requirements. The Czech Republic replied that an individual import permit was required for traders interested in importing goods subject to veterinary control, including live animals. The Czech authorities considered the epizootic situation in the country of origin, frequency of newly found cases of contagious diseases, efficiency of eradication programmes, etc. The import approach was always the same and included discussion with the veterinary authorities of the country of origin. The system distinguished between countries with sporadic positive cases and those with continued occurrence of cases, like Switzerland. Although the measures in place in Switzerland corresponded to OIE recommendations, they had not fully eliminated BSE-related risks, and had not prevented new

infections. Unlike other countries, Switzerland slaughtered and destroyed only BSE-affected animals, not all animals kept and fed in the same place. Such animals could be considered as a source of disease. Trade between the Czech Republic and the European Communities was based on EC measures which represented a higher rate of prevention than the OIE recommendations. The Czech Republic offered to continue bilateral discussions with Switzerland.

9. In March 1998, Switzerland reported that most BSE-related measures against its exports remained in place although they deviated from OIE recommendations. However, some Members had eliminated or revised their measures, especially on genetic products. With respect to the European Communities, Switzerland hoped that recent developments would lead to a more predictable situation. In June 1998, Switzerland and the Slovak Republic reported on progress achieved during consultations and in September 1998, Switzerland reported that the transit ban had been removed, although discussions on market access for dairy products continued.

10. In September 1998, Switzerland reiterated concerns with import prohibitions on Swiss bovine semen, which seemed to contradict WTO provisions regarding non-discrimination, risk assessment, notification and consultation. Switzerland was still awaiting answers to its detailed questions to the relevant Members, or re-admission of Swiss exports. The European Communities reported on useful bilateral contacts with Switzerland, and indicated that the European Communities was undertaking an inventory of all national BSE-related measures in order to notify them. In addition, the European Communities would propose that EC member States harmonize their conditions for import from Switzerland. Chile indicated that, based on OIE recommendations on BSE, it had authorized bovine semen imports from France and was processing a request from the United Kingdom. No official request to export bovine semen had been received from Switzerland.

11. In November 1998, Switzerland and the Slovak Republic reported that they were close to a short-term solution regarding the Slovak import ban on Swiss dairy. In the longer term, a few technical issues remained to be settled. In March 1999, Switzerland informed the Committee that a mutually satisfactory solution regarding Slovak importation of Swiss milk and milk products had been found. Chile reported that its measure affecting imports of bovine semen had been modified.

60. Import restrictions on bovine semen and embryos, milk and milk products

Raised by:	European Communities[2]
Supported by:	South Africa, Switzerland
Dates raised:	March 1999 (G/SPS/R/14, paras. 17-18), July 1999 (G/SPS/R/15, paras. 23-24), November 2000 (G/SPS/R/20, paras. 26-28), July 2001 (G/SPS/R/22, paras. 44-46), October 2001 (G/SPS/R/25, paras. 18-19), June 2005 (G/SPS/R/37/Rev.1, paras. 51-52), October 2005 (G/SPS/R/39, para. 91), February 2006 (G/SPS/R/39, para. 91)
Relevant document(s):	G/SPS/N/ARG/37, G/SPS/N/ARG/38, G/SPS/N/ARG/47, Corr.1 and Rev.1, G/SPS/GEN/114, G/SPS/GEN/131, G/SPS/GEN/135
Solution:	Restrictions on bovine semen and embryos lifted
Status:	Resolved
Date reported as resolved:	1 February 2006

[2] On 1 December 2009, the *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community* (done at Lisbon, 13 December 2007) entered into force. On 29 November 2009, the WTO received a Verbal Note (WT/L/779) from the Council of the European Union and the Commission of the European Communities stating that, by virtue of the *Treaty of Lisbon*, as of 1 December 2009, the European Union replaces and succeeds the European Community.

12. In March 1999, the European Communities noted it had been unable to obtain the text of Argentina's measure on bovine semen imports, and was submitting a series of questions. Argentina indicated that the measure had been notified (G/SPS/N/ARG/37). It clarified that the request for the full text of the measure had not been received from the Commission, but from several EC member States. Argentina committed to sending the relevant document to the European Commission.

13. In July 1999, the European Communities again expressed concern regarding Argentina's BSE-related restrictions on bovine semen, milk and milk products. G/SPS/N/ARG/38 concerned a draft measure which classified these products as low-risk products. Subsequently notified import requirements (G/SPS/N/ARG/47) established country freedom from BSE or low BSE risk as preconditions for importing frozen bovine semen, although according to the OIE, bovine semen from healthy animals could be traded without BSE-related restrictions. The European Communities indicated that it had received no answers to the questions raised in March 1999, and raised several new questions.

14. Argentina replied that it had provided answers to the EC questions both bilaterally and in G/SPS/GEN/135. Argentina had received several comments on the measure notified in G/SPS/N/ARG/47, and had taken these comments into account. Argentina was planning to issue a revision of G/SPS/N/ARG/47, and was committed to continue exchanging information with the European Communities to resolve all questions before the measure was adopted.

15. In November 2000, the European Communities stated that Argentina was applying import restrictions on bovine semen that went well beyond international recommendations and were not justified. The European Communities would continue to pursue this issue bilaterally, and was hopeful of a resolution. Argentina replied that it had notified, in advance, its regulation as G/SPS/N/ARG/47, which was subsequently revised following comments by the European Communities and others (G/SPS/N/ARG/47/Rev.1). This regulation established criteria not only in relation to BSE concerns but also to two other diseases. Argentina had resolved the problems identified bilaterally by many EC member States, in particular Germany and France. Furthermore, an Argentine veterinary mission would be visiting various EC member States early in December and was prepared to also address this issue at that time.

16. In July 2001, the European Communities referred to the information on BSE circulated by OIE and WHO, concluding that there was no evidence of BSE transmission via milk collected from healthy animals (G/SPS/GEN/221, 222, and 230). However, Argentina was still imposing import restrictions on EC dairy products, in particular from the United Kingdom. The European Communities had replied to Argentina's extensive questionnaire, but Argentina had failed to provide a risk assessment to justify its measures. The European Communities urged Argentina either to provide a scientific justification, or to lift the trade restrictions. Otherwise the European Communities would have to consider an eventual recourse to Article 12.2 consultation procedures. Argentina replied that in January 2001, its animal health service had adopted a resolution which imposed restrictions on dairy products. A new, less restrictive sanitary certificate would be notified soon. Regarding human health, dairy products had been reclassified from medium to low risk, and the relevant decree eliminated the restrictions. This reclassification was not yet complete, and one category of milk remained under restriction. The United Kingdom was considered a high-risk country, but the situation was under analysis.

17. In October 2001, the European Communities indicated that despite statements from the Argentine authorities that dairy products would be reclassified, Argentina continued to place restrictions on baby food and on Baileys from Ireland; Belgian chocolate; bovine semen and dairy products from the Netherlands; milk powder and cheese from Germany; Swedish cacao oil butter; and dairy products from the United Kingdom and France. Furthermore, the European Communities disagreed with the classification of dairy products as low-risk, as opposed to no-risk, and criticized the

lack of transparency of the Argentine measure. The European Communities was considering eventual recourse to Article 12.2 consultation procedures. Argentina explained that it did not maintain any restriction on EC dairy products; they just had to be certified as coming from establishments where no case, or suspected case, of BSE had been recorded. A counter proposal from EC member States that milk come from establishments where there had been no case of BSE was currently being studied to determine equivalence. Regarding transparency, all standards could be consulted on the web page of the Official Bulletin. As Argentina continued efforts to resolve this question, it did not consider recourse to Article 12.2 consultations necessary.

18. In June 2005, the European Communities recalled that exports of bovine semen from some EC member States to Argentina were still suffering restrictions. According to OIE rules, bovine semen should not be subjected to restrictions regardless of the BSE status of the exporting country. The European Communities invited Argentinean authorities to replace their national bans by specific import requirements compliant with OIE standards and to finalize negotiations with the concerned EC member States in order to resume trade of bovine semen and embryos. Argentina replied that it was in the process of adjusting its legislation to the new OIE directive adopted in May 2005. Argentina was currently working bilaterally with several EC member States to resolve the issue of export certificates.

19. In February 2006, the European Communities reported that Argentina's import restrictions on bovine semen and embryos due to BSE had recently been lifted and that some EC member States had already benefited from this change.

125. BSE related measures

Raised by:	Canada
Supported by:	United States
Dates raised:	June 2002 (G/SPS/R/27, paras. 60-63), November 2002 (G/SPS/R/28, paras. 46-49), April 2003 (G/SPS/R/29, paras. 78-80)
Relevant document(s):	G/SPS/N/ARG/65
Solution:	Canada informed the Secretariat that the issue had been resolved with Argentina.
Status:	Resolved
Date reported as resolved:	1 September 2004

20. Canada indicated that Argentina appeared to have copied the EC geographical BSE risk categorization scheme (GBR), and had not followed an international standard or conducted a risk assessment. Canada had been given a Level 2 rating, although it had no BSE. Argentina had not requested any data from Canada. Furthermore, Canada questioned why the scheme had been notified as an emergency measure, and why Argentina had followed the EC measures instead of carrying out its own analysis. The United States shared Canada's concern and encouraged Argentina to consider the BSE risk assessment and data from the Harvard Center for Risk Analysis.

21. Argentina explained that its measures were based on the available information. If a Member felt the categorization was unjust, it should present the necessary technical information, in which case the review would be given priority. Argentina believed its system was in compliance with the OIE Code. Argentina had to take urgent action to update its BSE measures and any delay would have posed unacceptable risks to Argentina's own BSE status.

22. In November 2002, Canada reported that it had provided a large body of information to Argentina but had not yet had a response. Canada did not have BSE and did not understand how it could have been given such a rating without any risk assessment having been conducted by Argentina. The United States, which was also free of BSE, shared Canada's concern. The United States encouraged Argentina, as well as other countries, to make use of the information resulting from the BSE risk assessment undertaken by the Harvard Center for Risk Analysis.

23. Argentina reported that it had reviewed the measure and amended the provisions in Annex II which contained the country ranking based on a risk assessment. These amendments would be undertaken soon. Argentina was completing its analysis of the additional information submitted by Canada, and a reply would soon be provided bilaterally.

24. In April 2003, Canada reported that the authorities in Argentina and Uruguay had agreed to undertake their own BSE risk assessments. The United States noted that Argentina's resolution allowed for the re-categorization of the BSE status of the United States. However, a significant amount of scientific evidence had been provided to Argentina which exceeded the OIE criteria for recognition as a BSE-free country. Any restrictions were unjustified and Argentina was requested to lift its restrictions on the importation of sweet breads. Argentina reported that substantive progress had been made on this issue and was confident that further bilateral consultations would result in its resolution.

25. In September 2004, Canada informed the Secretariat that the issue had been resolved with Argentina.

AUSTRALIA

CONCERNS RELATED TO MEASURES MAINTAINED BY AUSTRALIA

Food safety

45. Import restrictions on cheese – Maintained by Australia and New Zealand

Raised by:	European Communities, Switzerland
Supported by:	
Dates raised:	June 1998 (G/SPS/R/11 and Corr.1, paras. 41-42b), November 1998 (G/SPS/R/13, paras. 21-23), March 1999 (G/SPS/R/14, paras. 9-13), November 2000 (G/SPS/R/20, para. 32)
Relevant document(s):	G/SPS/N/AUS/80, G/SPS/N/AUS/107, G/SPS/N/NZL/48
Solution:	Switzerland reported that a mutually satisfactory solution had been found.
Status:	Resolved
Date reported as resolved:	1 November 2000

26. In June 1998, Switzerland reported that, without advance notice, New Zealand and Australia had stopped imports of hard cheeses made from unpasteurized milk, on the grounds that they did not meet the sanitary requirements. Australia and New Zealand responded that the relevant import measure required inactivation of pathogenic organisms. This measure had been put in place before 1 January 1995 and therefore not been notified, but compliance had recently been reinforced. ANZFA was evaluating the applications received from Switzerland and the European Communities.

27. In November 1998, the European Communities requested Australia to identify the international standard on which its import ban on Roquefort cheese was based, or to provide scientific justification and a risk assessment. Australia responded that its food standards required all cheese to be made from pasteurized milk, or milk that had undergone an equivalent process. Australia's risk assessment on Roquefort cheese had identified potential problems with pathogenic micro-organisms, in particular entero-hemorrhagic E-coli. Further data from the Roquefort manufacturers had been received and were being evaluated. In addition to food safety assessments, Roquefort cheese was being evaluated for risks to animal health. Draft revised import conditions would be notified soon, and comments solicited. A final decision was likely in the first quarter of 1999 on both food safety and animal health aspects.

28. In March 1999, Switzerland asked about the progress of ANZFA's procedures. Australia responded that ANZFA had conducted a risk assessment. The documentation would be published on 17 March 1999 for public comment, after which a final recommendation would be made. Swiss officials in Canberra would be briefed on 16 March 1999. Regarding EC concerns, Australia reported that according to a risk assessment initiated by the Australia New Zealand Food Authority (ANZFA), French Roquefort did not comply with Australian requirements. French officials in Canberra would be briefed on the issue.

29. In November 2000, Switzerland reported that a mutually satisfactory solution had been found.

49. Restrictions on imports of sauces containing benzoic acid

Raised by:	Philippines
Supported by:	Malaysia
Dates raised:	September 1998 (G/SPS/R/12, paras. 83-85), November 1998 (G/SPS/R/13, paras. 24-25), July 1999 (G/SPS/R/15, para. 68), June 2000 (G/SPS/R/19, para. 21), October 2001 (G/SPS/R/25, para. 36)
Relevant document(s):	G/SPS/GEN/106; see also G/SPS/13, G/SPS/GEN/137 and G/SPS/W/107/Rev.1
Solution:	Australian tolerance level modified in June 2000
Status:	Resolved
Date reported as resolved:	1 October 2001

30. In September 1998, the Philippines voiced concerns that Australia's import prohibition on Philippine sauces containing benzoic acid were discriminatory, since sauces from New Zealand were allowed entry even if they contained benzoic acid. Australia indicated willingness to pursue this matter with the Philippines. Both Members noted the absence of an international standard for benzoic acid in sauces. In November 1998, the Philippines reported that bilateral consultations had not been successful. Australia explained that the different rules applying to sauces from New Zealand were transitional, and stemmed from a treaty establishing a common food standards system for both countries. Australia expected that the final standard for food additives would be implemented in the first half of 1999.

31. In July 1999, the Philippines again reported on bilateral consultations. Completion of Australia's new food code was foreseen for late 1999. Australia confirmed that benzoic acid would be allowed as an additive under the new food standards code.

32. In June 2000, the Philippines requested an update of the situation from Australia. Australia reported that the relevant part of the Australian Food Standards Code had been revised. The present

restriction on benzoic acid would be removed and replaced on 22 June 2000 with a tolerance level of 1000 milligrams per kilogram for benzoates in sauces, applicable to all products sold in the Australian market, whether domestic or imported.

33. In October 2001, the Philippines confirmed that Australia had modified the tolerance level for benzoic acid in sauces, and that detention of Philippine sauces in Australia due to benzoic acid had not been noted in Hold Order Lists since June 2000.

Animal health

4. Measures related to BSE - Maintained by Australia, Argentina, Austria, Belgium, Brazil, Canada, Chile, Czech Republic, France, Germany, Italy, Netherlands, Poland, Romania, Singapore, Slovak Republic, Slovenia, Spain and the United States (See item 4, page 1)

8. Ban on salmon imports

Raised by:	Canada, United States
Supported by:	
Dates raised:	October 1996 (G/SPS/R/6, paras. 13-15), March 1997 (G/SPS/R/7, para. 58)
Relevant document(s):	G/SPS/N/AUS/3
Solution:	Dispute settlement (W/DS18 and W/DS26, respectively). Mutually agreed resolution between Canada and Australia reported in May 2000
Status:	Resolved
Date reported as resolved:	1 March 1997

34. In October 1996, the United States reported that Australia maintained a ban on North American fresh, chilled or frozen salmon on the grounds that imports might transmit diseases and pathogens to Australian fishery stocks. In 1994, Australia published a draft risk assessment which indicated there was little risk from imported North American salmon. However, Australia did not adjust its measure to reflect the results of that risk assessment, but instead undertook another risk assessment, completed in May 1996, which again failed to find a scientific basis for maintaining the ban. The United States expected that when the final report was published, the ban would be lifted, especially since the salmon in question complied with OIE standards.

35. Australia indicated that the 1995 draft risk assessment had been revised in response to the large number of comments received. Comments, including from the United Stated and Canada, had again been received on the 1996 draft risk assessment, which would be finalized by the end of 1996. Australia noted that the OIE standard did not meet its appropriate level of protection. In March 1997, Canada and the United States again noted their concern that Australia had decided to maintain its ban on salmon imports. Canada had formally requested the establishment of a panel in the Dispute Settlement Body.

Plant health

86. Access of California table grapes

Raised by:	United States
Supported by:	European Communities, Philippines

Dates raised:	March 2001 (G/SPS/R/21, paras. 92-94), July 2001 (G/SPS/R/22, paras. 65-67), October 2001 (G/SPS/R/25, para. 26), March 2002 (G/SPS/R/26, para. 39)
Relevant document(s):	Raised orally
Solution:	Mutually agreed solution on a series of risk management procedures
Status:	Resolved
Date reported as resolved:	1 March 2002

36. In March 2001, the United States indicated that for the past 10 years there had been difficulties in exporting California table grapes to Australia. Even under Australia's new IRA process, delays and requests for additional information and documentation had continued, although nearly a year had elapsed since the release of the import risk assessment (IRA). Australia had conducted additional studies, the latest focusing on the glassy-winged sharpshooter and Pierce's Disease. The United States maintained that these additional studies were not justified, and urged Australia to modify its import restrictions consistent with the IRA and its obligations under Article 5.1. Australia explained that the administrative process was not complete until the Director of Plant and Animal Quarantine made a final decision. Australia was free of Pierce's Disease and believed that there was a need for further scientific research. A mission of scientists to the United States in 2000 had raised questions about changes in the risk profile which required more information. Australia was willing to cooperate with the United States to learn more about this disease and its vector. The Philippines, on behalf of ASEAN, shared the US concern regarding Australia's phytosanitary regulatory process.

37. In July 2001, the United States expressed disappointment at Australia's apparent abandonment of its commitment to a transparent, science-based risk assessment system. The IRA process did not seem to have an end. Australia had initiated new studies whose chief purpose seemed to be to delay lifting the import prohibition on California table grapes. Australia had pointed to the relatively recent introduction of a leaf-hopping insect, the glassy-winged sharpshooter, although its own IRA had noted that the risks associated with this pest would be negligible. Australia had decided more research on risk mitigation for glassy-winged sharpshooters would be necessary. Table grapes in California were subject to numerous mitigations, and the United States was willing to address legitimate scientific concerns. However, additional research on a pest not found in shipments of table grapes was completely without scientific merit and was a delaying tactic. Australia indicated that the change in risk profile associated with the spread of Pierce's disease, and of its vector, the glassy-winged sharpshooter, in California required additional scientific information to ensure protection from quarantine risk.

38. In October 2001, the United States informed the Committee that constructive consultations had been held to discuss quarantine procedures. Both countries had agreed to continue the dialogue to work toward a resolution of the outstanding issues. Australia was confident that a mutually acceptable solution could be found soon.

39. In March 2002, the United States reported that following consultations, Australia and the United States had agreed on a series of risk management procedures to allow for the export of California table grapes to Australia. The risk management practices would be re-evaluated after one year.

194. Restrictions on fresh grapes

Raised by:	Chile
Supported by:	European Communities, New Zealand

Dates raised:	October 2004 (G/SPS/R/35, para. 216), March 2005 (G/SPS/R/36/Rev.1, paras. 34-36), June 2005 (G/SPS/R/37/Rev.1, paras. 62-64), March 2006 (G/SPS/R/40, para. 51)
Relevant document(s):	G/SPS/N/AUS/148/Add.1, G/SPS/N/AUS/153/Add.1, G/SPS/N/AUS/148/Add.2, G/SPS/N/AUS/148/Add.3
Solution:	Imports from Chile permitted under certain conditions
Status:	Resolved
Date reported as resolved:	1 March 2006

40. In October 2004, Chile stated that in 1998 Australia was requested to indicate its market access requirements for table grapes. Following initial meetings between the regulatory agencies, Chile understood that the import risk analysis would last approximately 12 months. A number of technical meetings had since taken place, however, a solution had not been reached despite the provision of all required technical information. The undue delays and changes in the procedures undertaken by Australia were a concern to Chile. Australia noted the concerns expressed by Chile and indicated its commitment to work with Chile to finalize the import risk analysis as quickly as possible.

41. In March 2005, Chile recalled its concerns regarding the undue delays experienced by Chilean exporters of fresh grapes to Australia which were contrary to the provisions of the SPS Agreement, notably Article 5.4 and Annex C. In 2004, the IRA for Chilean fresh grapes had been revised. In February 2005, the draft text of the new IRA for Chilean fresh grapes had been published and subjected to a 45-day consultation period. Chile underlined its serious concerns that this IRA would not be finalized in time for the October export period for Chilean fresh grapes. The European Communities recalled that the European Communities was facing similar problems for various food products. He urged Australia to ensure that its sanitary and phytosanitary measures were taken exclusively for sanitary and phytosanitary reasons and without undue delays.

42. Australia clarified that Biosecurity Australia had become a prescribed agency in December 2004 and shortly after had reviewed and reissued several of the draft IRAs. Two of these IRAs had recently been released for public comments (G/SPS/N/AUS/148/Add.1 and G/SPS/N/AUS/153/Add.1), while the revised draft IRA on importation of fresh grapes from Chile was currently available for public comments on Biosecurity Australia's website.

