

# **A non-regulated analysis of existing policy of apples from New Zealand**

## **Questions and answers – 7 December 2010**

### **A non-regulated analysis of existing policy (a review)**

#### **Why is this review being undertaken?**

Australia is responding to a World Trade Organization (WTO) decision, of 29 November 2010, that recommended quarantine measures for New Zealand apples are not justified. Australia is a member of the WTO. To implement the WTO decision Australia will conduct a review of existing policy for New Zealand apples.

#### **What is a review and how does it work?**

A non-regulated analysis of existing policy (a review) is a process that identifies and assesses risks posed by the pests and diseases relevant to existing policy. If those risks exceed Australia's appropriate level of protection, the review specifies what measures should be taken to reduce those risks to an acceptable level. The review will be conducted to a standard of an IRA, as described in the *Import Risk Analysis Handbook 2007 (update 2009)*, available on the Biosecurity Australia website.

It will involve the release of a draft report for a stakeholder comment period and then considering and incorporating relevant scientific and technical comments into a final report with recommendations.

#### **Why isn't an Import Risk Analysis (IRA) being conducted?**

An IRA for New Zealand apples has already been completed that recommended imports be permitted subject to a range of quarantine conditions. Since existing policy already exists, the Chief Executive of Biosecurity Australia has decided that a review will be conducted in accordance with section 4.1 of the *Import Risk Analysis Handbook 2007 (update 2009)*.

### **Why did New Zealand take Australia to the WTO?**

New Zealand considers the measures recommended by the Final Import Risk Analysis Report for Apples from New Zealand for fire blight, European Canker and apple leaf curling midge were too strict and not consistent with Australia's international obligations.

#### **What did the WTO decide?**

The WTO decided that the measures imposed by Australia were not sufficiently supported by science, within the meaning of the international rules, and therefore Australia's measures to manage the three quarantine pests associated with New Zealand apples are not justified.

### **What is the progress of the review for apples from New Zealand?**

The WTO made its final decision on 29 November 2010. Biosecurity Australia will proceed with the review as a priority to meet Australia's international obligations and the legal requirements of the *Quarantine Act 1908*.

### **What will the review consider? Will new science be included? Is BA restricted in what its finding can be?**

The review will consider the risk of three quarantine pests that have been at dispute, namely fire blight, European canker and apple leaf curling midge. The outcome of the review is not pre-determined, will take into account any new scientific or technical information relevant to risk these pests pose to Australia, and have regard to the WTO decision.

The quarantine measures for other quarantine pests recommended in the final IRA report for New Zealand apples are still applicable and are not part of the review.

### **Are there any regional differences for Australian states?**

No. all three pests are absent from all of Australia.

### **Does Australia allow any imports of apples now?**

Australia allows imports of Fuji apples from Japan, although no trade has occurred to date. There is also an approved quarantine policy that allows the entry of apples from China, subject to quarantine conditions, but trade has not commenced.

Australia has existing quarantine policy for the importation of fresh pears from China, the Republic of Korea and Japan. Pears have been imported from China since 1999.

### **In light of the WTO decision, why is Australia still permitting access for Chinese apples? Shouldn't the Chinese apple IRA also be reviewed?**

The WTO dispute was initiated by New Zealand and related to the measures recommended for the importation of apples from New Zealand. The WTO found that the quarantine measures recommended in the final IRA report for New Zealand apples were not justified. The WTO case focussed on the measures for New Zealand apples and was specific to three quarantine pests.

The IRA for apples from China has been undertaken in accordance with the IRA Handbook 2007 (update 2009), and included a formal stakeholder comment period, independent review by the Eminent Scientists Group, and a period for appeals. An import policy has now been determined by the Director of Animal and Plant Quarantine and import permits have been issued. Given that the regulated IRA process has been followed, and the IRA for Chinese apples was not part of the WTO dispute, it is not necessary to review this IRA.

The IRA for Chinese apples included only one of the pests that were the subject of the WTO dispute, European canker. China has implemented a system that meets Australia's quarantine requirements for European canker.

## **Consultation**

### **Has industry been consulted in developing the review of New Zealand apples?**

On the day of the WTO decision, Biosecurity Australia consulted with Apple and Pear Australia Limited (APAL) representatives about the implications of the decision and process required to implement that decision.

The communication between APAL and Biosecurity Australia is ongoing.

All stakeholders will have an opportunity to comment on the draft report.

## **Background information**

### **Does Australia export apples?**

Australia can export apples to a number of countries, such as Hong Kong, India, Indonesia, Malaysia, Papua New Guinea, Russia, Singapore, Sri Lanka, Taiwan, the United Kingdom and Western Samoa.

### **How can Australia ensure apples imported from New Zealand are safe to eat?**

Food Standards Australia New Zealand (FSANZ) develops and maintains the Australia New Zealand Food Standards Code and all food must meet those standards.

These rules apply to all food in Australia – whether it's grown here or imported.

FSANZ monitors food safety incidents worldwide and provides advice to AQIS on monitoring and testing imported food.

AQIS operates a risk based inspection scheme at the border to assess imported food against Australia's food standards.

Fresh imported horticulture is categorised as being of a low food safety risk, so consignments are monitored by AQIS for compliance with Australian food standards at the rate of 5 percent.

AQIS tests fresh imported horticulture at the border for the presence of 49 agricultural chemicals including some organophosphates, organochlorines, synthetic pyrethroids and fungicides.