

Comments from P. R. China on Notification G/SPS/N/AUS/422/Add.2

Prawns and prawn products from all countries for human consumption

The Chinese government would like to thank the Australian government for its implementing WTO transparency obligations and giving the chance to WTO Members of commenting on the Notification G/SPS/N/AUS/422/Add.2. After carefully considering, the Chinese government would like to give the following comments and opinions on G/SPS/N/AUS/422/Add.2 for your consideration. The comments and opinions given by the Chinese government are as follows:

On March 28, 2018, Australia issued a notification on the review of the import conditions for prawns and prawn products from all countries for human consumption, which mainly states that the Australian Government Department of Agriculture and Water Resources is conducting a review of the biosecurity risk of and the import conditions for prawns and prawn products (from all countries) for human consumption. As part of the review, Australia invites submissions from trading partners on specific issues with (1) Australia's current prawn import conditions (implemented on July 7, 2017) and (2) the "final generic import risk analysis report for prawns and prawn products". After research by relevant experts, China hereby puts forward the following comments:

Australia will consolidate raw prawns (i.e. uncooked frozen prawns that have had the head and shell removed), marinated prawns, and Australian prawns processed overseas, into one product class. These prawns will be subject to the same import conditions. The import condition is that exporting countries will be required to certify that these prawns have been found post-processing to be free of white spot syndrome virus (WSSV) and yellow head virus (YHV) based on sampling and testing methods recognised by the World Organisation for Animal Health (OIE). These prawns will also be subject to inspection and testing on-arrival in Australia for WSSV and YHV.

Australia's current import conditions for prawns and prawn products are stricter than the existing international standards, which are lack of scientific support, and may cause trade barriers to China's export of prawns and prawn products to Australia. China, therefore, will not accept the import conditions of Australia for now. And the specific reasons are as follows.

(I) Consolidating marinated prawns and raw prawns into one product class lacks of scientific basis. The marinated prawns are distributed for food circulation directly or after being subpackaged, and there is unlikely to use marinated prawns in recreational fishing. During the implementation period of import suspension measures of raw prawns of Australia, marinated raw prawns and raw prawn meat have been regarded as exempt products with low risk of introducing prawn diseases.

(II) Risk prevention and control measures against WSSV are adopted for prawns that have had the head and shell removed, the YHV testing on these prawns fails to specify specific genotypes, which is not in line with relevant regulations of OIE. According to relevant regulations of Article 9.8.11 in the *Aquatic Animal Health Code* of OIE (2017) (the Code), competent Authorities should not require any conditions related to WSSV, regardless of the infection with WSSV status of the exporting country, zone or compartment, when authorising the importation (or transit) of frozen peeled shrimp or decapod crustacea (shell off, head off). Certain assumptions have been made in assessing the safety of the aquatic animal products mentioned above. However, no risk assessment data relevant on the adoption of WSSV risk prevention and control measures for prawns that have had the head and shell removed in the notification of Australia.

For the testing of YHV, the *Aquatic Animal Health Code* (2017) only lists YHV1 as the pathogen of YHV, excluding other genotypes. However, Australia generally specifies the testing of YHV in the notification, but failing to specify specific genotypes, which is not in line with relevant

standards of OIE. In fact, although YHV2 (GAV), YHV3, YHV4, YHV5 and YHV6 can be often seen in healthy prawns in East Africa, Asia and Australia, they rarely cause epidemics. The genotypes including YHV2 are common in Australia.

(III) Adopting excessively strict quarantine measures on imported raw prawns has caused a disguised restriction on trade, which is not in line with relevant regulations of WTO. Australia randomly adopted quarantine measures stricter than OIE without providing relevant risk assessment report or scientific basis. These measures did not fully consider minimizing its negative impact on trade, increased the quarantine costs of exporting countries and violated Articles 2.2, 2.3, 3.3 and 5 in the WTO/SPS Agreement.