43. In June 2005, Chile noted that on 24 June, after a process of consultations and comments, the report had been forwarded to the Eminent Scientists Group. Chile hoped that the final authorization would be granted before the next grape shipping season in mid-October.

44. The European Communities raised concerns regarding the transparency of the Australian quarantine regime for fruits and vegetables, and noted that long delays before the issuance of a risk assessment had prevented EC exporters from accessing the Australian market for years.

45. Australia assured Chile that it was committed to deliver a science-based risk assessment as soon as possible. The final IRA for table grapes from Chile was notified to the SPS Committee in September 2005 (G/SPS/N/AUS/148/Add.2). In December 2005, Australia notified to the SPS Committee that imports of Chilean fresh table grapes were now authorized under certain conditions (G/SPS/N/AUS/148/Add.3).

46. In March 2006, Chile reported that after discussions with Australian authorities, a joint work plan had been agreed to resolve the issue.

BOLIVARIAN REPUBLIC OF VENEZUELA (VENEZUELA)

CONCERNS RELATED TO MEASURES MAINTAINED BY VENEZUELA

Animal health

122. FMD Restrictions

Raised by:	Argentina
Supported by:	
Dates raised:	March 2002 (G/SPS/R/26, para. 20), June 2002 (G/SPS/R/27, paras. 46-47)
Relevant document(s):	Raised orally
Solution:	Argentina reported that the issue of Venezuela's FMD restrictions had been resolved.
Status:	Resolved
Date reported as resolved:	1 March 2004

47. Argentina requested Venezuela to accept imports of animal-based products that had followed the risk mitigation procedures identified in the OIE Animal Health Code. Venezuela stated that Argentina had not been listed as an FMD-free zone in an OIE Bulletin dated 17 March 2002, and that the Pan-American Health Office had reported on a new FMD outbreak in Argentina in a 6 March 2002 report.

48. In June 2002, Argentina noted that despite bilateral contacts, Venezuela had not provided any further information nor its risk assessment to Argentina. Venezuela indicated that it recognized the region of Argentina south of the 42nd parallel as free from FMD without vaccination, and was prepared to import meat from this region. With respect to the other regions of Argentina, Venezuela followed the OIE recommendations, however it was willing to consult with Argentina on the matter.

49. In March 2004, the Argentina reported that the issue of Venezuela's FMD restrictions had been resolved.

BOLIVIA, PLURINATIONAL STATE OF (BOLIVIA)

CONCERNS RELATED TO MEASURES MAINTAINED BY BOLIVIA

Animal health

80. Restrictions on poultry meat imports

Raised by:	Chile
Supported by:	
Dates raised:	November 2000 (G/SPS/R/20, para. 94), March 2001 (G/SPS/R/21, paras. 33-35), July 2001 (G/SPS/R/22, para. 132)
Relevant document(s):	Raised orally
Solution:	Agreement on a protocol and progress reported in July 2001
Status:	Resolved
Date reported as resolved:	1 July 2001

50. In November 2000, Chile reported that in August 2000 it had consulted with the authorities of Bolivia, in the context of Article 5.8 of the SPS Agreement, regarding requirements on poultry meat imports with respect to Inclusion body hepatitis. This disease was endemic to Bolivia and restrictions on imports from Chile were not justified. Chile hoped that this issue would soon be resolved. The representative of Bolivia indicated that he would transmit this information to his authorities.

51. In March 2001, Chile noted that Bolivia had failed to notify the measure, and requested that a scientific risk assessment be carried out as quickly as possible. Bilateral discussions on the issue had ceased since August 2000. Bolivia explained that import conditions for poultry and other agricultural products had been changed because of problems which Inclusion body hepatitis caused in the bird population and the associated negative economic impact. During the last five years, Bolivia's state veterinary laboratories had determined the clinical absence of Inclusion body hepatitis in Bolivia, but the disease had been diagnosed in Chile. Regarding preventive vaccination, Bolivia stated that this was justifiable only if the virus was present on a farm. Secondly, total protection against the disease was only possible if the serotype present in the vaccination was the same as that present in farm strains. Thirdly, successful protection depended on other immuno-suppressant factors, and in Chile there was a risk of Avian infectious anaemia. Bolivia's National Food and Agricultural Health Service was revising the standard, and would inform Chile of the results. Bolivia wished to solve the matter expediently and to the benefit of both parties.

52. In July 2001, Chile informed the Committee that the sanitary authorities of both countries had agreed to work on a protocol, and thanked Bolivia for the progress made.

112. FMD trade restrictions

Raised by:	Argentina
Supported by:	
Dates raised:	March 2002 (G/SPS/R/26, para. 30)
Relevant document(s):	Raised orally
Solution:	Argentina indicated that the issue of Bolivia's FMD trade restrictions had been resolved.
Status:	Resolved
Date reported as resolved:	1 March 2004

53. In March 2002, Argentina reported that it was engaged in bilateral consultations with Bolivia on this matter.

54. In March 2004, Argentina indicated that the issue of Bolivia's FMD trade restrictions had been resolved.

BRAZIL

CONCERNS RELATED TO MEASURES MAINTAINED BY BRAZIL

Animal health

4. Measures related to BSE - Maintained by Brazil, Argentina, Australia, Austria, Belgium, Canada, Chile, Czech Republic, France, Germany, Italy, Netherlands, Poland, Romania, Singapore, Slovak Republic, Slovenia, Spain and the United States (See item 4, page 1)

156. Notification G/SPS/N/BRA/74 and 75 on BSE-related measures

Raised by:	Canada
Supported by:	United States
Dates raised:	April 2003 (G/SPS/R/29, paras. 91-93), June 2003 (G/SPS/R/30, para. 163)
Relevant document(s):	G/SPS/N/BRA/74 and G/SPS/N/BRA/75
Solution:	Canada informed the Secretariat that the issue had been resolved with Brazil.
Status:	Resolved
Date reported as resolved:	1 September 2004

55. Canada expressed concern over the way Brazil applied the EC geographical BSE risk (GBR) system as the basis for classifying countries according to their BSE risk. Canada requested that Brazil conduct its own BSE risk analysis and classification of Canada and stated that it had sent a copy of its BSE risk assessment to the Brazilian authorities for their consideration.

56. The United States also questioned Brazil's use of the EC risk assessment classifications and noted that the European Communities had stated that its risk assessment classification system was not meant to serve as an international standard. Chapter 2.3.13 of the OIE International Health Code established the criteria for the determination of BSE risk of a country or region. The United States met the OIE criteria for a country free of BSE and had completed a risk assessment on all the factors for BSE occurrence. Active surveillance for BSE continued at levels far exceeding those of the international standard and a strong BSE awareness programme had been developed for veterinarians, farmers and others working with ruminants. The OIE Code recognized that certain tissues could be traded if they originated in countries, such as the United States, which was free of BSE. The United States believed that any measures against its exports of cattle, beef or any other products because of BSE were unjustified and not consistent with WTO obligations.

57. Brazil noted that human health concerns were at the root of the measures which referred to both the OIE international standards and the EC classification system. Thus far, Brazil had not been able to conduct a risk assessment for all countries and the provision of Canada's risk assessment would assist the Brazilian authorities in this regard. Brazil would take into consideration decisions reached at the OIE International Committee meeting in May 2003 when reviewing its measures.

58. In June 2003, Brazil reported that it had notified six regulations relating to BSE.

59. In September 2004, Canada informed the Secretariat that the issue had been resolved with Brazil.

Plant health

14. Restrictions on imported wheat

Raised by:	United States
Supported by:	
Dates raised:	March 1997 (G/SPS/R/7, paras. 16-17), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/GEN/265
Solution:	Import of certain classes of wheat allowed as of early 2001

Status:	Resolved
Date reported as resolved:	1 July 2001

60. In March 1997, the United States raised concern regarding Brazilian restrictions on wheat imports intended to prevent the establishment of the fungus tilletia controversa (TCK bunt or Dwarf bunt). However, a 1996 bilateral agreement was based on the understanding that the fungus in question could not be established in Brazil, and the United States was not aware of scientific evidence that might alter this conclusion. Brazil responded that it had implemented new legislation on risk assessment and risk management for several products as a result of harmonization efforts in the MERCOSUR context. Thus, a certificate of origin was required for wheat, to establish that the product originated in a pest-free zone. Scientific consultations between Brazilian and US experts had yet to produce a final report on the risk posed by tilletia controversa and tilletia indica (Karnal bunt). The 1996 bilateral agreement did not preclude Brazil from applying its internal legislation.

61. In July 2001, the United States reported that following extensive technical consultations, Brazil had issued new import instructions in early 2001 that allow import of certain classes of US wheat (G/SPS/GEN/265). The United States considered this trade concern resolved.

126. Import requirements for seed potatoes

Raised by:	European Communities, Canada
Supported by:	
Dates raised:	June 2002 (G/SPS/R/27, paras. 24-26), November 2002 (G/SPS/R/28, paras. 63-68), October 2003 (G/SPS/R/31, paras. 21-22), June 2004 (G/SPS/R/34, paras. 55-56)
Relevant document(s):	Raised orally
Solution:	Change in Brazil's regulation
Status:	Resolved
Date reported as resolved:	1 June 2004

62. The European Communities reported that on 13 November 2001, the Brazilian authorities had given notice of new measures on imports of seed potatoes but had provided no delay for their implementation, no technical justification and had not respected the need for transparency. As one of the main suppliers to Brazil, the European Communities had commented on the measures, but Brazil's initial response had not addressed the EC's concerns and, in particular, had not identified the pest risk assessment justifying its measure. The requested information had been provided during bilateral consultations held before the SPS Committee meeting, and the European Communities looked forward to continuing the bilateral process with Brazil. Canada expressed concern with Brazil's required export certification for non quarantine regulated pests, in contradiction to internationally agreed principles and practices. Canada was also involved in bilateral discussion with the Brazilian authorities and had requested Brazil to withdraw its measure. Brazil indicated that it hoped subsequent technical consultations would resolve the issue.

63. In November 2002, Canada expressed concerns regarding Brazil's required certification for pests that were not of economic significance nor a significant risk to plant health. Canada considered this to be an issue of quality that was more appropriately resolved between the buyer and the seller, and not by government certification schemes. Although Canadian technical officials were working with Brazil to complete a risk assessment, this issue was not being resolved as quickly as warranted. The European Communities requested Brazil to modify its measures on the basis of the technical

arguments and proposals that had been made bilaterally and requested Brazil to postpone the implementation of these measures. The United States shared the concerns expressed by both Canada and the European Communities concerning the disruption of trade in seed potatoes and requested Brazil to revise their policy as soon as possible.

64. Brazil noted that consultations on the issue of seed potatoes had been carried out for some time. Brazilian experts were considering a new proposal from the European Communities and hoped to provide a reply as soon as possible. The Brazilian Directive aimed at enhancing market opportunities in relation to previous regulations by creating two new categories of imports for seed potatoes. Brazil was interested in diversifying their source of suppliers of seed potatoes given the strategic importance of the sector for Brazil. National producers were subject to the same considerations applicable to foreign providers, and his country's motivation could not be construed as restricting market access for seed potatoes. Brazil invited the European Communities to send a team of experts to become familiar with their system, and witness the fact that national producers were subject to the same considerations as the foreign suppliers. With respect to the comments made by Canada, Brazil recalled that the matter had been extensively discussed by authorities from both countries. The Brazilian legislation required that exporters of seed potatoes to Brazil have a certification system in place; apparently this was not the case for Canada. Brazil added that the concerns voiced by the United States would be transmitted to the competent authorities.

65. Canada clarified that Canada had a certification system for seed potatoes but that the certification system did not go into minor details on issues of quality. In response to Brazil's invitation, the European Communities suggested that Brazil should send a team of experts to inspect the production and food safety conditions within the European Communities.

66. In October 2003, the European Communities reported that following discussions with Brazil in October 2002, the European Communities had presented a proposal for a possible solution which Brazil had agreed to study. Brazil explained that it was in the process of discussing new regulations and hoped that the issue would be resolved shortly.

67. In June 2004, Canada reported that the issue of Brazil's import requirements for seed potatoes had been resolved, and Brazil had made a number of adjustments to its regulation of non-quarantine pests. Canada reminded Members of the importance of notifying their SPS measures sufficiently in advance to provide an opportunity to comment before regulations were finalized to avoid future problems of this nature. Brazil concurred that the issue had been resolved.

CANADA

CONCERNS RELATED TO MEASURES MAINTAINED BY CANADA

Animal health

4. Measures related to BSE - Maintained by Canada, Argentina, Australia, Austria, Belgium, Brazil, Chile, Czech Republic, France, Germany, Italy, Netherlands, Poland, Romania, Singapore, Slovak Republic, Slovenia, Spain and the United States (See item 4, page 1)

87. Measures affecting imports of products containing Brazilian beef

Raised by:	Brazil
Supported by:	
Dates raised:	March 2001 (G/SPS/R/21, paras. 2-5)

Relevant document(s):	G/SPS/GEN/245, G/SPS/W/108, G/SPS/N/CAN/39, G/SPS/N/CAN/94
Solution:	Suspension lifted in February 2001
Status:	Resolved
Date reported as resolved:	1 February 2001

68. Canada outlined its BSE policy, and informed Members of recent actions taken regarding the application of this policy. Imports from Brazil had recently been suspended because Brazil had not provided the information requested by Canada in order to carry out a risk assessment. Canada was especially concerned about the traceability of cattle imported from BSE-infected countries. Canada had lifted its suspension after receipt and analysis of documentation from Brazil and a visit to Brazil by scientists from Canada, the United States and Mexico. Canada reported that Brazilian authorities had agreed to certification requirements. Brazil regretted that Canada had not handled this matter in a more transparent manner, with prior notification and consultation. Brazil recalled its BSE-free status according to OIE classification, and its ban on feeding of ruminant material to cattle. Brazil had suffered many adverse effects from Canada's hasty embargo. This had raised awareness of certain shortcomings of the multilateral system in cases like this one. Brazil announced its intention to present proposals to the SPS Committee and the General Council to address these problems.

Plant health

229. Import restrictions on Enoki mushrooms from Chinese Taipei

Raised by:	Chinese Taipei
Supported by:	
Dates raised:	October 2005 and February 2006 (G/SPS/R/39, paras. 36-38), April 2008 (G/SPS/R/49, paras. 59-60)
Relevant document(s):	Raised orally
Solution:	Canada had lifted its ban with effect from January 2007. Following the visit of Canadian officials to Chinese Taipei, import permits had been issued during 2007 and Enoki mushrooms were now being imported into Canada.
Status:	Resolved
Date reported as resolved:	2 April 2008

69. In February 2006, Chinese Taipei noted that in January 2005 Canada had banned imports of Enoki mushrooms with trace amounts of growing medium. Canada required that all growing medium be removed by cutting off the stalk of the mushroom, but this significantly reduced the shelf-life of the mushroom. In March 2005, Canada had justified this new measure by explaining that the growing medium used for Enoki mushroom cultivation could be a pathway for the introduction of quarantine pests designated by the Canadian Food Inspection Agency, such as sudden oak death or the golden nematode. These quarantine pests did not exist in Chinese Taipei. Furthermore, Enoki mushrooms were produced in Chinese Taipei under soil-free conditions. Chinese Taipei considered that Canada's restrictions were more trade restrictive than necessary and urged Canada to lift its import ban on Enoki mushrooms.

70. Canada clarified that, historically, Chinese Taipei's mushrooms were free from growing medium and had been imported into Canada without restriction. In 2004, shipments of Enoki mushrooms accompanied by a significant amount of growing material had been intercepted. Consistent with the provisions of the IPPC, Canada had provided Chinese Taipei's officials with

several official notifications of non-compliance, including a written explanation of the scientific rationale for prohibiting the entry of Enoki mushrooms accompanied by growing medium. Canada was waiting for scientific information on the type of pests that might be carried by the medium from Chinese Taipei in order to conclude a risk assessment. The current science-based requirements would remain in place until Canada had assurance that the growing medium would not carry plant pest risks to Canada.

71. In April 2008, Chinese Taipei reported that the issue of Canada's restrictions on the importation of Enoki mushrooms had been resolved. Since this issue was first raised, there had been constructive technical dialogue on several occasions. Scientific evidence and information on pest risk assessment had been provided, and Canada had undertaken on-site inspections. Consequently Canada had lifted its ban with effect from January 2007.

72. Canada confirmed that this issue had been resolved due to a close collaborative working relationship between technical officials. Following the visit of Canadian officials to Chinese Taipei, import permits had been issued during 2007 and Enoki mushrooms were now being imported into Canada.

CHILE

CONCERNS RELATED TO MEASURES MAINTAINED BY CHILE

Animal health

4. Measures related to BSE - Maintained by Chile, Argentina, Australia, Austria, Belgium, Brazil, Canada, Czech Republic, France, Germany, Italy, Netherlands, Poland, Romania, Singapore, Slovak Republic, Slovenia, Spain and the United States (See item 4, page 1)

104. FMD restrictions

Raised by:	Argentina
Supported by:	Brazil, United States
Dates raised:	October 2001 (G/SPS/R/25, paras. 90-91), March 2002 (G/SPS/R/26, paras. 40-41), June 2002 (G/SPS/R/27, para. 126)
Relevant document(s):	G/SPS/N/CHL/102
Solution:	Argentina reported that the issue of Chile's FMD restrictions had been resolved.
Status:	Resolved
Date reported as resolved:	1 March 2004

73. Argentina was concerned about Chile's draft regulations on fresh or frozen beef, which categorized countries according two categories: FMD-free with or without vaccination. These draft rules seemed to be more restrictive than the OIE standard, which allowed for the possibility of permitting imports from FMD-infected countries or zones as long as certain risk mitigation procedures had been used. Argentina requested Chile to provide sufficient scientific justification as required by Article 3.3. Chile replied that that it was premature to discuss the issue as the draft regulation had not yet been circulated internationally and a bilateral technical meeting was scheduled for early November. The deadline for public comments had only just passed and comments received had not yet been considered. Chile had not yet been asked to provide a risk assessment by the Argentine authorities.

74. In March 2002, Argentina referred to Chilean notification G/SPS/N/CHL/102 on fresh and frozen meat controls. It appeared Chile would permit imports from countries in one of two categories: FMD free without vaccination or FMD free with vaccination. The draft Chilean regulation did not allow for the import of fresh or frozen bovine meat from countries with zones infected with FMD. As such, the requirement was more demanding than the OIE Animal Health Code which permitted imports if risk mitigation procedures were followed in countries where FMD was present. Argentina requested Chile to amend its draft regulation to reflect the OIE code, or to show sufficient scientific grounds for not applying the international reference standard. Brazil supported Argentina and the United States stated that they had sent written comments to Chile and hoped that these comments would be taken into account.

75. Chile explained that the entry into force of the measures in question had been postponed twice to enable other trading partners to make additional comments. Controlling the 1987 outbreak of FMD in Chile had cost $8.5 million and forced the eradication of 30,000 animals ? a considerable cost for Chile. Nevertheless, Chile planned to allow for the possibility of importing from countries not recognized as FMD free by the OIE, on the basis of a risk assessment by the Chilean authorities. In the case of Argentina, Chile had not learnt of the FMD outbreak in that country through their bilateral usual channels so the normal risk analysis procedures could not be applied and emergency measures had had to be instituted.

76. In June 2002, Argentina reported that progress had been made towards resolving this issue at bilateral meetings.

77. In March 2004, Argentina reported that the issue of Chile's FMD restrictions had been resolved.

113. Pet food import requirements

Raised by:	Argentina
Supported by:	United States
Dates raised:	March 2002 (G/SPS/R/26, paras. 21-23)
Relevant document(s):	G/SPS/N/CHL/104, G/SPS/GEN/302
Solution:	Argentina reported that the issue of Chile's import requirements for pet food had been resolved.
Status:	Resolved
Date reported as resolved:	1 March 2004

78. Argentina raised concerns about Chile's draft standard that would require imports of pet food containing meat and bonemeal from ruminants to undergo thermal treatment (G/SPS/N/CHL/104). This requirement was stricter than the OIE recommendations and lacked sufficient scientific grounds and risk analysis to justify this higher level of protection (G/SPS/GEN/302). The EU Scientific Steering Committee had given Argentina a Level 1 rating, i.e. "highly unlikely that domestic cattle are (clinically or pre-clinically) infected with BSE agent". The United States indicated that the OIE Animal Health Code did not recommend that countries free of BSE undertake the treatment outlined in the notification. The United States hoped that the Chilean authorities would take the results of the Harvard Risk Analysis into account.

79. Chile stressed that a distinction had to be made between countries free of BSE and countries free of TSEs; the draft Chilean measure also included the latter within its scope. Chile further clarified that the procedures had to be applied to raw materials in pet food and not to the final product.

80. In March 2004, Argentina reported that the issue of Chile's import requirements for pet food had been resolved.

260. Requirements for quarantine treatment of aircraft

Raised by:	Argentina
Supported by:	
Dates raised:	October 2007 (G/SPS/R/46, paras. 16-17), June 2009 (G/SPS/R/55, para. 55)
Relevant document(s):	G/SPS/N/CHL/253
Solution:	In June 2009, Argentina reported that its concern had been resolved.
Status:	Resolved
Date reported as resolved:	23 June 2009

81. In October 2007, Argentina indicated that in April 2007, Chile notified the quarantine treatment of aircraft landing in Chile from areas with high levels of pests (G/SPS/N/CHL/253). Fumigation with pesticides and insecticides was required every time the aircraft required cleaning. This treatment could prevent the export of live bees from Argentina via any aircraft which landed in Chile. Argentina had conveyed their concerns to the Chilean focal point to ensure that these measures not unduly affect Argentine exports, and more specifically, that live bees not be killed by the fumigation.

