

# The EUs Use of SPS Measures as de facto NTBs

Paul Goodison

November 2015  
Initiativet for Handel og Udvikling

# The EUs Use of SPS Measures as de facto NTBs

## Table of Contents

List of Abbreviations.....	2
Summary .....	3
The Growing Importance of NTBs.....	4
The UK Experience: The Case of Full Cost Recovery for SPS Controls in the Cut Flower Sector .....	6
Risk Assessment Based SPS and Food Safety Import Inspection Systems .....	6
Full Cost Recovery in the UK .....	7
Strengthened SPS Controls .....	8
Discrimination against Imports .....	8
Impact on the Competitive Position of Smaller Locally Owned Firms .....	9
Making SPS Inspections Charges More Development Friendly .....	9
Namibian Communal Area Beef Producers: Changing SPS Compliance Requirements.....	10
The Growing Importance of Bringing in Smallholder Communal Area Beef Producers .....	10
Complicating Efforts to Increase Off-take from Communal Herds .....	10
The Differential Impact of New SPS Requirements .....	11
Review of How SPS Measures Can Be Implemented in an EU Compliant Manner .....	11
South Africa: The Case of Citrus Black Spot.....	12
New Problems for a Well-established Exporter .....	12
Factors Behind the Strengthening of EU CBS Controls.....	13
The Contentious Nature of the New EU ‘5-strike’ Rule .....	15
The Challenge of Differential Application of EU SPS Rules .....	16
The On-going Nature of the CBS Controversy .....	17
Strengthening International Procedures for SPS Dispute Settlement.....	17
The WTO Dimension: Creating New Possibilities .....	18
Annex 1 .....	19
Annex 2 .....	20
Annex 3 .....	20
Comprehensive List of Sources.....	21

## **List of Abbreviations**

- ACP countries - African, Caribbean and Pacific Group of States
- CAP - Common Agricultural Policy
- CBS - citrus black spot
- CGA - Citrus Growers Association of Southern Africa
- EC - European Commission
- EFSA - European Food Safety Agency's
- FMD - foot-and-mouth disease
- IPPC - International Plant Protection Convention
- NIP - national indicative programme
- NTB - non-tariff barriers
- ODI - Overseas Development Institute
- PRA - Pest Risk Assessment
- SPS measures - sanitary and phytosanitary measures
- VCF - veterinary control fence

## Summary

*Increasingly the trade costs of non-tariff barriers (NTBs) are taking on greater significance than traditional tariffs, with their “restrictive and distortionary effects”<sup>1</sup> being systematically biased against low income and least developed countries. How sanitary and phytosanitary (SPS) measures are designed and implemented can also impact adversely on particular types of producers, most notably small scale producers. These commercial effects of SPS controls are strongly influenced by the basis on which ‘risk assessments’ are carried out. This can create disproportionately high SPS compliance costs for new entrants to EU markets. The commercial effects are also strongly influenced by national methods of financing official SPS controls. Moves to full cost recovery for all official import inspections in the UK led to dramatic increases in the unit costs of SPS inspections (+236% in two years<sup>2</sup>). While discriminatory and distortionary effects are often unintentional, in some instances they result from producer pressures in the face of a need to adjust to a new policy and market context.*

*Three recent cases are illustrative of the trade effects of SPS implementation modalities, and the adverse effects they can have on small scale producers.*

*The first case relates to the unintentional discriminatory nature of EU ‘risk assessment’ procedures, in the context of moves to full cost recovery for all official inspections by some EU member states in response to fiscal pressures. The experience in the UK suggests that given existing EU risk assessment procedures, moves to full cost recovery **could raise the costs of SPS inspections to such an extent that exports from small, island and infrequent, non-traditional exporters, become commercially non-viable.***

*The second case relates to changes in the import requirements for beef imports from Namibia. This case illustrates the particular challenges faced by smallholder producers in maintaining access to high value export supply chains, when production takes place under communal systems of land tenure. This raises important issues of policy coherence, where the revised application of SPS controls is **directly undermining EU development assistance financed initiatives to support greater participation of communal areas farmers in high value commercial supply chains.***

*The third case study relates to the mounting commercial pressure for stricter controls of South African citrus exports, to contain the theoretical<sup>3</sup> possibility of transmission of the Citrus Black Spot fungal infection to EU citrus orchards via the importation of citrus fruit. This case raises **important systemic issues related to the differential application of common EU SPS standards across member states.** It suggests that pressure from national producer groups can lead to the application of the common EU standards in ways which give rise to enormous variations in interception rates of non-compliant products. Since rates of interception can carry implications for access to the whole EU market, this is leading to concerns that **SPS inspection procedures are becoming a form of disguised trade protectionism.** This case highlights the need to establish **independent and binding SPS dispute resolution processes.** Ensuring SPS and food safety requirements are designed and implemented in ways which **do not systematically discriminate against low income and least developed countries, and are not used as non-tariff barriers to trade, can be seen as an important policy coherence objective.***

