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U.S. Files WTO Case Challenging EU Restrictions on U.S. Poultry Exports

WASHINGTON – United States Trade Representative Susan C. Schwab announced today that the United States was requesting World Trade Organization (WTO) dispute settlement consultations with the European Union under the *WTO Agreement on the Application of Sanitary and Phytosanitary Measures* and the *General Agreement on Tariffs and Trade 1994* regarding the EU’s ban on the import and marketing of poultry meat and poultry meat products processed with pathogen reduction treatments judged safe by both U.S. and European food safety authorities.

“The poultry treatments at issue have been widely and safely used in the United States for many years,” Schwab said. “The EU’s own scientists have repeatedly found these treatments not only to be safe, but effective. We have tried to address this issue through dialogue with the EU for more than eleven years, and neither the European Commission nor EU Member States have offered any legitimate, science-based reason for continuing to block our poultry.”

The United States would obviously still prefer that this matter be resolved without the need for lengthy and costly litigation. “In taking this step,” Schwab continued, “the United States seeks to move the process forward and will act to defend poultry and other U.S. agricultural exports against non-science based restrictions imposed by our trading partners.”

Background

In order to produce poultry that is safe for consumption, both here and abroad, U.S. companies routinely process poultry, such as chicken and turkey, with cleansing techniques known as “pathogen reduction treatments” (PRTs).

In 1997, the EU began prohibiting the use of PRTs to decontaminate poultry carcasses sold in the EU, stopping the shipment of virtually all U.S. poultry. Since that time – for more than 11 years – the United States has attempted without success to resolve this issue without resorting to litigation.

In 2002, the United States formally requested EU approval of four PRTs: chlorite dioxide, acidified sodium chloride, trisodium phosphate, and peroxyacids, each one of which was already

approved for use in poultry processing by the U.S. Food and Drug Administration and the U.S. Department of Agriculture.

Various EU agencies have now issued scientific reports relating to the processing of poultry with these four PRTs. The cumulative conclusion of these reports is that the importation and consumption of such poultry poses no risk to human health. On June 2, 2008, however, a committee comprised of the chief veterinary officers of the EU member States rejected a heavily conditioned European Commission proposal to approve the four PRTs by a vote of 26-0, with the UK abstaining. On December 18, 2008, the EU Agricultural and Fisheries Council, which is comprised of the agricultural ministers of the EU member States, voted against the same proposal in an identical tally.

Based on these votes, as well as discussions with EU officials, the United States has concluded that this issue cannot be resolved through further negotiation at this time. If WTO consultations fail to resolve the dispute within 60 days, the United States will be entitled to request that a WTO panel be established to determine whether the EU is acting consistently with its WTO obligations.

As provided in the G-20 Declaration, the United States is deeply concerned about protectionist actions worldwide, including protectionist sanitary and phytosanitary measures.

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