82. Chile clarified that the measure in question corresponded to the updating of a law that had been in place since 2006, and that the amendments proposed were an attempt to facilitate rather than hinder trade. A procedural manual had been developed that included clear technical specifications to ensure proper fumigation of the aircraft. Regarding benign insects such as bees, the concentrations of insecticides would be far less than what was specified in the past. Although there was no obligation to notify this measure, Chile had chosen to demonstrate implementation of the principles of transparency by going beyond what was required. The measure had not yet entered into force and Chile was reviewing comments received from other countries. Chile would have preferred to see this issue addressed bilaterally, and informal meetings with Argentina had proceeded positively.

83. In June 2009, Argentina reported that its concern had been resolved. Chile confirmed that the issue had been clarified.

Plant health

16. Restrictions on imports of wheat and fruit

Raised by:	United States
Supported by:	
Dates raised:	March 1997 (G/SPS/R/7, paras. 18-19), July 2001 (G/SPS/R/22, para. 127), October 2006 (G/SPS/R/43, para. 36)
Relevant document(s):	G/SPS/GN/14, G/SPS/GEN/265
Solution:	Import access granted for wheat and fruits
Status:	Resolved
Date reported as resolved:	1 October 2006

84. In March 1997, the United States expressed concerns that Chile's import requirements for wheat and fruit did not recognize regional conditions in line with the SPS Agreement, nor IPPC guidelines relating to pest-free areas. With respect to wheat, Chile replied that the United States had not asked to be recognized as free of tilletia indica (Karnal bunt). Regarding fruit, Chile stressed that it had recognized areas free of the fruit flies anastrepha fraterculus and ceratitis capitata (Mediterranean fruit fly) in California, which would facilitate the entry of US exports.

85. In July 2001, the United States reported that following bilateral discussion, Chile had removed restrictions on US wheat in October 1997 (G/SPS/GEN/265). Import access had also been granted for grapes, kiwis, avocados and lemons from California, apples and pears from Washington, and raspberries and shelled nuts from all US states. According to the United States, Chile was preparing new rules to allow imports of additional products. The United States was working with Chile on import conditions for other fruit.

86. In October 2006, the United States and Chile both reported that following bilateral discussions held in August 2006, concerns relating to phytosanitary measures applied to US fruit exports to Chile had been resolved.

CHINA

CONCERNS RELATED TO MEASURES MAINTAINED BY CHINA

Food safety

127. Import ban on products of Dutch origin

Raised by:	European Communities
Supported by:	
Dates raised:	June 2002 (G/SPS/R/27, paras 31-32), November 2002 (G/SPS/R/28, paras. 73-74), April 2003 (G/SPS/R/29, paras. 82-83), June 2003 (G/SPS/R/30, paras. 39-40)
Relevant document(s):	Raised orally
Solution:	Ban on Dutch products lifted
Status:	Resolved
Date reported as resolved:	1 June 2003

87. The European Communities sta§§ted that the Chinese authorities had suspended imports of all products of animal origin from the Netherlands after detection of one positive consignment in a single category of products. The European Communities considered this measure to be more trade restrictive than necessary, and noted that in a similar situation with regard to Chinese products, the European Communities had given China sufficient time to solve problems of detection of the presence of chloramphenicol in their products.

88. China noted that the use of chloramphenicol in animal foodstuffs had been prohibited in EC member States since 1994. When the substance had been detected in Dutch products, China had imposed a provisional ban and immediately alerted the Dutch authorities. China had received part of the information requested, and was waiting for further information so as to review its measure. The representative of China reported that the problem apparently arose due to Dutch imports of feedstuffs from some eastern European countries, which gave rise to concerns regarding Dutch import control measures, residue monitoring systems and export control measures.

89. In November 2002, the European Communities reported that some progress had been made, however they requested China to increase efforts to resolve the issue. The European Communities considered this a disproportionate reaction to a problem that could have been resolved in a mutually satisfactory manner without disrupting trade. China observed that other countries had faced similar problems with Dutch products. His country was working to remove the ban remaining for some products. For this purpose, the Netherlands had been invited to provide information to enable China to conduct a risk assessment, as soon as possible.

90. In April 2003, the European Communities reported that China had lifted restrictions on certain products of no real trade significance, but no satisfactory solution had yet been found for a large number of animal products of Dutch origin, in particular dairy products. In December 2002, the European Communities had supplied the information requested by China. In March 2003, China requested additional information and indicated that an inspection mission would be necessary before anything further could be done. The European Communities questioned why this inspection visit had not been proposed sooner.

91. China responded that it had lifted the ban on certain products on 25 December 2002, after receipt of information from the European Communities. For other products, China had been waiting for almost one year on the Netherlands' residue monitoring and assessment controls. Based on the information provided to date, China had identified significant defects with respect to conformity with the relevant EC directives, including sampling of dairy products and casings. An inspection visit was necessary to address these outstanding issues. The receipt of additional information from the Netherlands on 21 March 2003 would enable the visit of China's inspection team in the near future.

92. In June 2003, the European Communities reported that the Chinese embargo on products from the Netherlands had been lifted and the European Communities believed this issue now resolved. China reaffirmed that the ban on Dutch products had been lifted after an inspection visit and the conclusion of a risk assessment.

246. Import restrictions on products of animal origin due to dioxin

Raised by:	European Communities
Supported by:	
Dates raised:	February 2007 (G/SPS/R/44, paras. 13-14), October 2007 (G/SPS/R/46, para. 36)
Relevant document(s):	Raised orally
Solution:	Consultations between the EC authorities and China's AQSIQ, at both the bilateral and multilateral level, had been successful in finally putting an end to these restrictions.
Status:	Resolved
Date reported as resolved:	1 October 2007

93. In February 2007, the European Communities raised concerns regarding China's import restrictions on products of animal origin from some EC member States due to alleged dioxin contamination. There had been an isolated incident in January 2006, at which time all potentially contaminated products had quickly been recalled. Trade had been re-established and EC exports had returned to normal within weeks, except with China. China was the only WTO Member that continued to impose restrictions because of a problem which no longer existed. The European Communities had pursued bilateral contacts with China's General Administration of Quality, Supervision, Inspection and Quarantine (AQSIQ) and provided all of the information requested by

China. The ban on products from some EC member States was disproportionate to the potential risk, as the contamination problem no longer existed. The representative of the European Communities requested China to remove its restrictions or to provide a scientific justification for their maintenance.

94. China confirmed that this issue had been the focus of technical consultations with the European Communities. In Belgium, Germany and the Netherlands, this was the second time there had been this type of problem. Given the fluidity of movement of goods within the European Communities, the spread of contaminated products was very likely. China was waiting to receive the final EC investigation report on the incident so that it could complete its risk assessment and take the appropriate measure.

95. In October 2007, the European Communities reported on the resolution of the specific trade concern related to China's import restrictions on some products of animal origin from some EC member States due to alleged dioxin contamination. Import restrictions were originally introduced because of an isolated incident which affected a limited number of agriculture products and for which prompt corrective action was taken. Consultations between the EC authorities and China's AQSIQ, at both the bilateral and multilateral level, had been successful in finally putting an end to these restrictions.

Animal health

157. Quarantine measures for the entry and exit of aquatic products

Raised by:	European Communities
Supported by:	United States
Dates raised:	April 2003 (G/SPS/R/29, paras. 33-35), June 2003 (G/SPS/R/30, para. 39, 59-60)
Relevant document(s):	G/SPS/N/CHN/17
Solution:	Measure notified and comments solicited
Status:	Resolved
Date reported as resolved:	1 June 2003

96. The European Communities noted that Decree No.31, due to enter into force in June 2003, had not been notified to the WTO. The European Communities, therefore, were not able to assess the decree and comment on it. The Chinese authorities were requested to notify the measure to the WTO and suspend its entry into force for four additional months to allow Members a chance to comment on it and for permits to be issued to exporters. The United States echoed the concerns of the European Communities.

97. China explained that Decree 31 was notified to the WTO as part of a notification covering China's existing laws on animal and plant quarantine and on sanitation, inspection and certification of imports and exports of food products at the time of its WTO accession. The purpose of the Decree was to standardize the standards of quarantine for aquatic animals and to improve transparency of procedures in line with WTO obligations on transparency and consistency. The regulation did not contain any new technical requirements and thus did not need to be notified to the WTO. Nonetheless, China would consider any comments from Members. China had decided to delay the date of entry into force from 10 December 2002 until 12 June 2003, so as to minimize any trade impact. On 23 December 2002, AQSIQ sent a notice to all foreign embassies in Beijing and requested them to identify which governmental authorities had responsibility for issuing certificates for export to China, and to submit a model certificate so that China could verify the certificates.

98. In June 2003, the European Communities reported that China had notified its Decree 31 on aquatic products and had provided a comment period.

196. Measures on US poultry

Raised by:	United States
Supported by:	Canada
Dates raised:	October 2004 (G/SPS/R/35, paras. 26-29), March 2005 (G/SPS/R/36/Rev.1, para. 83)
Relevant document(s):	Raised orally
Solution:	The United States mentioned that since the SPS Committee meeting of October 2004, China had taken actions and the issue had been resolved.
Status:	Resolved
Date reported as resolved:	1 March 2005

99. In October 2004, the United States raised concerns over China's nation-wide ban on US poultry products following the detection of low pathogenic avian influenza in the state of Delaware in February 2004. The import ban was not modified accordingly when highly pathogenic avian influenza was detected in the state of Texas, instead, it was applied to the entire territory of the United States despite the fact that the highly pathogenic avian influenza outbreak was confined to a limited area. The outbreaks were brought under control and eradication, cleaning and disinfection of the highly pathogenic infected premises was completed on 23 February 2004. On 20 August 2004, trading partners were advised that the six-month period prescribed by the OIE had elapsed and that the United States was free of highly pathogenic avian influenza. Despite this, China still maintained the ban on poultry products from the entire territory of the United States. These restrictions were not scientifically justified and were inconsistent with SPS obligations. China was requested to lift the ban immediately and to ensure that future implementation of emergency measures were consistent with Article 6 of the SPS Agreement. Canada noted similar concerns with China maintaining a comprehensive ban when regionalized measures were the appropriate response, and sought the removal of all measures with respect to Canada.

100. China stated that provisional emergency measures were adopted early in 2004 to prevent the entry and spread of low and highly pathogenic avian influenza. A ban on the importation of US poultry and poultry products was therefore implemented. China had communicated with the United States to conduct on-site inspections with the objective of regionalizing its ban on avian influenza as well as the possibility of lifting the ban on US poultry. A risk assessment was being conducted and a decision would be made based on the outcome of the risk assessment. China's actions were consistent with Article 6 of the SPS Agreement and OIE guidelines and recommendations.

101. In March 2005, the United States mentioned that since the SPS Committee meeting of October 2004, China had taken actions and the issue had been resolved.

Plant health

115. Import restrictions for citrus and other fruits related to fruit fly

Raised by:	Argentina
Supported by:	Canada
Dates raised:	March 2002 (G/SPS/R/26, paras. 24-25), June 2002 (G/SPS/R/27, paras. 50-51), March 2006 (G/SPS/R/40, para. 50)

Relevant document(s):	Raised Orally
Solution:	Argentina reported that this specific trade concern had been resolved.
Status:	Resolved
Date reported as resolved:	1 March 2006

102. Argentina noted that bilateral consultations were on-going with the Chinese authorities to overcome difficulties related to the export of apples, pears and citrus fruit to China due to the latter's fruit-fly restrictions. Various procedures, including the use of cold treatment, were being used to overcome these difficulties. Argentina requested the Chinese authorities to provide a list of outstanding questions related to risk assessment and further information requests.

103. China explained that Medfly and South American fruit fly had not been reported in China and that a risk assessment by Chinese experts had concluded that the risk of introducing these pests from Argentina was high. China was requesting Argentina to provide data on the efficacy of cold treatment against fruit flies and to demonstrate that it could provide an equivalent level of protection in comparison with importing from pest-free areas. China noted that establishing pest-free areas was not practicable for all pests, as recognized by the IPPC standard, and that countries with advanced research on fruit fly control and quarantine did not accept importation from countries where the pest had previously been present, even if they were currently pest-free. China was open to bilateral technical discussions and joint research with Argentina on this issue.

104. In June 2002, Argentina informed the Committee that despite having held bilateral consultations with China, the issue was not resolved. China indicated that it was prepared to consider alternative treatments, but had not yet received any technical data demonstrating that establishing pest free production places and cold treatment could provide equivalent protection to the establishment of pest-free areas.

105. In March 2006, Argentina reported that this specific trade concern had been resolved.

COLOMBIA

CONCERNS RELATED TO MEASURES MAINTAINED BY COLOMBIA

Animal health

116. FMD restrictions

Raised by:	Argentina
Supported by:	
Dates raised:	March 2002 (G/SPS/R/26, paras. 18-19), June 2002 (G/SPS/R/27, paras. 44-45), November 2002 (G/SPS/R/28, paras. 56-58), April 2003 (G/SPS/R/29, paras. 74-75), June 2003 (G/SPS/R/30, para. 44), October 2003 (G/SPS/R/31, para. 37)
Relevant document(s):	Raised orally
Solution:	Restrictions lifted on bovine meat from Argentina
Status:	Resolved
Date reported as resolved:	1 October 2003

106. Argentina reported that Colombia had restricted imports of certain products from Argentina on 26 September 2001, after the FMD outbreaks in Argentina. Colombia had agreed to accept Argentine products for which risk mitigation techniques could be applied according to the OIE code, and on 17 October 2001 had published new measures specifying those processed products which could be imported. An inspection visit by the Colombian sanitary services in late October 2001 complemented the information provided by the Argentine services. However, Argentina was unable to export the products in question due to continued information requests from Colombia. Colombia noted that it had replied to comments and questions from Argentina in November 2001 and March 2002. Argentina did not have establishments authorized by the Colombian Livestock Institute (ICA) to export risk products to Colombia. Colombia was considering the process and production methods at Argentine establishments to inactivate the virus in risk materials, and if satisfactory, Argentine establishments would receive the necessary ICA authorization.

107. In June 2002, Argentina indicated that its exports continued to be restricted. Colombia recalled that no plants in Argentina were currently certified to export to Colombia. However, Colombia had identified 10 plants in Argentina for which it needed to update information, and another 38 plants which it proposed to visit for the first time. Only 21 of these establishments had provided the information needed for the Colombian Agricultural Institute to undertake certification visits.

108. In November 2002, Argentina noted that Colombia continued to prohibit Argentine meat despite the fact that there had been no new outbreaks in Argentina for nine months. Colombia still had not carried out inspections of 21 packing plants which Colombia claimed was necessary before trade in beef meat could resume. Colombia stated that Argentina had blocked imports of fresh flowers from Colombia, and requested Argentina not to link these two issues. Argentina indicated that there was no linkage to Colombian flowers, and asked Colombia to provide information as to whether it would carry out the veterinary inspections in Argentina so that beef meat exports could resume.

109. In April 2003, Argentina noted that it had not received a reply from Colombia on the completed questionnaire concerning chilled products. No in-situ inspections had taken place that would lead to a lifting of these restrictions nor had Argentina received any requests for further information. Noting Colombia's concern over cut flowers, Argentina stated that it did not maintain any restriction on the import of flowers from Colombia. Colombia stated that it enjoyed a favourable FMD situation but allowed the importation of low risk products. High risk products, however, were banned from Argentina and this was notified to the WTO. Establishments of origin had to be authorized by the Colombian sanitary service and a programme of visits to Argentina had been planned. Information from Argentine authorities was required with regard to the serological and epidemiological assessment of FMD, vaccination coverage, and the dates on which the status of disease freedom both with or without vaccination were achieved. Colombia considered the Argentine decision to suspend the import of cut flowers in November 2001, without a WTO notification, to be unjustified.

110. In June 2003, Argentina reported that progress had been made and that inspections of Argentine meat plants by Colombian officials were being planned. Colombia noted that once the necessary information was provided by Argentina, Colombian authorities would carry out the necessary missions. The good progress in the case of bovine exports from Argentina to Colombia was similar to the progress made on the issue of flower exports from Colombia to Argentina.

111. In October 2003, Argentina reported that the issue had been resolved at the end of September 2003, and that Colombia had eliminated its restrictions. Colombia confirmed that the issue had been resolved, and that exports of flowers from Colombia to Argentina had also been discussed during the meeting.

CUBA

CONCERNS RELATED TO MEASURES MAINTAINED BY CUBA

Animal health

129. Import restrictions on spiced pork and salted meat products

Raised by:	Argentina
Supported by:	
Dates raised:	June 2002 (G/SPS/R/27, paras. 15-16), November 2002 (G/SPS/R/28, para. 182)
Relevant document(s):	G/SPS/GEN/325
Solution:	Argentina reported that the issue had been resolved with Cuba.
Status:	Resolved
Date reported as resolved:	1 March 2004

112. Argentina indicated that exports of spiced pork and salted meat products to Cuba were prohibited due to Cuba's zero risk approach with regard to FMD (G/SPS/GEN/325). Argentina had submitted evidence that the FMD virus would not be transmitted as a result of the processing of these products. Moreover, Argentina's proposed certification fully complied with OIE standards. Nonetheless, Cuba only permitted imports of bovine meat from countries free of FMD without vaccination. Argentina requested Cuba to lift its restrictions, or to provide sufficient scientific evidence to justify its measure. Cuba indicated that bilateral consultations had been initiated on the issue.

113. In November 2002, Argentina reported that a few technicalities needed to be sorted out before the issue was completely resolved.

114. In March 2004, Argentina reported that the issue had been resolved with Cuba.

CZECH REPUBLIC

CONCERNS RELATED TO MEASURES MAINTAINED BY THE CZECH REPUBLIC

Food safety

10. Imports of potatoes

Raised by:	European Communities
Supported by:	Argentina
Dates raised:	October 1996 (G/SPS/R/6, para. 27), October 1997 (G/SPS/R/9/Rev.1, paras. 51-53)
Relevant document(s):	G/SPS/N/CZE/6, G/SPS/N/CZE/12, G/SPS/GEN/42
Solution:	Second active ingredient approved, imports from EC resumed
Status:	Resolved
Date reported as resolved:	1 February 2001

115. In October 1996, the European Communities expressed concern that the Czech Republic had not specified a final date for comments on G/SPS/N/CZE/12. The Czech Republic committed to pursuing the matter bilaterally with the European Communities. In October 1997, the European Communities expressed concern over Czech import requirements for ware potatoes, which it did not believe to be based on scientific principles. Moreover, equivalent methods of sprout treatment were not allowed. The European Communities pointed out that a Codex standard existed for the active ingredient involved. Argentina was concerned that the treatment had to be applied before harvest, making a post-harvest decision to export to the Czech Republic impossible, although alternative treatment methods existed. Furthermore, it was not clear to Argentina whether the registration procedure concerned the entire product formula or only the active ingredient.

116. The Czech Republic explained that imported plant products could not be circulated domestically if they contained residues of active plant protection ingredients not registered in the Czech Republic. Only one active ingredient had been approved, but registration procedures for a second one were under way. The Czech Republic believed that bilateral channels for resolving the issue, notably within the framework of the European Association Agreement, were far from exhausted.

117. In February 2001, the Czech Republic reported that the second active agent had been approved since 16 March 1998, and imports from the European Communities had resumed.

51. Prohibition of poultry meat imports from Thailand

Raised by:	Thailand
Supported by:	
Dates raised:	September 1998 (G/SPS/R/12, paras. 81-82), November 1998 (G/SPS/R/13, paras. 39-40), March 1999 (G/SPS/R/14, para. 16), July 1999 (G/SPS/R/15, para. 8), November 1999 (G/SPS/R/17, para. 5)
Relevant document(s):	G/SPS/N/CZE/16
Solution:	Czech measure lifted in October 1999
Status:	Resolved
Date reported as resolved:	1 October 1999

118. In September 1998, Thailand indicated that since June 1998, the Czech Republic had stopped shipments of poultry meat from Thailand on the grounds that it contained levels of arsenic acid above the acceptable Czech limits. Thailand indicated that this measure was not scientifically justified and too trade restrictive, and asked whether the measure was non-discriminatory. The Czech Republic indicated that bilateral consultations had begun and would continue, and assured Thailand of the non-discriminatory nature of its testing methodology.

119. In November 1998, Thailand reported that bilateral consultations had been held, and that the Czech Republic had agreed to provide further clarifications on the measure, as well as a scientific justification. The Czech Republic indicated that the exchange of information would take place before a mission of Czech experts to Thailand in the near future.

120. In March 1999, Thailand and the Czech Republic reported that bilateral consultations were progressing, and that the problem might be resolved after a visit of Czech experts to Thailand, planned for April 1999. In July 1999, Thailand reported that the visit of Czech experts had been re-scheduled for September 1999. The Czech Republic confirmed that consultations were advancing. In

November 1999, the Chairman informed the Committee that the Czech Republic had recently notified the lifting of the measure from 1 October 1999.

Animal health

4. Measures related to BSE - Maintained by Czech Republic, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, France, Germany, Italy, Netherlands, Poland, Romania, Singapore, Slovak Republic, Slovenia, Spain and the United States (See item 4, page 1)

30. Regulation concerning warehouses and silos

Raised by:	European Communities
Supported by:	
Dates raised:	October 1997 (G/SPS/R/9/Rev.1, para. 54)
Relevant document(s):	Raised orally
Solution:	EC satisfied with Czech clarifications.
Status:	Resolved
Date reported as resolved:	1 February 2001

121. The European Communities sought clarification of a Czech regulation requiring warehouses and silos for animal feed to be under state control for purposes of quality assurance. The Czech Republic indicated that it wished to pursue the matter bilaterally with EC veterinary authorities. In February 2001, the Czech Republic indicated that the European Communities had accepted its clarifications.

