

RECEIVED
01 JUL 2001 11:03

A MEMO FROM THE DESK OF.....

Mary Stanley
International Policy Staff
Food Safety and Inspection Service
United States Department of Agriculture
Room 2137 South Bldg
Washington, D.C.

(3)

PHONE: (202) 720-0287
FAX: (202) 720-7990
E-MAIL: mary.stanley@usda.gov

01-045IF
01-045IF-3
Mary Stanley

TO: FSIS Docket Clerk

DATE: June 26, 2001

RE: Comments from the European Union

The attached comments were provided to the Foreign Agricultural Service in response to SPS Notification G/SPS/USA/435 related to the interim final rule for Mandatory Inspection of Ratites and Squabs (Docket #01-045IF).

Please let me know if you have any questions.



EUROPEAN COMMISSION
HEALTH & CONSUMER PROTECTION DIRECTORATE-GENERAL

Directorate E - Food Safety: plant health, animal health and welfare, international questions
Director

Brussels, 21.06.01
Sanco/E3/JPL/dbt D(2001)31290

008247

FAX

<p>To: USA Notification Authority. USDA/FAS/FSTSD. Attn: Carolyn F. Wilson. Stop 1027. Room 5545 South Agriculture Building. 1400 Independence Avenue, SW. Washington, D.C. 20250. National</p>	<p>Telephone: +1/202.7202239 Fax: +1/202.6900677</p>
<p>From: Alejandro Checchi Lang</p>	<p>Telephone: (+32-2)2955092 Fax: (+32-2)2962792</p>

Number of pages: 2

Subject: EC Comments to G/SPS/N/USA/435

Message:

Dear Madam ,

Having examined the content of SPS notification G/SPS/USA/435, the European Economic Community (EEC) seizes this opportunity to provide comments on the legislative draft initiative notified thereby.

Subject to any future comments the EEC Notification Authority would like, as a first reaction, to point out the following:

- In notification G/SPS/N/USA/435 the United States of America (USA) announce that all regulations applicable for poultry will also be applicable for ratites and squabs, which is in agreement with the current situation in the EEC. However, as far as the import into the USA is concerned, this rule will create distortions between Member states and generate a trade barrier for the EEC. Indeed the USA want to inspect all exporting countries to check if their systems are equivalent to the USA.
- As an SPS equivalence agreement exists between the EEC and the USA, we are of the opinion that in this matter the entire EEC territory should be considered as a single exporting country. So, as a consequence, the USA should accept the EEC system for slaughterhouse approval.

- In view of the above mentioned agreement, it is not acceptable that only a few European countries, as specified in the USA notification and in the corresponding pages of the Federal Register, could qualify to export ratite meat to the US whereas the same regulations for the slaughter of ratites and squabs are applied throughout Europe."

Again, the EEC appreciates the opportunity to comment on the USA proposal and we are looking forward to your responses to these initial comments.



Alejandro Checchi Lang

c.c.:

Mrs P. Testori Coggi (SANCO)
Messrs R. Madelin, P. Thompson (TRADE)
Mrs Mary Revelt (US Mission to the EEC - Brussels)

SPS/PA/06 0275

WORLD TRADE ORGANIZATION

G/SPS/N/USA/435
4 May 2001
(01-2295)

Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION

1.	Member to Agreement notifying: <u>UNITED STATES</u> If applicable, name of local government involved:
2.	Agency responsible: Department of Agriculture, Food Safety and Inspection Service
3.	Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers may be provided in addition, where applicable). Regions or countries likely to be affected, to the extent relevant or practicable: Ratites and squabs
4.	Title and number of pages of the notified document: Mandatory Inspection of Ratites and Squabs; Interim final rule (9 pages)
5.	Description of content: The Food Safety and Inspection Service (FSIS) is amending the Poultry Products Inspection Regulations (Part 381) and the Voluntary Poultry Inspection Regulations (Part 362) to include ratites and squabs under the mandatory poultry products inspection regulations. The Agency is responding to the FY 2001 Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act (the Appropriations Act), signed by the President on 28 October 2000, which provides that 180 days after the date of its enactment, US establishments slaughtering or processing ratites or squabs for distribution into commerce as human food will be subject to the requirements of the Poultry Products Inspection Act (PPIA), rather than the voluntary poultry inspection programme under section 203 of the Agricultural Marketing Act of 1946 (AMA). All countries exporting or wanting to export ratite and squabs products to the United States, regardless of their current eligibility status regarding meat and poultry product exports to the United States, may do so for the next 18 months subject to the following. Countries already eligible to export poultry to the United States will be able to export ratites and squabs as soon as they certify to FSIS those establishments eligible to export to the United States. These countries are Canada, Israel, Great Britain, and France. Animal health restrictions continue to apply so there is no change with regard to the eligibility of specific products based on APHIS regulations. Countries eligible to export meat to the United States will be permitted to export ratites to the United States provided the animals are slaughtered in an establishment certified to export to the United States and provided the countries submit a request for establishing equivalency. Certified establishments are

required to meet FSIS HACCP and Pathogen Reduction requirements.

Countries not eligible to export meat or poultry to the United States will need to submit a request for equivalency and FSIS will need to make an equivalency determination according to 9 CFR Part 327. As indicated above, however, each country desiring to begin or continue exporting such products to the United States will have to apply for an equivalence determination of its ratite and squab inspection system. Countries' ratite and squab export inspection systems must be found to be equivalent with the US domestic inspection system within 18 months of the effective date of the Agency's new mandatory ratite and squab inspection requirements (26 April 2001). After the 18 month period has ended, all shipments of ratites and squabs from eligible countries must be accompanied with the appropriate veterinary health certificate (Sec. 381.197) and must be presented to FSIS for import reinspection prior to entry (Sec. 381.199). Countries wanting to export ratites and squab to the United States should make a written request to export poultry to FSIS through the United States Embassy located in the country. FSIS will conduct both a document review and an on-site audit to determine if the country operates an equivalent poultry inspection system.

The provision of the Appropriations Act specifying that ratites and squabs come under the Agency's mandatory inspection requirements is effective on 26 April 2001. Interested parties may comment on this interim final rule.

- | | |
|-----|---|
| 6. | Objective and rationale: <input checked="" type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests |
| 7. | An international standard, guideline or recommendation does not exist <input checked="" type="checkbox"/> . If an international standard, guideline or recommendation exists, give the appropriate reference and briefly identify deviations: |
| 8. | Relevant documents and language(s) in which these are available: 66 FR 21631, 1 May 2001 (Available in English) |
| 9. | Proposed date of adoption: This interim final rule was effective 26 April 2001. |
| 10. | Proposed date of entry into force: This interim final rule was effective 26 April 2001. |
| 11. | Final date for comments: 2 July 2001
Agency or authority designated to handle comments: Food Safety and Inspection Service, USDA <input type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body: Detailed instruction on where and how to send comments is in the body of the full text - which will be sent upon request to the address in paragraph 12. |
| 12. | Texts available from: <input checked="" type="checkbox"/> National notification authority, <input checked="" type="checkbox"/> National enquiry point or address, fax number and E-mail address (if available) of other body:

United States SPS Enquiry Point/Notification Authority
USDA/FAS/FSTSD
ATTN: Carolyn F. Wilson
Room 5545 South Agriculture Building
Stop 1027
1400 Independence Avenue, S.W. |

Washington, D.C. 20250
Tel: (202) 720-2239
Fax: (202) 690-0677
E-mail: ofsts@fas.usda.gov