



Australian Government
Biosecurity Australia

4 May 2011

BIOSECURITY AUSTRALIA ADVICE 2011/06

**NON-REGULATED ANALYSIS OF EXISTING POLICY FOR THE IMPORTATION OF
APPLES FROM NEW ZEALAND**

This Biosecurity Australia Advice is to inform stakeholders of the release of the *Draft report for the non-regulated analysis of existing policy for apples from New Zealand* (a review). This draft report has been completed in response to the final ruling by the World Trade Organization (WTO) regarding the validity of existing measures required for the import of New Zealand apples.

The draft report recommends that export quality fruit produced using New Zealand's standard commercial practices be permitted access to Australia, subject to verification that standard orchard and packing house practices have been followed.

The draft report is being issued for 60 days consultation. Comments and submissions are invited by 4 July 2011.

Biosecurity Australia Advice 2010/38, of 7 December 2010, advised stakeholders of the commencement of a non-regulated analysis of existing policy (a review) for New Zealand apples to Australia. The review was initiated in response to the final ruling by the World Trade Organization (WTO) regarding the validity of existing measures required for the import of New Zealand apples.

This Biosecurity Australia Advice is to inform stakeholders of the release of the *Draft report for the non-regulated analysis of existing policy for apples from New Zealand*. Stakeholders have until 4 July 2011 to provide written comment on the draft report.

A policy for the importation of apples from New Zealand, subject to a range of phytosanitary measures to manage the risk of identified quarantine pests and diseases, was determined in 2007 by the Director of Animal and Plant Quarantine. New Zealand considered the measures required for fire blight, European canker and apple leaf curling midge are inconsistent with Australia's international obligations under the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement). New Zealand referred the matter to the Dispute Settlement Body of the WTO on 6 December 2007 to seek a resolution of the dispute. A Panel was formed and, on 9 August 2010, ruled that Australia's phytosanitary measures for New Zealand apples were not justified in respect of fire blight, European canker and apple leaf curling midge.

Australia appealed the Panel's decision and the Appellate Body reported on 29 November 2010, reaffirming the Panel's rulings. As a member of the WTO, Australia is obliged to implement the independent reports of the Panel and Appellate Body.

The review has been conducted to meet Australia's international obligations and the requirements of the Australian *Quarantine Act 1908* and relevant sub-ordinate legislation.

The draft report considers the pests at dispute; fire blight, European canker and apple leaf curling midge. The draft report has been conducted to the standard of an import risk analysis. It has considered new evidence not available at the time of the original risk analysis in 2006 and has taken into account the WTO decision.

The draft report concludes that the well established commercial practices used by New Zealand apple producers address the quarantine concerns posed by fire blight, European canker and apple leaf curling midge.

The draft report recommends that export quality fruit produced using New Zealand's standard commercial practices be permitted access to Australia, subject to verification that standard orchard and packing house practices have been followed. Specifically, the risk management measures are:

- Application of the Integrated Fruit Production system, or an equivalent, to manage pests and diseases in the orchard.
- Consignments must be tested to ensure that only mature fruit is exported to Australia.
- There must be maintenance of sanitary conditions in dump tank water.
- High pressure washing and brushing of fruit in the packing house must be undertaken.
- A minimum of 600 fruit from each lot packed must be inspected and found free of quarantine pests.

Biosecurity Australia considers that the risk management measures considered in this draft report will achieve Australia's appropriate level of protection against identified quarantine pests.

The draft report is available via Biosecurity Australia's website: <http://www.daff.gov.au/ba>. Printed copies are available, if required.

Comments on the draft report should be submitted by 4 July 2011 to:

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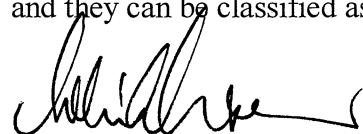
Following the completion of the comment period, Biosecurity Australia will consider all comments and publish a final report.

Confidentiality

Stakeholders are advised that, subject to the *Freedom of Information Act 1982* and the *Privacy Act 1988*, all submissions received in response to Biosecurity Australia Advices will be publicly available and may be listed or referred to in any papers or reports prepared on the subject matter.

The Commonwealth of Australia reserves the right to reveal the identity of a respondent unless a request for anonymity accompanies the submission. Where a request for anonymity does not accompany the submission the respondent will be taken to have consented to the disclosure of his or her identity for the purposes of Information Privacy Principle 11 of the *Privacy Act 1988*.

The contents of the submission will only be treated as confidential if they are marked 'confidential' and they can be classified as such in accordance with the *Freedom of Information Act 1982*.



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