EL SALVADOR

CONCERNS RELATED TO MEASURES MAINTAINED BY EL SALVADOR

Animal health

71. Restrictions on meat and dairy products

Raised by:	Uruguay
Supported by:	
Dates raised:	November 1999 (G/SPS/R/17, para. 85), November 2000 (G/SPS/R/20, para. 32)
Relevant document(s):	Raised orally
Solution:	Uruguay reported that the issue had been resolved.
Status:	Resolved
Date reported as resolved:	1 November 2000

122. In November 1999, Uruguay reported on problems with exports of meat and dairy products to El Salvador on sanitary grounds, although no concrete sanitary problems or regulations had been mentioned. The representative of El Salvador indicated that these concerns would be transmitted to the appropriate authorities. In November 2000, Uruguay reported that the issue had been resolved.

EUROPEAN COMMUNITIES

CONCERNS RELATED TO MEASURES MAINTAINED BY THE EUROPEAN COMMUNITIES

Food safety

11. Restriction on levels of copper and cadmium in imported squid – Maintained by Spain

Raised by:	United States
Supported by:	Argentina
Dates raised:	October 1996 (G/SPS/R/6, paras. 16-17), March 1997 (G/SPS/R/7, para. 56), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/GEN/265
Solution:	In July 2001, the United States reported that it was not experiencing any problems in the area and was continuing to monitor the situation
Status:	Resolved
Date reported as resolved:	1 July 2001

123. In October 1996, the United States noted that the Spanish regulation on levels of copper and other minerals in imported squid was discriminatory since domestic and EC products were specifically exempted. The European Communities replied that the scientific justification for imposing such a measure came from a WHO recommendation on maximum weekly intakes of metal. Harmonization of the permitted levels of various metals across the European Communities was currently being discussed in Brussels. Argentina observed that the problem was not one of harmonization, but of national treatment.

124. In March 1997, the United States recalled the discriminatory nature of the measure. The European Communities explained that although the norm only referred to third countries, in practice it was recognized by EC member States as well. In addition, the majority of squid imported into Spain came from outside the European Communities. Since Spain had a particularly high consumption of the products in question, this had to be taken into account in addition to WHO recommendations.

125. In July 2001, the United States reported that it was not experiencing any problems in the area and was continuing to monitor the situation (G/SPS/GEN/265).

39. Maximum levels for certain contaminants (aflatoxins) in foodstuffs

Raised by:	Argentina, Australia, Bolivia, Brazil, Gambia, India, Indonesia, Malaysia, Philippines, Senegal, Thailand
Supported by:	Canada, Colombia, Mexico, Pakistan, Paraguay, Peru, Philippines, South Africa, Turkey, United States, Uruguay
Dates raised:	March 1998 (G/SPS/R/10, paras. 24-31), June 1998 (G/SPS/R/11, paras. 15-19), September 1998 (G/SPS/R/12, paras. 11-14), November 1998 (G/SPS/R/13, para. 26), March 1999 (G/SPS/R/14, paras. 64-66), March 2001 (G/SPS/R/21, paras. 29-30 and 86-87), July 2001 (G/SPS/R/22, paras. 39-43), October 2001 (G/SPS/R/25, paras. 27-31), March 2002 (G/SPS/R/26, para. 140), June 2002 (G/SPS/R/27, paras. 38-39), November 2002 (G/SPS/R/28, para. 175), April 2003 (G/SPS/R/29, paras. 51-52), June 2003 (G/SPS/R/30, paras. 66), March 2004 (G/SPS/R/33, paras. 48-49)

Relevant document(s):	G/SPS/N/EEC/51, G/SPS/GEN/50, G/SPS/GEN/52, G/SPS/GEN/54, G/SPS/GEN/55, G/SPS/GEN/56, G/SPS/GEN/57, G/SPS/GEN/58, G/SPS/GEN/61, G/SPS/GEN/62, G/SPS/GEN/63, G/SPS/GEN/93, G/SPS/R/28
Solution:	Maximum levels for some products and sampling procedures revised
Status:	Resolved
Date reported as resolved:	1 March 2004

126. In March 1998, a number of countries argued that the EC proposal to set new maximum levels for aflatoxins would impose severe restrictions on trade while not resulting in a significant reduction in health risk to consumers. The proposal did not seem to be based on a proper risk assessment. Furthermore, the proposed sampling procedure was unduly costly, burdensome and unjust. Although an international standard on the subject did not yet exist, the Codex Committee on Food Additives and Contaminants (CCFAC) was considering the matter. The complaining Members felt that the timing was unfortunate, and urged the European Communities to review the proposed measure.

127. The European Communities noted that there had been no consensus in the CCFAC on the issue; although many countries supported the Codex norm, the European Communities did not. The proposed measure reflected the EC level of protection. With regard to the sampling procedure, since contamination appeared in a small percentage of kernels, one simple sample was not sufficient to minimize risk to consumers. The proposed methods were already used by some EC member States. The European Communities planned to evaluate the comments received until May 1998 and formalize the proposal in June 1998. The measure would enter into effect relatively shortly afterwards.

128. In June 1998, the European Communities reported that it had forwarded a revised proposal to its member States. The EC Standing Committee on Foodstuffs would consider the proposed modifications on 17-18 June 1998. Apart from revising some of the maximum levels, the European Communities was considering transitional arrangements, and the new measures would not enter into force before 1 January 1999.

129. In September 1998, Bolivia informed the Committee that the proposed EC measure would have severe effects on Bolivian exports of Brazil nuts. Bolivia requested to see the EC risk assessment, and indicated it was prepared to enter into bilateral discussions with the European Communities in order to find a mutually agreeable solution. The United States encouraged the European Communities to take into account the recommendations contained in the FAO/WHO risk assessments establishing maximum levels for aflatoxin in consumer-ready products. The ASEAN countries expressed concern with maximum levels in milk, which would affect developing countries' feed exports.

130. The European Communities noted that the deadline for comments had been extended to allow for further comments from Members. The European Communities had also revised its proposal, and was prepared to raise the proposed maximum levels in nuts. With regard to milk, the proposed EC levels were in line with the standards being discussed in Codex.

131. In November 1998, the Chairman informed the Committee about bilateral consultations between Bolivia and the European Communities which he had been requested to facilitate. The Chairman reported that the discussions had been very fruitful, and had helped Bolivia to better understand the rationale behind the EC measures, as well as the EC procedures followed. They had also helped the EC understanding of the potential effect of some of its measures on the Bolivian industry. Technical consultations were continuing.

132. In March 1999, Bolivia reported that it had presented a plan to improve its Brazil nuts, and consultations with the European Communities were ongoing. Bolivia considered that this was a good case for the application of special and differential treatment. Peru indicated that several countries had brought their problems with the new EC regulation on aflatoxins to the attention of the European Communities through their missions in Brussels, without having obtained a satisfactory response. In particular, the European Communities had not presented a risk assessment. The European Communities assured Bolivia that their common examination of the problem would continue through a rapid procedure. In response to other Members, the European Communities indicated that there had been ample time for comments, and that the proposal had been revised in response to comments received. On cereals, the European Communities was prepared to continue accepting comments until 1 July 1999 and to modify the measure if there was scientific justification.

133. In March 2001, Argentina raised concerns over EC maximum levels of contaminants in food products and sampling methods for aflatoxins in peanuts, other nuts, dried fruits and cereals. Argentina was preparing a technical submission for the European Communities to be circulated before the next SPS Committee meeting. The European Communities agreed to carefully consider the technical document. Regarding cereals, the European Communities reminded Members that the relevant legislation had been adopted in 2000 and would come into effect as of 1 July 2001.

134. Bolivia recalled the information it had provided regarding EC aflatoxin levels in Brazil nuts (G/SPS/GEN/93). The European Communities had not provided a risk analysis for this measure. Bolivia outlined the socio-economic and ecological implications of the measure for the area of production, as well as the effects on the economy. The European Communities indicated that the science had been explained in detail in the Committee. An EC expert had visited Bolivia in May 2000 to evaluate the situation. The Commission believed that the problems in Bolivia stemmed from needed improvements in the production chain and the equipment used. A project to address these issues had been included in the EU Aid Programme.

135. In July 2001, Bolivia expressed concern about the long time it was taking to resolve the issue. Argentina and Chile inquired about the technical assistance and special and differential treatment aspects of the issue. The European Communities noted that Bolivia was on a high priority list for EC cooperation activities. The expert mission in May 2000 had concluded that Bolivian products had been meeting EC aflatoxin levels, and at least three private laboratories were equipped to carry out accurate tests. The European Communities remained willing to discuss technical difficulties and to agree on practical solutions. The European Communities was promoting a project to improve production and storage processes and the livelihood of nut collectors, to be executed in 2002; it had proposed a certification procedure and hoped that Bolivia recognized the efforts being made to improve Brazil nut production in the region concerned. Bolivia confirmed that bilateral meetings had taken place, including a discussion on possible technical cooperation programmes. However, so far no practical measures had been taken to reduce the negative effect on trade.

136. In October 2001, Bolivia reported that the European Communities still had not presented a risk analysis to justify its maximum levels for aflatoxins in Brazil nuts, nor applied special and differential treatment or justified why higher levels were permitted in similar products. The measure was having a severe effect on the Bolivian economy. Promises of technical assistance were not beneficial, and Bolivia wished to see a solution based on acceptance by the European Communities of a certificate. The European Communities indicated that prolonged bilateral consultations had taken place prior to the entry into force of the measure, and that expected trade concerns had not materialized. The risk assessment had been discussed on numerous occasions in the SPS Committee and in JECFA. EC technical assistance had the goal of ensuring compliance with EC standards. A national certification and accreditation mechanism was being implemented which would allow the three Bolivian laboratories to issue internationally recognized certificates. However, no follow-up information had been received from Bolivia on this possible solution.

137. In March 2002, Bolivia indicated that there had been no progress on the issue. The European Communities reported that it had agreed to accept pre-shipment certification from accredited laboratories in Bolivia in order to avoid costly sampling of the product upon arrival in Europe. However, no further information had been provided by Bolivia regarding the accreditation of laboratories nor a proposal for the pre-shipment certificate. Nonetheless, shipments of Brazil nuts from Bolivia met all of the EC's requirements, and the quantity of shipments continued to grow.

138. In June 2002, Bolivia noted that although the larger Bolivian exporters were able to meet the EC requirements at considerable costs and difficulties, smaller exporters could not fulfill the EC's requirements. Bolivia requested information on the manner in which the EC requirements for a quality control system were being applied. The European Communities stressed again that no consignments of Brazil nuts from Bolivia had been blocked due to aflatoxin. In fact, both the volume and value imported from Bolivia had increased in recent years. The EC Scientific Committee for Food had identified aflatoxins as among the most carcinogenic and mutagenic substances known, and intake had to be reduced to the lowest levels possible. Although the European Commission had agreed to accept certification from authorized Bolivian laboratories, Bolivia had not provided the necessary information.

139. In April 2003, Bolivia stated that a proposal had been submitted to the European Communities to strengthen the Bolivian system of certification for export of Brazil nuts. He hoped that a technical exchange would take place on this proposal in the near future. The European Communities noted that its authorities would need some time to examine the Bolivian proposal. The European Communities favoured certification at the point of departure by accredited laboratories and commended the Bolivian authorities for their proposal.

140. In June 2003, Bolivia informed Members that a bilateral meeting had resulted in a favourable outcome and Bolivia should soon receive the required permission. The European Communities indicated that the procedures for technical assistance were now in place and hoped the issue would soon be regarded as solved.

141. In March 2004, Bolivia informed Members that bilateral consultations were held with the European Communities on 16 March 2004 and details of the assessment visit for the certification of chestnuts for export to the European Communities had been finalized. The European Communities stated that it would continue to cooperate with Bolivia to finalize the assistance programme.

53. Emergency measures on citrus pulp

Raised by:	Brazil
Supported by:	
Dates raised:	September 1998 (G/SPS/R/12, paras. 49-50), October 2001 (G/SPS/R/25, para. 34)
Relevant document(s):	G/SPS/N/EEC/62
Solution:	Emergency measures lifted
Status:	Resolved
Date reported as resolved:	1 October 2001

142. In September 1998, Brazil expressed concerns regarding EC emergency notification G/SPS/N/EEC/62, which mentioned very high levels of dioxin found in citrus pulp pellets from Brazil. Brazil pointed out that this accident had already been fully dealt with. Brazilian authorities were maintaining bilateral talks with the European Communities on the subject. The European

Communities explained that this accident had involved 90 000 tonnes of contaminated citrus pulp pellets destined for animal feed. After scientific discussions, including Brazil's private sector, the EC authorities had decided that the lack of information on the origin of the contamination, the amount of stocks involved and the lack of a solution justified the emergency measure. The European Communities hoped that ongoing contacts with the Brazilian authorities would result in a solution before the end of the year.

143. In October 2001, Brazil reported that following two technical visits by EC officials to evaluate Brazilian control systems, the emergency measures on dioxin in citrus pulp had been lifted.

167. Restrictions on honey imports

Raised by:	United States
Supported by:	China, Mexico
Dates raised:	June 2003 (G/SPS/R/30, paras. 25-27)
Relevant document(s):	Raised orally
Solution:	Following the guarantees received from the United States authorities in relation to their residue monitoring plan, the United States was added to the list of third countries with an approved residue monitoring program for honey (Commission Decision 2004/432/EC of 29 April 2004 on the approval of residue monitoring plans submitted by third countries in accordance with Council Directive 96/23/EC).
Status:	Resolved
Date reported as resolved:	

144. The United States stated that on 22 May 2003, the European Communities initiated administrative steps to prohibit imports of honey from the United States. EC Directive 96-23 required exporting countries to submit a residue plan. If the residue plan did not contain sufficient guarantees of compliance with EC residue limits, the country would not be authorized to export honey to the European Communities. The United States considered the EC regime to be far more trade restrictive than necessary, and whilst not having identical rules, the United States had comprehensive control mechanisms. Furthermore, honey was consumed in very small quantities and should be considered a "low risk" food. The existing rules in the United States were more than adequate to avoid harm to human health. China and Mexico supported the concerns raised by the United States.

145. The European Communities explained that it was a net importer of honey and that measures were in place to protect consumers. The request for a residue surveillance plan was a general rule which applied to all products, and a high level of surveillance was needed for honey as it tended to be consumed by children. The United States had received a warning in February 2003 that the absence of a residue plan would lead to their removal from the list of countries approved for import of honey to the European Communities. The European Communities was, however, willing to examine any residue plans provided by the United States.

231. Restrictions on Cinnamon

Raised by:	Sri Lanka
Supported by:	China
Dates raised:	October 2005 and February 2006 (G/SPS/R/39, paras. 52-58), October 2006 (G/SPS/R/43, para. 38)

Relevant document(s):	G/SPS/GEN/597
Solution:	Codex standard adopted in 2006
Status:	Resolved
Date reported as resolved:	1 October 2006

146. In October 2005 and February 2006, Sri Lanka reported problems with exports of Ceylon cinnamon (Cinnamomum zeylanicum) to the European Communities, in particular to Germany, on the grounds that the cinnamon contained sulphur dioxide (SO2) (G/SPS/GEN/597). Directive No. 95/2/EC and its subsequent amendments on the import of foodstuffs listed conditionally permitted preservatives and additives including SO2 and sulphites and maximum tolerated levels in a number of products, but not in cinnamon. The chemical evaluation undertaken by the FAO/WHO Joint Expert Committee on Food Additives (JECFA) in 1998 had shown that the use of SO2 in acceptable quantities as a food additive did not produce any adverse effects on human health. The presence of a certain amount of SO2 as a food additive had also been permitted in Codex and EC standards. SO2 fumigation had been applied by the cinnamon industry in Sri Lanka as an acceptable method to obtain a better color and to prevent fungus and insects, and as there was no direct application of sulphur to cinnamon, no residual content of SO2was expected to be present in the final product.

147. The current EC restrictions would drastically reduce Sri Lanka's exports to the EC market, and might also have an effect on Sri Lanka's exports to other markets. Sri Lanka questioned the consistency of the EC measure with Article 3.3 of the SPS Agreement. The Codex General Standards for Food Additives indicated that the lack of reference to a particular additive or to the use of an additive in a specific food did not imply that the additive was unsafe or unsuitable for use in food. Sri Lanka queried whether the EC Scientific Committee for Food had undertaken an assessment of the risk posed by Sri Lanka's cinnamon on human health. In addition, Sri Lanka sought clarification regarding what relevant economic factors had led the European Communities to decide that a de facto import ban was the appropriate level of protection required in this situation and if the European Communities had taken into account the objective of minimizing negative trade effects when determining the appropriate level of SPS protection. Sri Lanka suggested there was scope for the European Communities to provide longer time-frames for Sri Lanka to comply with EC SPS measures on cinnamon, as provided for in Article 10.2 of the SPS Agreement. Sri Lanka requested the European Communities to suspend its current de facto ban while his country pursued the development of a Codex standard on MRLs for cinnamon. Sri Lanka also requested, as a transitional measure, that the European Communities accept Sri Lankan cinnamon with an SO2 content up to 150ppm until the maximum residue limit for SO2 in cinnamon were defined at the international level.

148. China requested that the European Communities provide a risk analysis and safety assessment report and expressed hope the issue could be resolve through bilateral consultations.

149. The European Communities recognized that the EC legislation on food additives and contaminants had no provision for sulphur dioxide in cinnamon, and changing the legislation to allow SO2 in cinnamon could be a lengthy process. The European Commission had explored the possibility of providing technical assistance to Sri Lanka to assist in the preparation of this dossier. The European Commission had brought EC member States? attention to the need to approve SO2 as an additive in cinnamon and encouraged member States to adapt their import policies pending the modification of the EC legislation.

150. The representative of Codex confirmed that the use of SO2 as an additive was currently under discussion at step 3 in the framework of the Codex Committee on Food Additives and Contaminants (CCFAC). The pace of finalization of the discussions depended on contributions and views of CCFAC participants. Sulphur dioxide had been evaluated by the JECFA in 1998 and was currently

allowed on a few commodities. The CCFAC would meet the last week of April 2006, which provided an occasion for Members to stress the importance and urgency of developing a MRL for SO2 in cinnamon.

151. In October 2006, Sri Lanka reported that through bilateral discussion, concerns regarding the issue of EC restrictions on the importation of cinnamon had been resolved to their mutual satisfaction. In July 2006, an international standard for cinnamon was established and it had also been approved by Civil Society Coalition (CSC) in Geneva. Sri Lanka noted that these issues had been resolved through the cooperation of the European Communities.

Animal health

4. Measures related to BSE - Maintained by Austria, Belgium, France, Germany, Italy, Netherlands, Spain, Argentina, Australia, Brazil, Canada, Chile, Czech Republic, Poland, Romania, Singapore, Slovak Republic, Slovenia, and the United States (See item 4, page 1)

96. Geographical BSE risk assessment

Raised by:	Canada, Chile, India
Supported by:	United States
Dates raised:	July 2001 (G/SPS/R/22, paras. 22-26), June 2005 (G/SPS/R/37/Rev.1, paras. 35-36), June 2007 (G/SPS/R/45, paras. 44-45)
Relevant document(s):	Raised orally
Solution:	Canada indicated that the concern had been resolved as it had been overtaken by the OIE's new risk assessment framework and categorization system for BSE risk posed by countries.
Status:	Resolved
Date reported as resolved:	1 June 2007

152. In 2001, Canada requested information on the EC geographical BSE risk assessment (GBR) process, the consistency of its application and how assessments could be reviewed when risks changed. Canada noted that the OIE was developing a system to verify countries' own assessments of their BSE status, and wondered how it would relate to the EC system. The United States was concerned that the European Communities was applying similarly stringent measures to countries with significantly different risk factors, a practice which lacked scientific justification and ran counter to existing international standards. It was not entirely transparent how country classifications would be determined nor what requirements would be applied in the meantime. The United States had submitted detailed comments identifying a number of problems with the methodology and with the information related to the United States. The United States urged countries to take the OIE standard into account when developing their BSE measures. The OIE representative clarified that the OIE would deal only with recognition of BSE freedom, not with the other four categories contained in the International Animal Health Code (G/SPS/GEN/266). The Commission on FMD and other Epizootics had received the mandate to develop guidelines to help member countries carry out their risk assessment, taking into account the experience from GBR assessments.

153. The European Communities explained that GBRs were based on information provided by trading partners in a 1998 questionnaire. The GBR methodology had been established by the EC Scientific Steering Committee. The new EC BSE-TSE measure was in conformity with the OIE Code, but the GBR pre-dated the current OIE Code. Any new scientific evidence could be submitted to the Commission and a re-evaluation of a GBR would be considered once additional stability

measures had been implemented, allowing three to five years to take into account the incubation period of BSE. The European Communities explained the stability factors that were taken into consideration; these were considered on a case-by-case basis. The European Communities considered that the GBR reflected the international standard, and was willing to cooperate with Members and provide information. Knowledge about this disease should be shared to minimize trade effects where possible.

154. In June 2005, India expressed concerns regarding the categorization of India in the suspected list of the GBR. The assumptions made by the European Communities while conducting the risk assessment needed to be reconsidered, as BSE had never been reported in Indian cattle and buffalos. India had made these concerns known to the European Communities on several occasions. The EC categorization had the potential to disrupt India's beef trade not only with EC member States but also with its other trading partners.

155. The European Communities described its BSE import regime in relation to beef and beef products as proportionate, non-discriminatory and science-based. The recent findings of BSE in both the United States and Canada had not led to measures from the European Communities. The EC classification system had been introduced due to insufficient progress in the OIE with the development of an international framework on trade in beef and beef products and BSE. In that context, the European Communities encouraged all OIE members, including India, to work towards OIE country classifications which would allow the European Communities to abandon its classification. The European Communities clarified that, unless the OIE failed to classify countries, India's existing classification would not be revisited since it had been carried out on an independent basis by EC scientists.