## Recommendations

<sup>1</sup> UNCTAD, ‘Non-Tariff Measures to Trade: Economic and policy issues for Developing Countries, August 2013, [http://unctad.org/en/PublicationsLibrary/ditctab20121\\_en.pdf](http://unctad.org/en/PublicationsLibrary/ditctab20121_en.pdf)

<sup>2</sup> Agritrade, ‘Financing EU food and feed controls: Recent developments and implications for the ACP’, 18 January 2015 <http://agritrade.cta.int/en/Agriculture/Commodities/Horticulture/Financing-EU-food-and-feed-controls-Recent-developments-and-implications-for-the-ACP> and Agritrade, ‘ACP agricultural exports and proposed changes to the EU Regulation on food and feed controls’, 12 May 2014, <http://agritrade.cta.int/en/Agriculture/Topics/SPS-Food-safety/ACP-agricultural-exports-and-proposed-changes-to-the-EU-Regulation-on-food-and-feed-controls>

<sup>3</sup> An international panel of citrus exports from Brazil, Argentina, USA, Uruguay, Australia and South Africa concluded in September 2013 that “*trade in citrus fruit cannot spread the disease as the fruit is not a pathway*” for transmission. See CBS Expert Panel, ‘Comments on: EFSA Panel on Plant Health, 2013.’, 11 September 2013 <http://www.citrusres.com/sites/default/files/documents/CBS%20Expert%20Panel%20comments%20EFSA%20PRA%20CBS%202013.pdf>

- The EU needs to create *improved dialogue structures for the design and application of SPS (and food safety) controls*, to ensure the systems set in place *do not systematically discriminate against low income and least developed countries and small scale producers*.
- This needs to address two issues:
  - *ensuring full respect for the legitimate objective of SPS (food safety) control measures*, which is to avoid the transmission of diseases to plants, animals and (for food safety) humans;
  - ensuring this is achieved in ways which *are minimally trade distorting, with particular attention being given to the production realities of smallholder producers*, in the design and application of SPS control requirements.
- The EU should not only set minimum standards for the application of common SPS controls, but also maximum standards, which should be based on independent assessments of the underlying SPS risk posed, undertaken by the relevant pan-European agency, so as to avoid the national application of SPS controls as new non-tariff barrier to trade.
- The EU should support the creation of an arbitration mechanism for the resolution of disputes which arise over *the design and application SPS control measures*.
- The EU also should support the creation of *independent, robust, reliable, non-partisan bodies to arbitrate and resolve SPS disputes where the underlying science is an issue of contention*. This should include:
  - clear procedures to be followed;
  - strict timelines for the conduct of the agreed procedures;
  - a commitment by both parties to be bound by the findings of arbitration body.
- The EU should support calls made by Joseph Stiglitz and Andrew Charlton for the establishment of a “*right to trade*”. With this concept being taken up as an integral part of the EU’s commitments to ensuring ‘*policy coherence for development*’.
- There is a need for increased dialogue on how the *financing of SPS controls* can be organized in ways which *do not systematically discriminate against some types of developing country exporters*.
- The remit of existing institutional arrangements for high level dialogue at the ACP-EU level (including on trade issues), should be expanded to *promote better dialogue on these SPS related issues*, since these design and implementation issues are common to all African, Caribbean and Pacific countries which form part of the ACP-EU partnership arrangement.
- There is also a need to ensure that moves to full cost recovery for SPS inspections do not fall exclusively on imported products, creating an unfair advantage for domestic producers of competing products
- The EU should set out guidelines for national governments so to ensure better design and application of schemes related to the *financing* of SPS controls. This should include a *review the minimum number of consignment criteria, required for a risk assessment*, so as to assist smaller exporters with good SPS control regimes in gaining a favourable risk assessment and hence gaining the benefits of lower SPS inspection costs.
- Consideration should be given to placing a ‘ceiling’ on *SPS fees charged certain categories of exporting developing countries (e.g. LDCs, island and small and vulnerable economies) as part of wider efforts to encourage export diversification*.