156. In February 2006, Chile noted that while it had never registered any cases of BSE, in 2005 the European Food Safety Authority (EFSA) evaluated Chile as being a country where BSE was likely to occur or had been confirmed (Category 3 of the GBR). Chile disagreed with EFSA's analysis, particularly the time-frame and some of the data underpinning the analysis. Chile had sent documentation to EFSA and the European Commission but had not received any reply or comment. EFSA's classification cast doubt on the BSE situation in Chile and had negative impacts on Chile's industry. An ad hoc group of the OIE had noted that Chile satisfied requirements for a country provisionally free of BSE. Chile urged EFSA to recognize the OIE evaluation.

157. The European Communities noted that while EFSA had classified Chile as a Category 3 risk, the European Communities remained open to reassessing the status in the light of the OIE revised code on BSE. If the OIE were to classify Chile as provisionally free, the European Communities would take this into consideration. However only Argentina, Iceland, Singapore and Uruguay were in this particular category. Even if a country was categorized as a Category 3 risk of BSE, trade could still take place if appropriate measures were in place.

158. In June 2007, Canada indicated that his authorities considered both specific trade concerns numbers 96 and 107, to be resolved as they had been overtaken by the OIE's new risk assessment framework and categorization system for BSE risk posed by countries. The EC geographical BSE risk assessment had led to concerns regarding the consistency of the risk analysis and the possibility of reviewing risk assessments over time. The EC transitional TSE measures resulted in the classification of countries according to four levels of risk, but only recognized two levels of risk management. The OIE had made amendments to the Animal Health Code, which updated the risk assessment framework and BSE categorization. As previously reported, Canada was recognized as a controlled risk country for BSE. The European Communities had decided to use the new OIE standards.

159. The European Communities noted that the EC measures on BSE had always been intended to be interim measures. The European Communities had clearly indicated that the measures would be adapted in light of OIE standards, but that interim measures were required to protect health while the OIE completed its work. The interim measures had been proportionate, fair and science-based, especially when compared to the measures imposed by other Members. When cases of BSE had occurred in Canada and the United States, the EC measures had not been changed in any way, whereas many other Members had imposed unjustified measures. Now the OIE had completed an excellent job in preparing appropriate standards, and the European Communities had adapted its measures immediately to ensure full conformity with the new OIE standards. This modification had already been notified to the SPS Committee, and the European Communities was the first Member to fully adopt the new OIE Code. Members had voiced their confidence in the international standards earlier, and the European Communities invited all Members to quickly adopt the OIE standards on BSE.

107. Transitional TSE measures

Raised by:	Canada
Supported by:	United States
Dates raised:	October 2001 (G/SPS/R/25, paras. 5-8), June 2007 (G/SPS/R/45, paras. 44-45)
Relevant document(s):	Raised orally
Solution:	Canada indicated that the concern had been resolved as it had been overtaken by the OIE's new risk assessment framework and categorization system for BSE risk posed by countries.
Status:	Resolved
Date reported as resolved:	1 June 2007

160. Canada expressed concern about loss of access to the EC markets for pet food, live bovine animals, embryos, ova and tallow in the wake of the adoption of transitional TSE measures by the European Communities. Canada stated that the EC regulations classified countries according to four levels of risk, but applied only two levels of risk management. According to the OIE criteria, Canada was BSE-free, yet Canadian exports faced identical trade restrictions to EC member States in which BSE was prevalent. These problems would be compounded by EC animal waste regulations due in 2002 which threatened to prohibit the few remaining animal products that Canada could still export to the European Communities. Canada requested to be removed from the scope of application of these measures. The United States agreed that the European Communities was applying stringent measures to countries that were either not affected by BSE, or which had significantly different risk factors. This approach lacked scientific justification and ran counter to international standards. The European Communities explained that the transitional measures laid down import conditions for products of bovine, ovine and caprine origin, and would be extended to cover certification of other products of animal origin. Pet food was included to protect consumers' health. An exemption was made for countries classified in category one (presence of BSE unlikely), but neither Canada nor the United States were in this category.

161. In June 2007, Canada indicated that his authorities considered both specific trade concerns numbers 96 and 107, to be resolved as they had been overtaken by the OIE's new risk assessment framework and categorization system for BSE risk posed by countries. The EC geographical BSE risk assessment had led to concerns regarding the consistency of the risk analysis and the possibility of reviewing risk assessments over time. The EC transitional TSE measures resulted in the classification of countries according to four levels of risk, but only recognized two levels of risk

management. The OIE had made amendments to the Animal Health Code, which updated the risk assessment framework and BSE categorization. As previously reported, Canada was recognized as a controlled risk country for BSE. The European Communities had decided to use the new OIE standards.

162. The European Communities noted that the EC measures on BSE had always been intended to be interim measures. The European Communities had clearly indicated that the measures would be adapted in light of OIE standards, but that interim measures were required to protect health while the OIE completed its work. The interim measures had been proportionate, fair and science-based, especially when compared to the measures imposed by other Members. When cases of BSE had occurred in Canada and the United States, the EC measures had not been changed in any way, whereas many other Members had imposed unjustified measures. Now the OIE had completed an excellent job in preparing appropriate standards, and the European Communities had adapted its measures immediately to ensure full conformity with the new OIE standards. This modification had already been notified to the SPS Committee, and the European Communities was the first Member to fully adopt the new OIE Code. Members had voiced their confidence in the international standards earlier, and the European Communities invited all Members to quickly adopt the OIE standards on BSE.

Plant health

27. Citrus canker

Raised by:	Argentina
Supported by:	Brazil, Chile, South Africa, Uruguay
Dates raised:	July 1997 (G/SPS/R/8, paras. 30-31), March 1998 (G/SPS/R/10, paras. 6-8), June 1998 (G/SPS/R/11, paras. 31-33)
Relevant document(s):	G/SPS/N/EEC/46, G/SPS/N/EEC/47, G/SPS/GEN/21, G/SPS/GEN/26
Solution:	Measure revised
Status:	Resolved
Date reported as resolved:	1 March 2004

163. In July 1997, Argentina requested bilateral consultations with EC experts on the proposed measure on citrus canker, and that the measure be suspended during these consultations. South Africa requested that the European Communities reassess its measures in light of the fact that South Africa was free from citrus canker. The European Communities noted that it was preparing a response to the Argentine concern, and was open to consultations with interested parties. The European Communities was moving from a system with internal restrictions in the production areas of Italy, Greece and Corsica to a truly single market with free movement of goods. With no restriction on internal movement of fruit, and considering the risk of introduction and the related economic consequences, alternative protection for the main producing areas had to be considered. This included monitoring requirements in the exporting country, treatment and certification. The European Communities considered that its measures were based on science and minimized trade effects.

164. In March 1998, the European Communities reported that, in response to constructive consultations organized by the Chairman and involving Argentina, Chile, Uruguay, Brazil and South Africa, the measure had been revised and subsequently adopted. The revised text included the possibility for recognition of equivalent certification systems. Argentina agreed, but noted that negotiations on equivalence were not yet finished.

165. In June 1998, the European Communities indicated that it had come to the conclusion that, for the time being, Argentina could not objectively demonstrate the equivalence of its control measures with EC requirements. Argentina requested information on the risk assessment undertaken by the European Communities.

166. In March 2004, Argentina reported that the issue had been resolved with the European Communities.

HONDURAS

CONCERNS RELATED TO MEASURES MAINTAINED BY HONDURAS

Plant health

20. Restrictions on imports of rough rice

Raised by:	United States
Supported by:	
Dates raised:	March 1997 (G/SPS/R/7, para. 55), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/GEN/265
Solution:	Restrictions lifted
Status:	Resolved
Date reported as resolved:	1 July 2001

167. In March 1997, the United States expressed concern that Honduras had not lifted its restrictions on imports of rough rice. Honduras assured the Committee that its authorities would attempt to find a rapid solution to the problem.

168. In July 2001, the United States reported that Honduras had lifted its restrictions in 1997 (G/SPS/GEN/265). The United States considers this trade concern resolved.

HUNGARY

CONCERNS RELATED TO MEASURES MAINTAINED BY HUNGARY

Animal health

90. Restrictions on bovine products

Raised by:	Canada
Supported by:	
Dates raised:	March 2001 (G/SPS/R/21, paras. 16-17)
Relevant document(s):	G/SPS/GEN/230
Solution:	Canada reported that the issue of Hungary's restrictions on bovine products had been resolved.
Status:	Resolved
Date reported as resolved:	1 September 2004

169. Canada indicated that Hungary had suspended imports of all bovine products from Canada due to fears over BSE, although Canada was BSE-free and BSE could not be transmitted by bovine semen. Canada was willing to continue working with the Hungarian authorities to resolve this matter as quickly as possible. The United States drew attention to the OIE document (G/SPS/GEN/230) which listed products that were safe from BSE and encouraged Members to review their measures accordingly. Hungary reported that since several Members had recently imposed import bans on certain BSE-free countries, Hungarian consumers had begun to question the safety of animals and products from these countries. Hungarian authorities had made prion tests a mandatory condition for veterinary import licenses for live cattle, fresh meats and non-heat-treated products of bovine origin. Bovine semen was not subject to the import restrictions.

170. In September 2004, Canada reported that the issue of Hungary's restrictions on bovine products had been resolved.

91. Restrictions on pork products

Raised by:	Canada
Supported by:	
Dates raised:	March 2001 (G/SPS/R/21, paras. 31-32)
Relevant document(s):	Raised orally
Solution:	Canada reported that the issue of Hungary's restrictions on pork products had been resolved.
Status:	Resolved
Date reported as resolved:	1 September 2004

171. Canada reported that as of January 2001, Hungarian importers of pork products from Canada had not been able to obtain import certificates from Hungary's veterinary services. A similar disruption had occurred the previous year, and had been resolved through bilateral discussion. Canada asked Hungary to resume issuing import permits, or to provide a legitimate scientific justification for the measure. Hungary referred to fears over BSE transmission and cross-contamination of foodstuffs, and was willing to enter into bilateral consultations on the matter. Canada requested clarification on the relevance of feed cross-contamination to the importation of frozen pork.

172. In September 2004, Canada reported that the issue of Hungary's restrictions on pork products had been resolved.

ICELAND

CONCERNS RELATED TO MEASURES MAINTAINED BY ICELAND

Animal health

75. Notification on meat and meat products

Raised by:	Argentina
Supported by:	
Dates raised:	March 2000 (G/SPS/R/18, para. 27)
Relevant document(s):	G/SPS/N/ISL/1

Solution:	Market opening measure confirmed
Status:	Resolved
Date reported as resolved:	1 March 2004

173. Argentina expressed interest in the notification of this measure permitting meat imports without heat treatment into Iceland since it appeared to open the market to higher quality beef, although this was not entirely clear from the notification. Iceland confirmed that meat could be imported without heat treatment, provided all necessary certificates and documents were submitted.

174. In March 2004, Argentina reported that the issue of Iceland's notification on meat and meat products had been resolved.

INDONESIA

CONCERNS RELATED TO MEASURES MAINTAINED BY INDONESIA

Animal health

132. Import restrictions on dairy products

Raised by:	Argentina
Supported by:	
Dates raised:	June 2002 (G/SPS/R/27, paras. 17-18), November 2002 (G/SPS/R/28, paras. 54-55), April 2003 (G/SPS/R/29, paras. 72-73), June 2003 (G/SPS/R/30, para. 43), March 2004 (G/SPS/R/33, paras. 50-51)
Relevant document(s):	Raised orally, G/SPS/GEN/324
Solution:	Plants authorized to export to Indonesia
Status:	Resolved
Date reported as resolved:	1 March 2004

175. Argentina stated that as a result of the outbreak of FMD in 2001, Indonesia had banned imports of milk products, inconsistent with the SPS Agreement and OIE guidelines. The OIE Code stipulated that milk products be accepted if the sanitary authority of the exporting country certified that the necessary requirements had been introduced. Indonesian had not provided the opportunity for the Argentine National Agriculture and Food Quality and Health Service (SENASA) to certify the requirements set forth by the OIE. Indonesia indicated that import restrictions imposed on Argentina due to FMD only applied to fresh milk. Other dairy products, including skimmed milk, cream, butter, cheese and yoghurt, were not restricted. Restrictions on fresh milk were based on the fact that Argentina was not listed by the OIE as a country with zones free of FMD.

176. In November 2002, Argentina indicated that some practical difficulties still impeded Argentine dairy products, other than liquid milk, from entering Indonesia. Indonesia reported that as Argentina fulfilled the first provisions a questionnaire which would provided to them, Indonesia would send an inspection team to Argentina. Indonesia hoped that this would lead to a resolution of the problem.

177. In April 2003, Argentina reported that it had completed the questionnaire and extended an invitation to Indonesia but Indonesia had not yet sent an inspection team. Restrictions on imports of Argentine milk remained and Argentina requested clarification from Indonesia. Indonesia recalled

that a questionnaire had been sent to Argentina on 27 January 2003. Out of five plants in Argentina, only one had the necessary controls. If Argentina could provide information on its control programmes, an investigating officer would be sent to conduct an on-site review of the plants in Argentina. Indonesia was confident that further bilateral efforts would resolve this issue.

178. In June 2003, Argentina reported that good progress had been made toward the resolution of the problem. Indonesia confirmed that the bilateral consultations had led to an agreement to send Indonesian inspectors to Argentina.

179. In March 2004, Argentina informed Members that Indonesian officials had conducted a risk analysis on Argentine dairy products and concluded that Argentina's exports did not pose a FMD threat. Restrictions on Argentina were lifted and this issue was considered resolved. Indonesia reported that an inspection team from Indonesia had visited Argentina on 12-20 January 2004 and Argentina's monitoring system with respect to FMD was found to be satisfactory. Two of the five plants inspected met Indonesia's requirements and were eligible to export milk powder to Indonesia as long as they continued to meet the OIE recommendations and guidelines.

Plant health

82. Restrictions on importation of fresh fruit

Raised by:	New Zealand
Supported by:	
Dates raised:	November 2000 (G/SPS/R/20, paras. 8-10), March 2001 (G/SPS/R/21, paras. 44-45), July 2001 (G/SPS/R/22, paras. 54-55)
Relevant document(s):	G/SPS/GEN/219
Solution:	Restrictions lifted on 26 October 2001
Status:	Resolved
Date reported as resolved:	26 October 2001

180. In November 2000, New Zealand noted that Indonesia had imposed restrictions on fresh fruit from New Zealand since the discovery of two fruit flies in a residential area of New Zealand in May 1996. No fruit flies were ever found outside a 200 meter zone around the initial incursion, and no fruit flies were trapped after three weeks. A number of WTO Members imposed restrictions on New Zealand fruit products following the initial incursion, but these restrictions were progressively lifted. Indonesia, however, continued to prohibit imports of fruit produced within a 15-km radius of the incursion and required cold treatment of all fruit from New Zealand. At bilateral consultations held in November 2000, Indonesia had undertaken to review the information which New Zealand had already provided. Indonesia took note of New Zealand's concerns, and clarified that it needed further documentation supporting New Zealand's claim of freedom from Mediterranean fruit fly. However, Indonesia had no intention of maintaining measures which were not justifiable under the SPS Agreement and remained open to further consultations in order to achieve an acceptable resolution.

181. In March 2001, New Zealand reported that bilateral consultations had taken place, and that Indonesia had indicated willingness to inspect the fruit fly surveillance and phytosanitary export assurance systems in New Zealand. Indonesia confirmed that officials were planning to visit New Zealand in the near future. Indonesia hoped that the visit would result in an expeditious solution. Indonesian officials visited New Zealand in May 2001 to review New Zealand's surveillance and export assurance systems. They verified that the fruit fly has been successfully eradicated. Indonesia agreed the requirement of cold treatment and Mediterranean fruit fly free production areas were no

longer necessary. It advised that it would lift existing restrictions on the importation of fresh fruit from New Zealand on 1 August 2001. Indonesia notified (G/SPS/N/IDN/16) on 26 October 2001 that it was lifting its restrictions on New Zealand fresh fruit effective from the date of notification.

ISRAEL

CONCERNS RELATED TO MEASURES MAINTAINED BY ISRAEL

Animal health

22. Measures affecting imports of bovine meat

Raised by:	Uruguay
Supported by:	Argentina, Brazil
Dates raised:	March 1997 (G/SPS/R/7, paras. 9-11), July 1997 (G/SPS/R/8, para. 6), November 2000 (G/SPS/R/20, para. 32)
Relevant document(s):	Raised orally
Solution:	In November 2000, Uruguay reported that the issue had been resolved.
Status:	Resolved
Date reported as resolved:	1 November 2000

182. In March 1997, Uruguay indicated that Israel had adopted BSE-related measures, including requirements that bovine meat come from cattle with a maximum age of 36 months, which had not been notified to WTO. Since the measure did not take into account the sanitary conditions in the country of origin, the potential effect on bilateral trade was serious. Israel replied that it had notified exporting countries of the planned measure which was based on a questionnaire circulated to beef exporting countries. Israel took note of the concerns expressed. In July 1997, Uruguay reported that bilateral consultation were taking place and that progress had been satisfactory.

JAPAN

CONCERNS RELATED TO MEASURES MAINTAINED BY JAPAN

Animal health

222. Import suspension of heat-processed straw and forage for feed

Raised by:	China
Supported by:	
Dates raised:	June 2005 (G/SPS/R/37/Rev.1, paras. 33-34), June 2006 (G/SPS/R/42, paras. 25-26), June 2007 (G/SPS/R/45, paras. 46-47), April 2008 (G/SPS/R/49, para. 61)
Relevant document(s):	Raised orally
Solution:	Imports from some enterprises permitted
Status:	Resolved
Date reported as resolved:	1 April 2008

183. China recalled that, following an FMD outbreak in May 2005 in a few Chinese provinces, Japan had issued an overall import suspension of straw and forage for feed from China at the end of May 2005. However, the straw and forage exported to Japan originated from FMD-free areas, and was subject to heat treatment more than sufficient to kill FMD viruses, under joint monitoring of Chinese and Japanese inspectors. Japan's ban lacked scientific evidence in contravention to the SPS Agreement. China invited Japanese officials to undertake the necessary controls and discussions with the competent departments.

184. Japan recalled that it had suspended imports of heat-processed straw and forage from China at the end of May 2005 to respond to repetitive detection of faeces in imported straw and intentional replacement of heat-treated with non heat-treated straw, in violation of Japan's animal health requirements and of Article 2.2.10.28 of the OIE Code. These products had been accompanied by a genuine Chinese animal health authority certificate, in violation of paragraph 6 of Article 1.3.4.72 of the OIE Code. Considering the recent rapid spread of FMD in China, Japan had suspended importation of heat-processed straw and forage until the Chinese Government addressed these issues.

185. In June 2006, China recalled that Japan's measures with regard to import of straw and forage for feed required unnecessary additional assurances, exceeding the OIE standard. There was no risk of transmission of any disease after straw and forage were heat-treated at a temperature of 80 degrees or more for at least 10 minutes. Japan was using the FMD situation in China as an excuse for trade restrictions and was not applying the concept of zoning/regionalization as there were no new cases of FMD in the counties where straw and forage were produced. China requested Japan to consider the complaints of the Chinese industry as well as of Japanese importers and to amend its unscientific and unnecessary trade restrictions following OIE standards and WTO rules.

186. Japan observed that any straw and forage other than rice straw were permitted for importation into Japan on the condition that pests were not detected in the process of import inspection. Regardless of its use in Japan, the importation of rice straw was prohibited from all countries other than Korea, Democratic People's Republic of Korea and Chinese Taipei. If rice straw went through disinfection treatment, such as heat treatment with water vapor, it could be imported into Japan. In order to prevent the introduction of FMD into Japan, imports of heat-treated straw and forage for feed from China were permitted only if there was no FMD infection around the areas where raw materials were produced, processed and stored and appropriate heat treatment was carried out. Japan had to suspend the importation of heat-treated rice straw in May 2005 after repeated violations of the requirements detected at some ports of entry into Japan. In addition, China had officially notified to the OIE the spread of the infected area and an increase in the number of areas of foot and mouth disease. Japan had not received sufficient data from China to support the claim that rice straw was produced in disease-free areas. Once the data requirements were complete, Japan would review the situation to decide whether the import suspension could be lifted and whether any other pre-export measures were necessary.

187. In June 2007, China reported that much progress had been made towards the resolution of this concern through bilateral meetings. China had invited three delegations from Japan for inspection, and had provided all relevant and requested information. Six Chinese enterprises had been approved by Japan to export straw and forage. China hoped that the dozen enterprises still waiting for approval from Japan would soon be approved.

188. Japan noted that there were two factors that had to be considered: the control measures and the compliance with control measures. Japanese authorities were particularly concerned with how to ensure compliance when there had been a history of poor compliance. On the basis of on-site visits, Japan had scheduled expert consultations which had resulted in some lifting of the suspensions. Japan hoped to be able to lift the suspension soon for other Chinese exporters.

189. In April 2008, China reported that following the provision of information requested by Japan, Japan had subsequently lifted the ban on imports of heat-processed straw and forage for feed from China. Japan confirmed that a solution had been reached on this matter.

Plant health

12. Testing requirements for different varieties of apples, cherries and nectarines

Raised by:	United States
Supported by:	
Dates raised:	October 1996 (G/SPS/R/6, paras. 11-12), March 1997 (G/SPS/R/7, para. 57), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/GEN/265, WT/DS/76/R, WT/DS/76/AB/R
Solution:	Dispute settlement (WT/DS/76). Panel established 18 November 1997; panel report issued 27 October 1998; Appellate Body report issued 22 February 1999; reports adopted 19 March 1999. Mutually agreed solution reported September 2001
Status:	Resolved
Date reported as resolved:	1 July 2001

190. In October 1996, the United States reported that, under a 1995 bilateral agreement, Japan allowed two varieties of US apples into its market. US suppliers had to conduct lengthy and expensive tests to demonstrate that combined treatment of methyl bromide and cold storage was effective in killing codling moths on both varieties. These and other tests had demonstrated that the effectiveness of this treatment did not vary among different varieties of fruit. Nevertheless, Japan continued to block the introduction of new varieties of US fruit by requiring such redundant testing. The United States had formally initiated a consultation process with Japan under Article 5.8 of the SPS Agreement. Japan indicated that the formal exchange would be followed by a clarification process involving technical experts until a solution was reached based on scientific principles. In March 1997, the United States indicated it was reviewing new information provided by Japan. Japan noted that bilateral efforts would continue in order to reach a solution.

191. In a document introduced in July 2001, the United States indicated that despite extensive consultations with Japan, the United States was still awaiting implementation of the Panel decision (G/SPS/GEN/265). A mutually satisfactory solution was notified in August 2001.

100. Import measures on apples due to fire blight

Raised by:	United States
Supported by:	European Communities, New Zealand
Dates raised:	July 2001 (G/SPS/R/22, paras. 27-29), October 2001 (G/SPS/R/25, paras. 9-11), March 2002 (G/SPS/R/26, paras. 36-38), June 2002 (G/SPS/R/27, paras. 52-53)
Relevant document(s):	Raised orally; G/SPS/GEN/299, WT/DS245/R, WT/DS245/AB/R

Solution:	Dispute settlement WT/DS245. Panel established 3 June 2002; panel report issued 15 July 2003, Appellate Body report issued 26 November 2003, reports adopted 10 December 2003. Article 21.5 panel and Article 22.6 arbitration established on 30 July 2004. Article 21.5 panel report issued 23 June 2005. Mutually agreed solution reported 2 February 2005
Status:	Resolved
Date reported as resolved:	2 February 2005

192. In July 2001, the United States maintained that Japan's requirements for imported apples were unduly restrictive. The United States and Japan had agreed on joint scientific research on apples and fire blight, and the United States was disappointed that Japan had not relaxed its import restrictions in accordance with the results of the research. New Zealand agreed that Japan's phytosanitary measures with respect to fire blight were not technically justifiable and should be modified accordingly. New Zealand intended to engage Japan in further bilateral discussions on this issue. Chile requested that the follow-up to this situation be reported to the Committee. Japan confirmed that the joint research had been completed, and indicated that a risk analysis was being conducted based on the results. There were some difficulties in finalizing the evaluation based solely on these results. Japan desired to continue the technical discussion between plant health authorities of both countries.

193. In October 2001, the United States reported on bilateral discussions on Japan's quarantine procedures on US apples. Although joint scientific research demonstrated that mature symptom-less fruit was not a pathway for the transmission of fire blight, a mutually acceptable technical solution had not been found. The United States was considering what further steps, including dispute settlement, it could take on the matter. New Zealand announced it would also seek bilateral discussions with Japan on its import requirements for apples. Japan stated that in order to complete the technical evaluation, additional information had been requested from the United States. Further bilateral contacts between the US and Japanese experts were considered appropriate.

194. In March 2002, the United States recalled that Japan’s quarantine restrictions prohibited apple imports from orchards in which any fire blight had been detected and required: three annual inspections of US orchards for the presence of fire blight, disqualification from export if fire blight were detected in a 500-meter buffer zone around the orchard, and post-harvest treatment with chlorine. The United States considered that these restrictions were not consistent with Japan's obligations under Article 11 of the GATT, or under the SPS Agreement. The United States had requested consultations under Articles 1 and 4 of the Dispute Settlement Understanding on 1 March 2002. New Zealand and the European Communities also expressed the view that Japan's restrictions on apples were more trade restrictive than necessary and stated their interest in a resolution of this issue.

195. Japan explained that the risk from the entry of fire blight was very serious. The United States had not provided Japan with sufficient scientific evidence to amend its phytosanitary measures. At a bilateral expert meeting in October 2001, Japan had identified the data that was needed and Japan hoped that the technical data would be provided by the United States so as to allow a resolution of this issue.

196. In June 2002, the United States reported that his country had requested the establishment of a dispute resolution panel with respect to Japan's measures related to fire blight. New Zealand indicated that Japan's measures lacked scientific justification and limited NZ exports of horticultural products. New Zealand and the European Communities indicated that their countries shared the US concerns and would participate in the dispute resolution procedure as third parties. Japan indicated that during the bilateral consultations held following the US request, Japan had indicated its willingness to

consider relevant data submitted by the United States, however nothing had been provided. Fire blight was a serious plant quarantine disease which did not occur in Japan and which could severely damage the production of apples, pears and other fruits. Japan's measures were indispensable in order to prevent the entry of fire blight, and were fully justified on the basis of scientific evidence.

172. Restrictions on imports of mangoes

Raised by:	Brazil
Supported by:	India
Dates raised:	June 2003 (G/SPS/R/30, paras. 34-35), October 2003 (G/SPS/R/31, paras. 25-26), March 2004 (G/SPS/R/33, paras. 65-67), June 2004 (G/SPS/R/34, paras. 25-26), March 2005 (G/SPS/R/36/Rev.1, paras 81-82)
Relevant document(s):	Raised orally
Solution:	Regulations modified to permit imports
Status:	Resolved
Date reported as resolved:	1 March 2005

197. Brazil indicated that it had been seeking approval to export mangoes to Japan for 18 years. Japan demanded steam treatment in spite of the satisfactory level of the measures taken by Brazil, Chile and other potential exporters to avoid fruit fly. Japan had continuously demanded more information and had not taken previous scientific studies into account. Although Japan had offered technical assistance, this had not facilitated the process. Brazil considered that Japan's measures were inconsistent with the provisions of the SPS Agreement on equivalence, regionalization and technical cooperation.

198. Japan stated that Brazil had requested technical assistance in 1986 but had stopped the technical assistance in 1990 because it wished to develop its own technique based on hot-water treatment. This design was launched in 1998. Both countries agreed on this and the final data was submitted in 2001. Supplementary information was needed, however, before Japan could approve the measures and conclude the necessary technical studies.

199. In October 2003, Brazil stressed that Japan's restrictions on imports of mangoes were unjustified as mangoes were produced in an area 2000 km away from the area where the fruit fly was found. Brazil was waiting for the completion of the public consultation process in Japan and requested Japan to act swiftly to allow the importation of mangoes. Japan reported its authorities had recently received data from Brazil on the trapping of fruit flies and was in the process of reviewing the information. Brazil had submitted technical information in October 2001 and the technical studies by Japan were progressing well.

200. In March 2004, Brazil stated that the Japanese authorities had reacted favourably to technical data provided by Brazil the previous year. The evaluation process had entered a new phase and Brazil hoped to come to a satisfactory solution including the signing of a protocol on packaging, storage and transportation of mangoes to Japan. India noted that, while India was a fruit fly free area its request for market access for mangoes into Japan had been under review for ten years. India had submitted data to Japan and hoped for a favourable response. Japan stated that technical evaluation of data submitted by Brazil was in the final stages. With respect to India’s concerns, Japan had not received technical data from India but looked forward to receiving such data.

201. In June 2004, Brazil reported that after the last meeting, Brazilian and Japanese phytosanitary authorities had held two technical meetings in Japan to discuss a phytosanitary protocol that would

allow Brazilian mango exports to Japan. In the last meeting, the Japanese authorities had confirmed that negotiations on the protocol had been concluded, and certification of consignments remained the only outstanding issue. The Japanese authorities had indicated that this issue could be resolved in parallel with the public consultation phase and Brazil encouraged Japan to initiate the public consultation soon. Japan confirmed that the technical evaluation on the Mediterranean fruit fly had been completed and a bilateral meeting had been held to coordinate plant quarantine measures for market access and requirements for hot water dipping. The new protocol was expected to be implemented based on the outcomes of these bilateral discussions.

202. In March 2005, Brazil informed the Committee that on 29 September 2004, Japan had modified its phytosanitary regulations and established specific norms for the import of mangoes from Brazil. In December 2004, Japanese inspectors had gone to Brazil to examine packing houses. On 12 January 2005, the first shipment of Brazilian mangoes had been exported to Japan, which marked the beginning of a regular flow of exports of mangoes to Japan. To date, eight shipments of mangoes (variety Tommy Atkins) had been exported without restrictions. Japan noted that the measure was taken through the appropriate pest risk assessment process based on technical data submitted by Brazil.

KOREA

CONCERNS RELATED TO MEASURES MAINTAINED BY KOREA

Food safety

1. Shelf-life requirements

Raised by:	Australia, Canada, United States
Supported by:	European Communities, Argentina
Dates raised:	June 1995 (G/SPS/R/2, paras. 39-40), November 1995 (G/SPS/R/3, paras. 7-8), May 1996 (G/SPS/R/5, paras. 42-44), March 1997 (G/SPS/R/7, paras. 20-21), July 1997 (G/SPS/R/8, paras. 8-9), October 1997 (G/SPS/R/9/Rev.1, paras. 6-7), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/N/KOR/9, G/SPS/W/27, G/SPS/W/41, G/SPS/W/43, G/SPS/GEN/40, G/SPS/GEN/265
Solution:	The United States and Korea held formal consultations under dispute settlement (W/DS5), and notified a mutually agreed solution in July 1995. Canada initiated formal dispute settlement (W/DS20), and a mutually satisfactory solution was notified in April 1996
Status:	Resolved
Date reported as resolved:	1 July 2001

203. In June 1995, the United States informed the Committee of official consultations under Dispute settlement procedures with Korea regarding its government-mandated shelf-life requirements. Canada had joined these consultations. Korea indicated that although consultations had been productive, there was a high degree of ambiguity in the implementation of the Agreement. The parties had noted the lack of international standards in the area, and countries maintained very diverse practices. A mutually agreed solution was notified in July 1995. In November 1995, the United States expressed serious concern that Korea was not implementing the agreed settlement.

204. Also in November 1995, Canada indicated that it had initiated formal consultations with Korea related to shelf-life determination for bottled water and the prohibition of the use of ozonation. Korea confirmed that bottled water was excluded from the settlement reached with the United States, but was willing to enter into consultations with Canada. A mutually satisfactory solution was notified in April 1996.

205. In May 1996 Canada noted that although a formal understanding had been reached with regard to some concerns regarding shelf life, problems with the shelf life of bottled water continued. Korea had not offered any time-table for moving to a manufacturer-determined shelf life on bottled water. Korea took note of this concern. In July 1997, Canada reported that the matter had been pursued bilaterally, but no resolution had been found.

206. In May 1996, Australia expressed serious concern with regard to Korea's shelf-life regulations on ultra heat treated milk in consumer packs (UHT milk), which remained government mandated at a period substantially shorter than that applied in most countries. Australia was unaware of any scientific justification for this limited shelf-life period, and requested Korea to permit a manufacturer-determined shelf life by 1 July 1996. Korea took note of these concerns.

207. In March 1997, Australia reported that Korea had yet to implement a manufacturer-determined shelf life for UHT milk. Australia had provided a scientific submission to Korea in November 1996, which had not been accepted. Subsequently, Australia had provided another submission upon request. Korea indicated that it was reviewing the information provided by Australia and noted that its new system for shelf-life determination set a time-frame for the implementation of a manufacturer-determined shelf-life period for UHT milk.

208. In July 1997, Australia noted that Korea had not provided any justification for its non-acceptance of manufacturer-determined shelf life, and requested an explanation in accordance with Article 5.8. Korea indicated that manufacturer-determined shelf life would be applied to UHT milk before the end of 1998. In October 1997, Australia indicated that it had not received a satisfactory answer from Korea. Korea replied that it was reviewing the possibility of extending the current mandatory shelf-life period for UHT milk even before manufacturer-determined shelf life applied at the end of 1998.

209. In July 2001, the United States indicated that it considered the trade concern to be resolved (G/SPS/GEN/265).

35. Import ban on frozen poultry

Raised by:	Thailand
Supported by:	
Dates raised:	October 1997 (G/SPS/R/9/Rev.1, para. 45), March 1998 (G/SPS/R/10, paras. 67-68), June 1998 (G/SPS/R/11, paras. 21-23), September 1998 (G/SPS/R/12, paras. 15-16)
Relevant document(s):	G/SPS/N/KOR/44
Solution:	Measure amended
Status:	Resolved
Date reported as resolved:	1 September 1998

210. In October 1997, Thailand indicated that Korea had banned Thai frozen poultry because of listeria, although Korean experts had been satisfied after visiting facilities of the Thai poultry

industry. This ban had not been notified in advance. Thailand was determined to resolve this matter with Korea. Korea asked for detailed information in writing.

211. In March 1998, Thailand indicated that it had submitted the requested information. It sought clarification whether the measure was based on an international standard or on a risk assessment, particularly in light of information made available by the WHO working group on food-borne listeriosis, which indicated that listeriosis had a very low incidence in Asia. Korea responded that its measure was not a ban, but that consignments had been rejected.

212. In June 1998, Thailand noted that the proposed amendment to the Korean food code had been enacted retroactively to cover the disputed testing requirements and asked Korea not to enforce the testing requirements during the process of amendment of the food code. Korea reported that bilateral consultations had been held. The food code was being reviewed to improve food safety and to harmonize Korean regulations with international standards. All comments received were currently being reviewed, although some delays had occurred. Korea promised to inform Thailand of the final outcome.

213. In September 1998, Thailand asked for confirmation that the Korean Food Code had been amended so that zero tolerance criteria for listeria would not apply to imported frozen chicken after 16 June 1998. Korea clarified that meat for further processing and cooking was excluded from the requirement and not subject to inspection under the zero tolerance criteria for listeria.

Plant health

202. Septoria controls on horticultural products

Raised by:	United States
Supported by:	
Dates raised:	October 2004 (G/SPS/R/35, paras. 40-41), March 2005 (G/SPS/R/36/Rev.1, para 84)
Relevant document(s):	Raised orally
Solution:	The United States and Korea reported that this issue had been resolved following technical meetings.
Status:	Resolved
Date reported as resolved:	1 March 2005

214. The United States stated that since April 2004, Korea had banned imports of citrus from California due to concerns of the fungi septoria citri. The United States was working closely with Korean plant health officials to address this concern although no cases of the fungi had been detected in any US shipment of citrus. The United States had proposed several measures to address Korean's plant health protection concerns and technical discussions would be held on 4 November 2004. The United States hoped that discussions on the protocol would be finalized and trade resumed quickly as the harvesting season would shortly begin.

215. Korea stated that septoria citri was one of the most serious quarantine pests in Korea. The US proposed protocol did not fully address Korea's concerns. A ban was imposed on fruits originating from two specific areas in the United States where the fungi was repeatedly detected.

216. In March 2005, the United States and Korea reported that this issue had been resolved following technical meetings.

Other concerns

2. Import clearance measures and practices

Raised by:	United States
Supported by:	Certain Members
Dates raised:	June 1995 (G/SPS/R/2, paras. 39-40), May 1996 (G/SPS/R/5, paras. 4-5), October 1996 (G/SPS/R/6, para. 54), March 1997 (G/SPS/R/7, para. 54), July 1997 (G/SPS/R/8, para. 77), October 1997 (G/SPS/R/9/Rev.1, paras. 42-43), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/W/64, G/SPS/W/66, G/SPS/GN/6, G/SPS/GEN/265
Solution:	Consultations under Dispute Settlement initiated (WT/DS3, WT/DS41); mutually satisfactory solution found
Status:	Resolved
Date reported as resolved:	1 July 2001

217. In June 1995, the United States informed the Committee that it had held formal consultations with Korea regarding its inspection and testing methods. Korea indicated that although consultations had been productive, there was a high degree of ambiguity in the implementation of the Agreement. The parties had noted the lack of international standards in the area, and countries maintained very diverse practices. In May 1996, the United States expressed serious concern regarding Korea's import clearance measures and practices, which were not based on science, did not conform to international practice or standards, and were deliberately employed to discourage food and agricultural imports. The United States had submitted a formal request for consultations. Korea replied that these issues had been discussed extensively in a series of bilateral consultations with the United States and other countries. Korea had taken various measures to comply with the SPS Agreement, but encountered problems common to developing countries: a low level of sanitary infrastructure, lack of experience and information, and lack of relevant international standards. However, Korea would continue to adapt its measures to the SPS Agreement.

218. In October 1996, the United States reported on ongoing discussions with Korea. The United States expected reforms to shorten the import clearance process in Korea without additional burdensome requirements, with a period for comments by WTO Members. Korea answered that an ambitious reform programme had been launched the previous year, including the establishment of an advanced inspection and quarantine system by the end of 1996. In March 1997, the United States noted that consultations continued. Although Korea had implemented some changes, concerns remained. Korea indicated that it would continue its efforts to conform its sanitary and phytosanitary legislation to the SPS Agreement.

219. In July 1997, the United States reported that after five rounds of consultations under the WTO dispute settlement procedure, some Korean import clearance laws and regulations had been reformed. However, since January new problems had arisen. The United States would continue to address these concerns in bilateral consultations until clearance times in Korean ports were similar to those in similar ports. Korea took note of the US comments. In October 1997, the United States noted that although some progress had been made, there seemed to be problems with the implementation of certain changes Korea had agreed to make. The representative of Korea indicated that in his view the new import clearance system was in full compliance with the SPS Agreement, however, the US concerns would be conveyed to the competent authorities in the capital.

220. In July 2001, the United States indicated that bilateral consultations initiated under the dispute settlement framework resulted in a mutually satisfactory and positive outcome (G/SPS/GEN/265). The United States considered this trade concern resolved.

MALAYSIA

CONCERNS RELATED TO MEASURES MAINTAINED BY MALAYSIA

Food safety

66. Notifications related to dioxin – Maintained by Malaysia and Singapore

Raised by:	Switzerland
Supported by:	
Dates raised:	July 1999 (G/SPS/R/15, para. 16)
Relevant document(s):	G/SPS/N/MYS/6, G/SPS/N/SGP/7
Solution:	Problems with Malaysia and Singapore were resolved in July 1999
Status:	Resolved
Date reported as resolved:	1 July 1999

221. Switzerland expressed concern that it had been affected by restrictions on imports of European goods in response to the dioxin crisis in Belgium. Some Members had not targeted their measures only to affected areas. Switzerland reported that a solution had been found with Malaysia, and that the last few problems with Singapore would be resolved soon.

MEXICO

CONCERNS RELATED TO MEASURES MAINTAINED BY MEXICO

Plant health

36. Import prohibition of milled rice

Raised by:	Thailand
Supported by:	
Dates raised:	October 1997 (G/SPS/R/9/Rev.1, para. 44), March 1998 (G/SPS/R/10, paras. 69-70), June 1998 (G/SPS/R/11, para. 24), September 1998 (G/SPS/R/12, paras. 17-18), November 1998 (G/SPS/R/13, paras. 14-16), March 1999 (G/SPS/R/14, para. 15), July 1999 (G/SPS/R/15, para. 7), November 1999 (G/SPS/R/17, para. 86), March 2000 (G/SPS/R/18, para. 26), June 2000 (G/SPS/R/19, paras. 22-23), November 2000 (G/SPS/R/20, paras. 23-25), March 2001 (G/SPS/R/21, paras. 46-47), October 2001 (G/SPS/R/25, paras. 112-113), March 2002 (G/SPS/R/26, para. 138), June 2002 (G/SPS/R/27, para. 131)
Relevant document(s):	G/SPS/N/MEX/44, G/SPS/N/MEX/45, G/SPS/N/MEX/55, G/SPS/N/MEX/153, G/SPS/N/MEX/172, G/SPS/GEN/82, G/SPS/GEN/105, G/SPS/GEN/172, G/SPS/GEN/216
Solution:	Revised regulation published on 15 April 2002

Status:	Resolved
Date reported as resolved:	1 June 2002

222. In October 1997, Thailand reported that Mexico prohibited importation of Thai milled rice because of the fungus tilletia barclayana (Kernel smut), although Mexican experts visiting Thailand had concluded the fungus would be removed during milling, and although the fungus existed in Mexico. Mexico had informed Thailand that the prohibition would be replaced by a new regulation, but despite high-level consultations no progress had been achieved. Mexico assured the Committee that the matter would be followed up. In March 1998, Thailand indicated that it had received no replies to its written communication to Mexico. The Mexican delegate replied that he would convey the information to his authorities, who were studying the matter. Thailand expressed its disappointment at the lack of progress again in June 1998, and Mexico stated that the issue was still under consideration. In September 1998, Mexico reported on official contacts between the two countries. Mexico was conducting a risk assessment, but had not received the necessary information from Thailand.

223. In November 1998, Thailand reported that it had proposed holding consultations with the Chairman, but that Mexico had not agreed. He stressed that there was no data demonstrating the risk of transmission of the fungus tilletia barclayana from Thai milled rice. Mexico had requested information on a different pest for its risk assessment, but Thailand did not see the connection between the two issues, as this new pest was not listed in the regulation establishing the Mexican quarantine measures. Thailand was concerned that Mexico might request information on one pest after another. Mexico repeated that the requested information had not been provided. Both countries indicated consultations would continue.

224. In March 1999, Thailand indicated that although it had no obligation to do so, it was providing the information requested by Mexico. Mexico noted that its measures had been notified, and the text of the measures provided to Thailand. Mexico would review the latest information and act accordingly. In July 1999, Thailand reported that it had handed over additional documents to Mexico. Some progress had been made at bilateral consultations, where it had been clarified that tilletia barclayana was a quarantine disease only for seed imports, not with regard to rice imported for consumption. Mexico had also found no reports of the presence of the khapra beetle in Thailand, and would thus modify its regulation which had listed Thailand as a country affected by this pest.