## The Growing Importance of NTBs

While many non-tariff barriers (NTBs), particularly SPS measures, are put in place to achieve important public policy objectives and are not intended to constitute barriers to trade, how such measures are designed and implemented can carry important trade consequences. At a general level

OECD analysis<sup>4</sup> highlights how, as classical tariff barriers to trade have been dismantled, so non-tariff measures (NTMs) have taken on greater significance, with now “*the trade cost impact of NTMs [being] more important than prevailing tariff rates in obstructing trade*”.

UNCTAD<sup>5</sup> meanwhile has argued the “*restrictive and distortionary effects*” of NTMs “*may be systematically biased...against developing countries and more so against low-income and least developed countries*”. Against this background, ***ensuring SPS and food safety requirements are designed and implemented in ways which do not systematically discriminate against low income and least developed countries, can be seen as an important policy coherence objective.***

This is however a complicated issue, for these biased and discriminatory effects can arise from a variety of reasons and manifest themselves in a variety of ways. For example, the commercial effects of SPS controls are strongly influenced by both *the basis on which ‘risk assessments’ are carried out* and the *chosen national method for financing official SPS controls*. Thus over a two year period moves to full cost recovery for the implementation of official controls in the UK, led to a 236% increase in the unit cost of SPS inspections<sup>6</sup>. This increased considerably the commercial significance of a country’s risk assessment status.

In the context of current EU procedures for SPS ‘risk assessments’ and the establishment of inspection levels (both frequency and duration), this can ***create disproportionately high SPS compliance costs for new entrants to EU markets***. This can fall particularly heavily on non-traditional small scale exporting countries with regular but infrequent transport links to EU markets. This can then serve as a significant deterrent to export diversification in the agricultural sector.

An additional unintended discriminatory bias can emerge not at the country level, but with regard to particular types of producers (e.g. smallholder farmers). The reality is that given the scale of production, or in some instances, the land tenure systems under which smallholder farmers produce, ***achieving SPS compliance can be unattainable, or, can be achieved only at a disproportionately high cost, which effectively excludes smallholder farmers from higher value supply chains***. These effects on smallholder farmers can be felt regardless of the size or level of development of the exporting developing country.

Finally, while discriminatory bias in the implementation of SPS controls is often unintentional, in some instances national producer interests have pressed for the establishment of SPS control regimes which de facto constitute a non-tariff barrier to trade. In the citrus sector, this appears to be occurring in response to EU agricultural reforms which are compelling European citrus producers to become more responsive to market forces.

This scope for using SPS implementation modalities as an NTB at the national level, arises from the fact that while ***the EU sets minimum standards for SPS implementation, it does not set maximum standards.***

---

<sup>4</sup> See OECD, ‘Non-tariff measures in agri-food trade: Improving policy coherence for development’, PCD [Policy Coherence for Development] in Focus, 24 January 2013, <https://community.oecd.org/docs/DOC-50363>

<sup>5</sup> UNCTAD, ‘Non-Tariff Measures to Trade: Economic and policy issues for Developing Countries, August 2013, [http://unctad.org/en/PublicationsLibrary/ditctab20121\\_en.pdf](http://unctad.org/en/PublicationsLibrary/ditctab20121_en.pdf)

<sup>6</sup> Agritrade, ‘Financing EU food and feed controls: Recent developments and implications for the ACP’, 18 January 2015 <http://agritrade.cta.int/en/Agriculture/Commodities/Horticulture/Financing-EU-food-and-feed-controls-Recent-developments-and-implications-for-the-ACP>

## The UK Experience: The Case of Full Cost Recovery for SPS Controls in the Cut Flower Sector

### Risk Assessment Based SPS and Food Safety Import Inspection Systems<sup>7</sup>

The EU's SPS and food safety import controls are based on a system of 'risk assessment'. This is designed to ensure that SPS and food safety controls are minimally trade distorting.

This means that on the basis of a 'risk assessment' an appropriate frequency and intensity of inspections is established, with countries with a good track record of effective SPS controls being subject to less frequent, less intense and hence less expensive inspections than countries with a greater risk of disease transmission and/or weaker domestic control systems.

A good risk assessment which gives rise to both a reduced frequency and lower intensity of SPS physical inspections, can result in considerable savings in SPS inspection fees. However conversely attaining a good risk assessment can itself require substantial investments in domestic SPS control measures and inspection services.

The commercial impact of different country/product specific inspection regimes can be significant. For countries/products with a good risk assessment the frequency of inspections can be as little as **5% of all consignments**, compared to **100% inspections for country/product combinations where no basis for a risk assessment exists**. A good risk assessment can also see a reduced intensity of inspections, with fees charged per inspection being **as low as 5%** of the standard fee charged to a country/product combination with an unfavourable risk assessment or no track record on which a risk assessment can be based. This can create a worst case situation where **a non-traditional exporter, with no established track record on which a risk assessment can be based, faces an overall level of inspection charges 400 times higher than an established exporter**<sup>8</sup>.