225. In November 1999, Mexico informed the Committee that the phytosanitary regulations were being revised and would be published for comments. Mexico had provided Thailand with the text of the draft measures. Thailand indicated it was looking forward to the publication of the final measure and its notification to WTO. In March 2000, Thailand noted that Mexico had taken new measures replacing the ban, but these measures included unusual and unnecessary requirements such as fumigation at point of entry. Mexico invited Thailand to send official comments on the new draft regulation.

226. In June 2000, Thailand reported that bilateral consultations had taken place. Thailand had posed a list of questions regarding the measure notified in G/SPS/N/MEX/153. Mexico explained that the questions and comments from Thailand were being reviewed by the competent Mexican authorities. The sub-committee considering the matter would meet in July 2000, and responses to each of the comments would be published in the Official Journal before the final standard was published.

227. In November 2000, Thailand reported that although every effort had been made to find resolution to this problem, the issue was still unresolved. Thailand had not been informed of the

status of the matter since the meeting of the Mexican phytosanitary committee in July and August 2000, and was interested in the expected date of amendment of the relevant Mexican standard. Mexico had no further information.

228. In March 2001, Thailand reported that during bilateral consultations, Mexico had indicated that it had removed the prohibition on Thai milled rice, and that Thailand was no longer listed as a country under quarantine against Khapra beetle. Thailand requested that Mexico notify this amendment to the SPS Committee. Thailand was satisfied with the interim measure which allowed for the importation of Thai rice upon request by importers. However, Thailand was concerned that the final publication of the phytosanitary requirements had not yet been adopted, meaning that the lifting of the ban could not be implemented on a permanent basis. Thailand would pursue the measure bilaterally with Mexico. Mexico explained that the definitive publication of the measure in the Official Journal had not yet been possible due to administrative procedures requiring legislation. However, Mexico would issue phytosanitary certificates until the time of publication. Imports had to fulfill certain criteria, including international phytosanitary certificates, inspection at point of entry, sampling for laboratory analysis and fumigation with methyl bromide. Fumigation at place of origin would only be accepted if the product was in plastic bags.

229. In October 2001, Thailand recalled that in March 2001 Mexico had announced that restrictions against Thai milled rice had been lifted on condition that it underwent fumigation treatment. Despite this statement, notification G/SPS/N/MEX/172 showed that Thailand remained on Mexico's list of countries affected by the Khapra beetle and subject to quarantine requirements. In subsequent bilateral consultations, Thailand had been informed that it would be removed from the list. Mexico expressed surprise at Thailand's statement since as of March, Mexico had imported over 1,000 tonnes of Thai rice. The product mentioned on the notification in question was not Thai rice.

230. In March 2002, Thailand noted that a bilateral meeting with Mexico on the matter had been held earlier in the week. Mexico reported that restrictions on milled rice from Thailand had been lifted as of March 2001, however the publication of the modified regulation had been delayed but would take place within 30 days.

231. In June 2002, Thailand informed the Committee that on 15 April 2002, Mexico had published the revised regulation. Thailand appreciated Mexico's cooperation on this matter.

164. Restrictions on the importation of dry beans

Raised by:	United States
Supported by:	Canada, Nicaragua
Dates raised:	April 2003 (G/SPS/R/29, paras. 28-30), March 2004 (G/SPS/R/33, para.71), June 2006 (G/SPS/R/42, para. 39)
Relevant document(s):	G/SPS/GEN/379, G/SPS/N/MEX/68, WT/DS284
Solution:	Consultations requested under dispute settlement produced by Nicaragua - Mutually satisfactory solution reported by Nicaragua in March 2004, and by the United States in June 2006.
Status:	Resolved
Date reported as resolved:	1 June 2006

232. The United States reported that Mexico had unjustifiably implemented a temporary suspension on the importation of dried beans from the United States on 21 January 2003. Canada and Nicaragua stated that they shared the concerns of the United States. Canada noted that no provision

had been made in the Mexican measure for shipments en route. Nicaragua indicated that access of its black beans to the Mexican market had been blocked for what it considered arbitrary reasons.

233. Mexico replied that high level discussions had taken place between the Mexican authorities and the United States and Canada. Mexico would communicate in the next few days what steps it would take to resolve this issue. Mexico would reply at a latter date to comments raised by Nicaragua.

234. In March 2004, Mexico informed the Committee that the issue of restrictions on the importation of dry beans had been resolved with Nicaragua. Nicaragua stated that on 8 March 2004, the Dispute Settlement Body was notified of Nicaragua's withdrawal of consultations with Mexico on this issue.

235. In June 2006, the United States informed the Committee that the issue had been resolved with Mexico.

NEW ZEALAND

CONCERNS RELATED TO MEASURES MAINTAINED BY NEW ZEALAND

Food safety

45. Import restrictions on cheese - Maintained by New Zealand and Australia (See item 45, page 6)

Plant health

101. Proposed import prohibition of commodity-country combinations of fresh cut flowers and foliage

Raised by:	European Communities
Supported by:	Colombia
Dates raised:	July 2001 (G/SPS/R/22, paras. 68-70), March 2002 (G/SPS/R/26, para. 44)
Relevant document(s):	G/SPS/N/NZL/24, G/SPS/N/NZL/142
Solution:	Proposed measures withdrawn
Status:	Resolved
Date reported as resolved:	1 March 2002

236. The European Communities was concerned that according to the proposed measure, plants not traded for two years might be subject to a prohibition, pending a new risk assessment. This practice was not in accordance with international standards, and was unnecessary and unjustified. Colombia expressed interest in participating in bilateral exchanges and in receiving relevant information. New Zealand explained that in 1997 it had commenced a review of its import requirements for cut flowers as imports were steadily growing. New draft standards had been approved and notified in 1998, and were being reviewed in light of the most up to date scientific data. At an initial step the review included the suspension of historic phytosanitary requirements for some countries. New Zealand had notified its plan to further consolidate the approved country-commodity schedules to include only those commodities that had actually been exported to New Zealand in the past two years. New Zealand would continue to address the EC concerns on a bilateral basis.

237. In March 2002, New Zealand stated that the proposed measures had been withdrawn.

NORWAY

CONCERNS RELATED TO MEASURES MAINTAINED BY NORWAY

Animal health

3. Restrictions on gelatin imports

Raised by:	Brazil
Supported by:	
Dates raised:	March 1996 (G/SPS/R/4, para. 47), September 1998 (G/SPS/R/12, paras. 24-25), November 1998 (G/SPS/R/13, paras. 19-20)
Relevant document(s):	Raised orally
Solution:	Import conditions clarified
Status:	Resolved
Date reported as resolved:	1 November 1998

238. In March 1996, Brazil informed the Committee that Norway had halted the issuance of import licenses for Brazilian gelatin because of the existence of FMD in Brazil. Consultations with Norway had been initiated in 1995, and Norwegian authorities had reportedly declared the problem was solved. Nevertheless, import licenses continued to be denied. Norway stated that the ban on gelatin imports from Brazil would be lifted in the context of recent changes to import regulations. The two Members agreed to continue their consultations.

239. In September 1998, Brazil reported that bilateral contacts had not resulted in a lifting of the ban. Norway explained the conditions it applied to imports of Brazilian gelatin, and stated that applications fulfilling these conditions would be accepted. In November 1998, Brazil thanked Norway for having clarified its import requirements. Brazil would have no problem meeting these requirements and looked forward to resuming its gelatin exports to Norway.

PANAMA

CONCERNS RELATED TO MEASURES MAINTAINED BY PANAMA

Animal health

214. Inspection regime for food processing establishments

Raised by:	United States
Supported by:	Canada
Dates raised:	March 2005 (G/SPS/R/36/Rev.1, paras. 25-27), February 2009 (G/SPS/R/54, para. 37)
Relevant document(s):	G/SPS/N/PAN/1, G/SPS/N/PAN/28, G/SPS/N/PAN/37
Solution:	Panama no longer requires inspection of individual establishments, but allows the US Food Safety and Inspection Service to certify them for export.
Status:	Resolved
Date reported as resolved:	25 February 2009

240. The United States indicated that Panama had broadened its establishment inspection requirements to most food processing establishments in January 2005, without notifying the WTO and providing interested Members an opportunity to comment. This was in contradiction with Article 7 and Annex B of the SPS Agreement. In addition, Panama had not provided any risk assessment that supported these new measures, despite formal requests by the United States. Canada recalled that it also had experienced problems in the past with the establishment-by-establishment accreditation approach used by Panama, and urged Panama to consider the quicker and less expensive alternative approach of systems approval.

241. Panama pointed out that this regime had been notified to the SPS Committee and Members provided an opportunity to comment on it (G/SPS/N/PAN/1, G/SPS/N/PAN/28 and G/SPS/N/PAN/37). This was the first time, since the implementation of Panama's inspection regime for the inspection of food establishments in 1995, that an issue in relation with this system had been raised at the WTO. Panama's legislation required that imports of animals and animal products from countries affected by exotic illnesses be subject to a risk analysis carried out by Panamanian health authorities because Panama, as a hub for world trade transit, was exposed to a greater risk of illness from exotic animals and plants.

242. In February 2009, the United States thanked Panama for the resolution of this concern. The United States and Panama had worked together regularly to address their respective concerns. As a result, Panama no longer requires inspection of individual establishments, but allowed the US Food Safety and Inspection Service to certify them for export.

226. Inspection regime for agricultural products

Raised by:	Costa Rica
Supported by:	Argentina, Canada, Colombia, European Communities, United States
Dates raised:	June 2005 (G/SPS/R/37/Rev.1, paras. 39-41), February 2007 (G/SPS/R/44, para. 63), June 2007 (G/SPS/R/45, paras. 48-49)
Relevant document(s):	G/SPS/N/PAN/43, G/SPS/GEN/582
Solution:	Panama had established a new regulation, and on the basis of an analysis of this, Costa Rica concluded that its concerns had been resolved.
Status:	Resolved
Date reported as resolved:	1 June 2007

243. In June 2005, Costa Rica noted that, as developed in document G/SPS/GEN/582, Panama's new inspection system, notified in April 2005 as G/SPS/N/PAN/43, posed problems to several Costa Rican firms trying to export tomato paste, milk and animal products to Panama. Panama had changed its rules regarding the inspection of plants without prior notification to the WTO and provision of an adaptation period. Although Costa Rican enterprises already had certifications from Panama's Ministry of Health for exports of sweetened milk and animal products to Panama, now according to the new rules they also had to undergo inspection by the Ministry of Agriculture. Costa Rica had unsuccessfully requested Panama to avoid the second inspection. Costa Rica had also requested that Panama provide the risk assessment and scientific justification supporting this new requirement.

244. Argentina, Canada, Colombia, the European Communities and the United States reported experiencing similar difficulties accessing the Panamanian market. Argentina had sanitary difficulties in relation to FMD and bureaucratic difficulties which did not seem to be designed to protect animal health in Panama (see Panama- FMD restrictions). The European Communities had suddenly been faced with a new Panamanian health legislation referring, firstly, to a system which seemed to link

obtaining an import licence for Panama to a payment and, secondly, to an inspection system which would be paid for by the exporting country. The United States recalled an issue raised at the March 2005 meeting of the Committee concerning the expansion of Panama's inspection programme to most food processing establishments and the non notification of this significant change in Panama's import regime. Canada had been experiencing problems with Panama's requirement for plant-by-plant approvals for meat exports and the recent changes to Panama's inspection regime.

245. Panama reminded the Committee that it was the first time that this issue of plant inspection was raised by Costa Rica before the SPS Committee. Panama's inspection regime followed the fundamental principles of the SPS Agreement and of OIE and IPPC standards. Risk assessment methods comprised two parts: the protection of Panama's health status and the functioning of the Ministry of Agriculture. The excellent quality of Panama's exports of cattle and dairy products was due to a stringent application of the SPS measures domestically and to imports. Because of its geographical situation as a hub for world trade, Panama was exposed to a greater risk of introduction of pest and animal diseases and therefore had to undertake a risk assessment prior to authorizing imports from countries affected by exotic diseases. The risk assessment undertaken by the Panamanian authorities would shortly be given to the Costa Rican delegation.

246. In February 2007, Panama recalled Costa Rica's concerns regarding its inspection regime, in particular with regard to dulce de leche and tomatoes, as detailed in document G/SPS/GEN/582. Following a number of bilateral meetings, in October 2006 Costa Rican officials had issued a communication indicating the resolution of these issues.

247. In June 2007, Costa Rica recognized that Panama had established a new regulation, and on the basis of an analysis of this, Costa Rica concluded that its concerns had been resolved.

Plant health

24. Requirements for certification of consumer rice

Raised by:	United States
Supported by:	
Dates raised:	March 1997 (G/SPS/R/7, para. 15), July 2001 (G/SPS/R/22, para. 127)
Relevant document(s):	G/SPS/GEN/265
Solution:	Import restrictions removed
Status:	Resolved
Date reported as resolved:	1 July 2001

248. In March 1997, the United States noted that Panama required imports of consumer rice to be certified free from the fungus tilletia barclayana (Kernel smut), although this fungus already existed in Panama. Furthermore, the fungus in question could not be transmitted through milled rice. Panamanian officials had allegedly suggested that current domestic supply conditions had influenced their decisions. The representative of Panama replied that she would forward a report from capital to the US Department of Agriculture.

249. In July 2001, the United States indicated that Panama had removed its import restrictions on rice in late 1997, and that the matter was resolved (G/SPS/GEN/265).

Other concerns

118. Import licenses for agricultural products

Raised by:	Canada
Supported by:	
Dates raised:	March 2002 (G/SPS/R/26, para.26), February 2007 (G/SPS/R/44, para. 61)
Relevant document(s):	Raised orally
Solution:	Concern resolved through a bilateral discussion.
Status:	Resolved
Date reported as resolved:	1 February 2007

250. Canada stated that high level meetings were underway regarding the automaticity of Panama's import licensing procedures. Panama stated that Canada's concerns were being considered by the appropriate authorities.

251. In February 2007, Canada indicated that it considered this specific trade concern to be resolved. Canada had previously been concerned that the issuance of SPS-related import licenses was being hindered for non-SPS reasons, however that concern had been resolved through a bilateral discussion. Panama confirmed that the issue had been resolved and stressed their objective of smoother trade relations.

PHILIPPINES

CONCERNS RELATED TO MEASURES MAINTAINED BY THE PHILIPPINES

Food safety

150. Certification of meat and dairy products

Raised by:	Canada
Supported by:	Australia, European Communities, Korea, Republic of, New Zealand, United States
Dates raised:	November 2002 (G/SPS/R/28, paras. 98-100), April 2003 (G/SPS/R/29, paras. 70-71)
Relevant document(s):	G/SPS/PHL/44
Solution:	Implementation of MO7 deferred indefinitely
Status:	Resolved
Date reported as resolved:	1 April 2003

252. Canada expressed concerns about the effects of the memorandum order MO7 from the Philippines Department of Agriculture, noting that it would have serious effects upon its exports of meat and dairy products. While Canada did not quarrel with the requirement that imports be produced in plants applying HACCP procedures and that there be a certification to this effect, it was not clear whether Philippine producers were subject to similar requirements. The requirement of a third party independent certification was unwarranted and not the least trade restrictive option. Canada's governmental authority, the Canadian Food Inspection Agency, was prepared to certify that exports to the Philippines had been produced in HACCP compliant plants and there was no need for additional

certification by a third party. The European Communities, Australia, Korea, New Zealand and the United States shared this concern. The EC certification requirements already put a lot of emphasis on HACCP compliance. Australia felt that the Philippine's proposed measures were not in accordance with SPS obligations.

253. The Philippines clarified that certification of HACCP compliance by third party auditors was required in the light of several documented cases of contaminated products entering the country. The Philippines was concerned that not all shipments came from well established HACCP compliant plants. The measures were not meant to replace or duplicate the exporting country's inspection system but to complement it. The Philippines believed that appropriate and sufficient time had been provided to trading partners and foresaw no problem that trade restrictions might occur especially for countries claiming to be HACCP compliant. The Philippines indicated that HACCP was a universal guideline approved and propagated by FAO and WHO.

254. In April 2003, Canada reported that on 24 February 2003, the Minister of Agriculture of the Philippines had announced that implementation of Memorandum Order 7 requiring third party certification for HACCP plants had been postponed. The European Communities, New Zealand and the United States shared Canada's appreciation of this decision. The Philippines confirmed that MO7 had been deferred indefinitely.

POLAND

CONCERNS RELATED TO MEASURES MAINTAINED BY POLAND

Food safety

57. Requirements for imports of milk and milk products

Raised by:	European Communities
Supported by:	
Dates raised:	November 1998 (G/SPS/R/13, paras. 70-71)
Relevant document(s):	G/SPS/N/POL/14
Solution:	Poland's accession to the European Communities
Status:	Resolved
Date reported as resolved:	1 June 2004

255. The European Communities indicated that the Polish sanitary requirements for milk and milk products resulted in unjustified trade distortions since they required the application of heat treatment to products which were produced with raw milk. The European Communities felt that there were equivalent procedures to ensure that Poland's level of protection was met, and invited Poland to engage in bilateral discussions on this measure. Poland indicated that the EC request would be considered.

256. In June 2004, the European Communities reported that this issue had been resolved with the accession of Poland into the European Communities.

Animal health

4. Measures related to BSE - Maintained by Poland, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Czech Republic, France, Germany, Italy, Netherlands, Romania, Singapore, Slovak Republic, Slovenia, Spain and the United States (See item 4, page 1)

68. Notifications on veterinary measures and measures on animal products including gelatin

Raised by:	Switzerland, United States
Supported by:	Brazil, European Communities
Dates raised:	July 1998 (G/SPS/R/11, paras. 48-49), September 1998 (G/SPS/R/12, paras. 46-48), July 2001 (G/SPS/R/22, para. 127), June 2002 (G/SPS/R/27, paras. 40-42)
Relevant document(s):	G/SPS/N/POL/3, G/SPS/N/POL/5, G/SPS/N/POL/13, G/SPS/N/POL/14 and Add.1, G/SPS/N/POL/25, G/SPS/GEN/265, G/SPS/GEN/322
Solution:	Regulation amended and restrictions on gelatin from bovine hides removed
Status:	Resolved
Date reported as resolved:	1 June 2002

257. In June 1998, the United States sought clarification of the status of this temporary ban, its scientific basis, and whether future amendments were being considered. Brazil, the European Communities, Switzerland and the United States expressed hope that the disease status of the supplying country, scientific factors related to the infectivity of gelatin and gelatin-containing products, as identified by the OIE, and non-discrimination between suppliers with similar BSE conditions would all be taken into account in future amendments. Poland indicated that the measure in question would remain in force until the end of June 1998, and would be replaced by a measure reflecting the present state of scientific knowledge. Regarding different treatment of Switzerland, the United Kingdom and Ireland, the new regulations had not yet been adopted by the Polish Government. Poland committed to providing a response on the basis of written questions from Switzerland.

258. In September 1998, Switzerland reported on informal consultations with Poland regarding border measures in relation to BSE which differentiated only between countries with a higher incidence of BSE and those of low incidence. This constituted a departure from OIE recommendations, which also took into account surveillance and prevention systems. The European Communities indicated that imports from herds without BSE history should be accepted even for products in the highest risk category. Poland explained that the measure had been taken in relation to the BSE situation in the concerned countries. Bilateral consultations were ongoing with the United Kingdom, Ireland and Switzerland. The BSE situation was under permanent surveillance and all results would be taken into account during the year-end review of Poland's regulations.

259. In July 2001, the United States indicated that bilateral discussions on certification requirements for bovine gelatin continued (G/SPS/GEN/265).

260. In June 2002, Switzerland stated that Poland continued to restrict imports of bovine semen and gelatin from Switzerland although the OIE had concluded that bovine semen and gelatin did not present a risk regardless of the BSE status of the exporting country (G/SPS/GEN/322). The representative of the European Communities indicated that EC member States had similar concerns regarding Poland's measure. The representative of the OIE clarified that Chapter 4 of the

International Animal Health Code recommended no restriction on bovine semen. No BSE risk had been identified from gelatin made exclusively from hides, however certain treatments were recommended with respect to gelatin made from bones if the exporting country were not free from BSE.

261. Poland clarified that bovine semen had never been covered by the Polish regulation in question. Its restrictions on imports of several animal products from Switzerland had been notified in G/SPS/N/POL/25. Furthermore, there had just been further amendments to the regulation, and restrictions on gelatin from bovine hides had been removed. Poland announced its intention to notify this new regulation.

ROMANIA

CONCERNS RELATED TO MEASURES MAINTAINED BY ROMANIA

Animal health

4. Measures related to BSE - Maintained by Romania, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Czech Republic, France, Germany, Italy, Netherlands, Poland, Singapore, Slovak Republic, Slovenia, Spain and the United States (See item 4, page 1)

SINGAPORE

CONCERNS RELATED TO MEASURES MAINTAINED BY SINGAPORE

Food safety

66. Notifications related to dioxin - Maintained by Singapore and Malaysia (See item 66, page 52)

Animal health

4. Measures related to BSE - Maintained by Singapore, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Czech Republic, France, Germany, Italy, Netherlands, Poland, Romania, Slovak Republic, Slovenia, Spain and the United States (See item 4, page 1)

SLOVAK REPUBLIC

CONCERNS RELATED TO MEASURES MAINTAINED BY THE SLOVAK REPUBLIC

Animal health

4. Measures related to BSE - Maintained by the Slovak Republic, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Czech Republic, France, Germany, Italy, Netherlands, Poland, Romania, Singapore, Slovenia, Spain and the United States (See item 4, page 1)

Plant health

41. Restrictions on imports of apples, pears and quinces

Raised by:	Hungary
Supported by:	Bulgaria, European Communities

Dates raised:	March 1998 (G/SPS/R/10, paras. 20-21), June 1998 (G/SPS/R/11, paras. 27-30), September 1998 (G/SPS/R/12 and Corr.1, paras. 31-34), October 2001 (G/SPS/R/25, para. 33)
Relevant document(s):	G/SPS/N/SVK/8 and Rev.1, G/SPS/N/SVK/11, G/SPS/GEN/79
Solution:	In October 2001, Hungary reported that a mutually acceptable solution had been found.
Status:	Resolved
Date reported as resolved:	1 October 2001

262. In March 1998, Hungary indicated that although the Slovak Republic had made changes to its measure on importation of apples, pears and quinces as notified, the certification and information requirements were extremely burdensome. The measure appeared to be more restrictive than required to protect health, was not based on scientific principles and constituted a disguised restriction on trade. The Slovak Republic answered that the measure was intended for protection against the introduction of fire blight (Erwinia amylovora), which did not occur in Slovakia. The revised measure, which extended import possibilities, was consistent with the SPS Agreement, but the Slovak Republic remained open to bilateral discussions.

263. In June 1998, Hungary acknowledged improvements made by the Slovak Republic, but stressed that the measure was not consistent with recommendations by the European and Mediterranean Plant Protection Organization (EPPO). The licensing system, which applied to each consignment, remained too burdensome. The Slovak Republic replied that it imported 35 per cent of its apples, pears and quinces, which showed that there were no serious market access impediments. Given the potential economic costs of introduction of the disease, and since available scientific information was not sufficient, a precautionary approach was adopted in line with Article 5.7. The Slovak Republic was exchanging information with countries applying similar phytosanitary measures, and was ready to continue discussion with its trading partners. In September 1998, Hungary again acknowledged that the Slovak measure had been improved, although a partial ban still applied, for which no scientific justification had been given. The Slovak Republic reiterated its earlier arguments that it had put in place a temporary measure according to Article 5.7.

42. Import restrictions on potatoes

Raised by:	Poland, European Communities
Supported by:	Argentina, Chile, Hungary
Dates raised:	March 1998 (G/SPS/R/10, paras. 22-23), March 1999 (G/SPS/R/14, para. 21), July 1999 (G/SPS/R/15, para. 65), November 1999 (G/SPS/R/17, para. 84)
Relevant document(s):	G/SPS/N/SVK/9, G/SPS/N/SVK/15, G/SPS/GEN/65, G/SPS/GEN/115, G/SPS/GEN/159 and G/SPS/GEN/165
Solution:	Accession of the Slovak Republic to the European Communities
Status:	Resolved
Date reported as resolved:	1 June 2004

264. In March 1998, the European Communities pointed out that notification of the Slovak measure on potatoes as an emergency measure did not appear to be justified, and that less trade-restrictive measures could attain the required level of protection. The Slovak Republic responded that problems seemed to stem from the registration procedure, rather than from the phytosanitary

requirements per se. Slovak authorities were about to remove the current strict registration requirements and establish a maximum residue level.

265. In March 1999, Poland reported that following bilateral consultations, the Slovak Republic had lifted its earlier import ban on Polish ware potatoes, but that it had been replaced with testing requirements for potato spindle tuber viroid. Poland considered this requirement an unjustified obstacle to trade since no comment period had been provided and since the imported potatoes were treated to impede germination and were thus unlikely to introduce diseases to crop plants. The representative of the Slovak Republic indicated he would transmit the Polish comments to his authorities. In July 1999, both delegations reported that consultations regarding potatoes and fruit, including apples, pears and quinces had taken place, and had been expanded to include Slovak exports of cereals, maize and malt to Poland. In November 1999, Poland informed the Committee on the development of the issue. The Slovak Republic thought it was more appropriate to discuss this matter at the expert level. The Slovak Republic stressed that it wanted to avoid importation of potato bacterial diseases. Import measures had been notified (G/SPS/N/SVK/15), and were based on a pest risk analysis.

266. In June 2004, the European Communities reported that this issue had been resolved by the accession of the Slovak Republic to the European Communities.

SLOVENIA

CONCERNS RELATED TO MEASURES MAINTAINED BY SLOVENIA

Animal health

4. Measures related to BSE - Maintained by Slovenia, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Czech Republic, France, Germany, Italy, Netherlands, Poland, Romania, Singapore, Slovak Republic, Spain and the United States (See item 4, page 1)

SWITZERLAND

CONCERNS RELATED TO MEASURES MAINTAINED BY SWITZERLAND

Food safety

54. Notifications regarding import requirements on meat and eggs

Raised by:	United States
Supported by:	Australia, Brazil, Canada, Chile, Hungary, India, Israel, New Zealand
Dates raised:	September 1998 (G/SPS/R/12, paras. 39-41), November 1998 (G/SPS/R/13, paras. 29-30), July 2001 (G/SPS/R/22, para. 127), October 2004 (G/SPS/R/35, para. 90)
Relevant document(s):	G/SPS/N/CHE/14 and Corr.1, G/SPS/N/CHE/15, G/SPS/N/CHE/16, G/SPS/GEN/265
Solution:	Changes, taking into account comments received, were notified to the TBT Committee.
Status:	Resolved
Date reported as resolved:	1 October 2004

267. In September 1998, the United States expressed concern that Swiss regulations on meat from animals treated with hormones, antibiotics and similar products imported under the Swiss tariff rate quota (TRQ) were not based on science or risk assessment. The fact that different requirements were applied to meat imported outside the tariff rate quota called into question the validity of the alleged public health objective behind the regulation. The United States indicated it was preparing formal comments and encouraged other Members to carefully consider the implications of the notified measure. Canada noted that the purpose of the measure was consumer information, yet the measure did not make it clear if labelling was carried through to the retail level. Switzerland noted that thirty days were left of the comment period, and that all comments made would be taken into account when drafting the final proposal.

268. In November 1998, the United States reiterated its concerns regarding restrictions on meat imports under the Swiss TRQ, and added that the measure notified as G/SPS/N/CHE/15 would prohibit imports of eggs and egg products from birds raised in battery cages under the TRQ. Such imports would be permitted outside the TRQ, subject to prohibitively high duties, strict labelling and additional certification requirements. The proposed regulations did not indicate what public health objective was involved. The United States was concerned that the measures did not appear to be based on a risk assessment. Discrimination between products imported under the TRQ and outside the TRQ was unjustified. Switzerland explained that the measures related to the implementation of the new Swiss Federal Law on Agriculture of 29 April 1998. Swiss authorities were still discussing the implementation of the Law, and questions and comments would be taken into account.

269. In July 2001, the United States indicated that it considered the issue unresolved (G/SPS/GEN/265). Switzerland had notified amended measures under the TBT Agreement, on which the United States had formally commented.

270. In October 2004, Switzerland reported that this issue had been resolved. Substantial changes had been made to the regulation to take into account comments received during the public consultation process. These changes were notified to the TBT Committee in 1999 and were no longer considered SPS issues. The United States concurred that the issue was resolved.

Plant health

28. Notification on wheat, rye and triticale

Raised by:	Argentina
Supported by:	
Dates raised:	July 1997 (G/SPS/R/8, para. 32), October 2004 (G/SPS/R/35, para. 91)
Relevant document(s):	G/SPS/N/CHE/5
Solution:	Recognition of disease free status
Status:	Resolved
Date reported as resolved:	1 October 2004

271. Argentina expressed concern with regard to rising trade barriers on wheat grain for industrial and planting purposes. Argentina was free from tilletia indica (Karnal bunt). Argentina requested a full draft of the proposed Swiss measure notified as G/SPS/N/CHE/5, including access to the risk analysis and other scientific documents which substantiated the proposal. Switzerland assured Argentina that the scientific basis for the notified measure would be provided as soon as possible.

272. In October 2004, Switzerland stated that this issue was resolved as Argentina was free from triticale indica and therefore the measure did not apply to them. Argentina concurred that the issue was resolved.

SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU (CHINESE TAIPEI)

CONCERNS RELATED TO MEASURES MAINTAINED BY CHINESE TAIPEI

Animal health

180. Heat treatment for meat and bone meal in poultry for pet food

Raised by:	United States
Supported by:	
Dates raised:	October 2003 (G/SPS/R/31, paras. 17-18)
Relevant document(s):	Raised orally
Solution:	Deleted heat treatment requirement
Status:	Resolved
Date reported as resolved:	1 January 2005

273. The United States indicated that the heat treatment requirements of Chinese Taipei for dried pet food produced in areas affected by Exotic Newcastle Disease exceeded the relevant OIE guidelines and were not supported by scientific evidence. Chinese Taipei required that poultry ingredients containing bone meal or poultry meat from affected areas be processed so that the interior of the bone was heated to 60 degrees Celsius for 30 minutes, in contrast with OIE guidelines. Chinese Taipei's heat treatment requirements also applied to poultry originating in disease-free areas.

274. Chinese Taipei stated that the regulation for pet food was under review and amendments had been proposed.

275. In January 2005, Chinese Taipei reported that the Quarantine Requirements for the Importation of Dog and Cat Food were amended on 1 April 2004. The United States confirmed that this matter was resolved. The requirements for heat treatment for meat and bone meal in poultry were deleted.

Plant health

181. Import restrictions on potatoes

Raised by:	New Zealand
Supported by:	
Dates raised:	October 2003 (G/SPS/R/31, paras. 15-16)
Relevant document(s):	Raised orally
Solution:	New regulations entered into force on 10 January 2005
Status:	Resolved
Date reported as resolved:	1 January 2005

276. New Zealand reported that it had been experiencing delays with its request for market access for potato exports to Chinese Taipei despite fulfilling all the requirements. New Zealand had also responded to requests by Chinese Taipei for additional information which concerned pests not found in New Zealand and pests not found on the potato commodity exported, but only on the potato plant. In considering New Zealand's request, Chinese Taipei had agreed to use ISPM 10 which provided guidance on the Requirements for the Establishment of Pest Free Places of Production and Pest Free Production Sites.

277. Chinese Taipei recalled that New Zealand had first requested access on 20 September 1995, basing this request on ISPM 4 Requirements for the Establishment of Pest Free Areas. In February 2002, New Zealand withdrew its initial request but asked that its proposal be considered under ISPM 10 Requirements for the Establishment of Pest Free Places of Production and Pest Free Production Sites. In July 2002, a new pest risk assessment was completed. After a visit by officials from Chinese Taipei, New Zealand was asked to provide an updated pest list which was received in April 2003.

278. In January 2005, Chinese Taipei and New Zealand reported that a draft of The Quarantine Requirements for the Importation of Table Potatoes from New Zealand was notified as G/SPS/N/TPKM/43, and entered into force on 10 January 2005.

TURKEY

CONCERNS RELATED TO MEASURES MAINTAINED BY TURKEY

Animal health

76. Ban on pet food imports

Raised by:	Hungary
Supported by:	
Dates raised:	March 2000 (G/SPS/R/26, para. 6), June 2002 (G/SPS/R/27, paras. 129-130), June 2004 (G/SPS/R/34, paras. 57)
Relevant document(s):	G/SPS/GEN/316, WT/DS256/1
Solution:	Ban lifted
Status:	Resolved
Date reported as resolved:	1 June 2004

279. The representative of Hungary stated that in March 2001, Turkey had banned the importation of pet food from all European countries as a result of the BSE epidemic. Although Hungary was a BSE-free country, it was included in the ban's coverage due to the Turkish authorities' concern about cross-infection. After the Turkish authorities had provided an explanation in June 2001, Hungarian companies stopped using raw materials derived from ruminants in pet food mix, but the ban on Hungarian exports remained in place. Hungary asked where the Turkish regulation was published and when it had been notified to the WTO. Hungary also as requested an explanation of the underlying scientific justification for the ban and asked whether Turkish suppliers were treated identically to foreign suppliers. The United States and European Communities associated themselves with the comments made by Hungary and requested to be informed of further developments. Turkey explained that the problem may have arisen as a result of some missing laboratory analysis, as no import ban was in place. Once that information had been provided, the importation procedures would be complete.

280. In June 2002, Hungary indicated that Turkey had not provided an official response to the questions submitted to it. Hungary had requested consultations under the DSU on 5 May 2002. Although some progress had been made at the consultations, the problem was still pending. Hungary hoped to find an amicable solution by the 5 July 2002 DSU deadline. Turkey indicated that since the issue was now a formal dispute, confidentiality requirements had to be respected. Turkey would inform the Committee of further developments at a later stage.

281. In June 2004, Turkey reported that the ban on imports on pet foods from Hungary had been lifted and the issue considered resolved.

Plant health

92. Restrictions on banana imports

Raised by:	Ecuador
Supported by:	
Dates raised:	March 2001 (G/SPS/R/21, paras. 97-98), July 2001 (G/SPS/R/22, paras. 36-38), June 2004 (G/SPS/R/34, para. 57)
Relevant document(s):	G/SPS/GEN/249, G/SPS/GEN/275, G/SPS/GEN/276
Solution:	Turkey reported that the issue of restrictions on banana imports from Ecuador had been resolved.
Status:	Resolved
Date reported as resolved:	1 June 2004

282. In March 2001, Ecuador indicated that Turkish authorities were issuing phytosanitary certificates for a specific and limited volume of bananas only. Ecuador believed that the control certificates were not only de facto quantitative restrictions, but also imposed unnecessary and unjustified administrative burdens. Ecuador asked Turkey for a written response to a number of questions submitted, and planned to pursue the matter bilaterally. Turkey replied that due to resource constraints, Turkey could not verify whole shipments at once. Turkey had published all relevant regulations, as well as testing and sampling methods. These were the same for both domestic producers and importers and in conformity with international standards.

283. In July 2001, Ecuador indicated that the replies received in response to its questions regarding the "Kontrol Belgesi" certificates did not seem to correspond to the information provided by exporters and importers. Obtaining the certificates had taken up to three times as long as claimed by Turkey, there were inconsistencies regarding the duration and validity of the certificates. In the case of bananas, the expiration dates regularly coincided with the beginning of Turkey's banana harvest. In addition, the certificates were granted for a maximum of one thousand tons, and thus acted as quantitative restrictions. Turkey claimed that one could obtain several certificates, but exporters indicated that one had to use one certificate before a new one was granted. Turkey replied that the certificate was a reference document used in customs proceedings and food safety analysis during the importation process. The system was described in the Official Gazette, and was not used to limit quantities. Issuance of the certificates took between three and seven working days if the information was complete, and the validation period was between four and twelve months. Turkey was ready to discuss the issue bilaterally. Chile and Colombia requested to be informed of future developments of the issue. The European Communities requested to see Turkey's responses to Ecuador's questions.

284. In June 2004, Turkey reported that the issue of restrictions on banana imports from Ecuador had been resolved.

UNITED STATES

CONCERNS RELATED TO MEASURES MAINTAINED BY THE UNITED STATES

Food safety

188. Delisting of France from countries authorized to export certain meat and meat products to the United States

Raised by:	European Communities
Supported by:	
Dates raised:	March 2004 (G/SPS/R/33, paras. 148-149), June 2004 (G/SPS/R/34, paras. 44-45), October 2004 (G/SPS/R/35, paras. 88-89)
Relevant document(s):	Raised orally
Solution:	Suspension on French meat-based products lifted on 15 October 2004.
Status:	Resolved
Date reported as resolved:	1 October 2004

285. The European Communities stated that on 24 February 2004, the United States suspended France's eligibility to export meat and meat products to the United States. The hasty nature of the decision meant that France did not have the opportunity to respond to questions raised during an earlier inspection. Furthermore, this decision was more trade-restrictive than required to protect the safety of consumers. The United Stated explained that this action was based on process control and sanitation deficiencies identified over a multi-period in establishments certified by France as meeting US sanitary requirements. Based on information from French authorities that corrective action had been taken to address concerns raised in previous inspections, US officials scheduled the audit of January-February 2004, and clarified in advance the risk of suspension for non-performance. The second audit identified the same deficiencies. French authorities had agreed to submit a new corrective action plan to the USDA. The training of French inspection personnel in the implementation of pathogen reduction and hazard analysis and critical control point (HACCP) systems was key to addressing the deficiencies identified in this audit.

286. In June 2004, the European Communities reported the lack of progress made on this issue. French veterinary services and eleven establishments authorized to export meat products to the United States were audited by the USDA early in 2004. Although six of these establishments had not had any major infractions, the US suspension in February 2004 applied to all eleven establishments. The French authorities had forwarded a detailed plan of action to the US. The offer by the United States to train French veterinary inspectors was appreciated, however, some of the restrictions were disproportionate and discriminatory. The United States was requested to lift the prohibition on the six establishments with no infractions.

287. The United States responded that United States and French inspection officials had discussed the audit findings and follow-up actions, and France acknowledged the deficiencies and agreed to submit a new action plan to the USDA. The USDA would complete its review shortly and communicate findings to the French authorities. The USDA had identified experts in the European Communities and could provide training of French inspection personnel in the implementation of HACCP system. A technical seminar would be held in September 2004 for senior foreign meat inspection officials on the verification and enforcement of pathogen reduction HACCP requirements in meat export establishments. France had indicated that it would send two senior officials to this

seminar. The United States emphasized its commitment to work with France to reinstate their eligibility to export meat and meat exports to the United States.

288. In October 2004, the European Communities reported that the USDA had carried out inspections in France and concluded that the French regulatory system met US requirements and was eligible to export meat-based products to the United States. The United States reported that a follow-up audit of the headquarters of the French Inspection Service, three local offices and four establishments was conducted in September and October. The audit concluded that French establishments met the US requirements and the suspension on French meat-based products was lifted on 15 October 2004.

Animal health

4. Measures related to BSE - Maintained by the United States, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Czech Republic, France, Germany, Italy, Netherlands, Poland, Romania, Singapore, Slovak Republic, Slovenia and Spain (See item 4, page 1)

Plant health

69. Import restrictions on rhododendrons in growing medium

Raised by:	European Communities
Supported by:	
Dates raised:	July 1999 (G/SPS/R/15, para. 66), November 1999 (G/SPS/R/17, para. 83), March 2000 (G/SPS/R/18, para. 68)
Relevant document(s):	G/SPS/N/USA/121
Solution:	Final rule published in December 1999, importation allowed under certain conditions
Status:	Resolved
Date reported as resolved:	1 March 2000

289. In March 1999, the European Communities indicated that delays in the publication of a final rule on the importation of rhododendrons were resulting in de facto restrictions on EC exports. The representative of the European Communities asked for information on the status of the pest risk analysis and of the final rule. The United States replied that the final rule for the importation of rhododendrons in growing medium from the EC had been completed pending final review, and would be published within one month after the meeting. The European Communities requested an update on the status of the rule in November 1999, and the United States answered that it would be published in the near future. In March 2000, the United States informed the Committee that the final rule had been published on 30 December 1999, allowing the importation of rhododendrons under conditions designed to prevent the introduction of pests.

73. Imports of citrus fruit

Raised by:	Argentina
Supported by:	
Dates raised:	November 1999 (G/SPS/R/17, para. 89), June 2000 (G/SPS/R/19, para. 10), July 2001 (G/SPS/R/25, paras. 94-96)

Relevant document(s):	Raised orally
Solution:	Favourable conclusion reported in June 2000. New concerns raised in October 2001. Issue reported resolved in March 2004
Status:	Resolved
Date reported as resolved:	1 March 2004

290. In November 1999, Argentina expressed concerns regarding the postponement of US measures dealing with imports of citrus fruit from north-western Argentina. Negotiation of the measure had taken seven years and been finalized one year earlier. Argentina appealed to the United States to publish the measure before another harvest was lost for Argentine producers. The representative of the United States answered that the draft measures had passed the technical level and promised to draw the attention of his authorities to Argentina's concerns.

291. In June 2000, Argentina reported that after years of negotiations with the United States regarding citrus produced in north-west Argentina, a favourable conclusion had been reached.

292. In July 2001, Argentina expressed concerns related to a California court decision to overturn a USDA/APHIS risk assessment which had allowed the import of lemons, oranges and grapefruits from north western Argentina starting June 2000. In Argentina's opinion, the judge's reasoning went beyond the terms of the SPS Agreement. As imports from other destination were not subject to zero risk, Argentina felt this amounted to discrimination. In addition the judge had ruled that APHIS had not measured the economic impact of imports on producers in the United States, an economic test inadmissible under the SPS Agreement. Argentina requested US authorities to ensure compliance with the SPS Agreement by bodies other than the central government, according to Article 13. The United States confirmed that no problems had been reported during the two seasons that Argentina had had access to the US market for citrus. US regulations were subject to judicial review and had been challenged through a District Court in California. Although the Federal Government had disputed the case, the Court had ruled in favour of the complainant in September 2001. The United States indicated that the executive branch agencies were consulting about how to proceed and would take Argentina's comments into account.

293. In March 2004, Argentina reported that the issue of US imports of citrus fruits had been resolved.

182. Implementation of ISPM 15

Raised by:	Argentina
Supported by:	Chile
Dates raised:	October 2003 (G/SPS/R/31, paras. 50-51)
Relevant document(s):	G/SPS/N/USA/705
Solution:	Argentina reported that this trade concern had been resolved.
Status:	Resolved
Date reported as resolved:	1 March 2006

294. Argentina agreed that wood packaging could spread pests, however, the US measures could have a negative impact on Argentina's exports. The US notification did not provide sufficient time for implementing the measures needed for compliance. For instance, Argentina needed sufficient

resources and time to establish the required treatment centres for wood packaging materials. Chile supported the statement made by Argentina.

295. The United States stated that it had received 54 comments from seven other Members on its proposed measure and that APHIS was in the process of evaluating these comments to determine how to take them into account. The January implementation date would be postponed and the measure would be phased in over time. The United States encouraged other Members to adopt ISPM 15 as a means of controlling the spread of raw wood pests.

296. In March 2006, Argentina reported that this trade concern had been resolved.