#### Reviewing EU SPS Inspection Schedules

As part of the EU's risk assessment process inspection rates are reviewed on a quarterly basis. This can give rise to significant changes in inspection rates from one quarter to the next, depending on the assessment of risk. For example, in July 2013, the European Commission's (EC) Standing Committee on Plant Health increased the inspection rate for passion flowers imported from Zimbabwe from 35% to 50% of all consignments, while inspection rates on imports of aster flowers from Zimbabwe fell from 100% of all consignments to 75%. In the case of Suriname, the inspection rate on imports of bitter squash fell from 100% to 50% of all consignments.

The significance of changes in the frequency of inspection (i.e. what % of consignments from each exporting country is subject to inspection), depends on the level of charges levied per inspection, the speed and efficiency of the inspection process and a range of other handling and clearance issues all of which can add costs to or reduce the value of imported products. However, there have been cases of third country exporters abandoning exports to the EU, where the frequency of inspections has been increased when the volume of exports has been insufficient to qualify for reduced levels of inspections.

However, for a 'risk assessment' to take place, a minimum number of consignments needs to be delivered to the EU market over a three-year period. This is currently set at **a minimum of 200 consignments per year for three consecutive years**. Unfortunately, this threshold can be difficult to attain for both small scale exporters and exporters in countries where transport links to the EU are limited. For example, if a country has only one or two direct flights a week to the EU, with consolidation of consignments being required to minimize inspection costs per unit, then it is virtually impossible to meet the required minimum of 200 consignments per year. For such countries,

<sup>7</sup> The basis source for this section can be found at Agritrade 'Financing EU food and feed controls: Recent developments and implications for the ACP', 18 January 2015

<http://agritrade.cta.int/en/layout/set/print/Agriculture/Commodities/Horticulture/Financing-EU-food-and-feed-controls-Recent-developments-and-implications-for-the-ACP>

<sup>8</sup> For an example of standard and reduced fee rates for a specific product (cut roses) from an established exporter and a non-traditional exporter see annex 1 tables 1 and 2, where links to the original courses for the date used can be found.

*regardless of the level of SPS threat posed or the quality of their SPS control regime, it would be impossible to secure a reduced frequency of inspection or reduced fees per inspection, since no risk assessment under the current criteria could be carried out.*

What is more, the commercial effects of risk assessment based differences in inspections regimes for different country/product combinations has taken on *more significance where in response to fiscal pressures, governments have moved to full cost recovery for SPS import inspections carried out.*

### **Full Cost Recovery in the UK**

Even though a proposal for full cost recovery for all food and feed control measures carried out in the EU was rejected by the EU member states in 2013, this has not prevented the UK government from moving ahead with the introduction of full cost recovery for all SPS import inspections. The UK government began this process in April 2012, with by April 2014, the unit cost of SPS import inspections having increased 236%.<sup>9</sup>

#### **Risk Assessment and Different Total SPS Costs**

Kenya has a long established track record as a cut flower exporter to the EU. As of 30 August 2013 only **5%** of Kenyan consignments of roses exported to the UK are subject to inspections. For a non-traditional exporter with no established track record, or for exporters with a deteriorating risk assessment, **100%** of consignments may be inspected. This would give a rate of inspection **20 times more frequent** than for Kenyan exporters (see annex 2).

Since in the case of Kenya the SPS risks are known, Kenyan exporters benefit from reduced charges per inspection, since they are less intense. Against this background for standard exporters with no established track record on which a risk assessment can be made (and on the basis of which a reduced intensity of inspections can then be introduced) the unit costs of inspections can be **20 times higher** than for Kenyan exporters.

With moves to full cost recovery in the UK the financial impact of the different frequency and fee rates charged has taken on more commercial significance. For imports of consignments of cut flowers of up to 20,000 stems from an established exporter such as Kenya, between January 2011 and April 2014 the fees charged per daytime inspection increased **£1.68** and for non-day time inspections **£2.53**. However, for new ACP<sup>10</sup> exporters without a three year track record or with export volumes below 200 consignments a year, the fee increases were **£33.59** for daytime and **£50.38** for non-day time inspections.

This is a far more substantial increase and could potentially act as a disincentive to the development of non-traditional exports. This is particularly the case since, as part of the UK reforms, the average frequency of inspections has been doubled in the past five years, to bring inspections more into line with formal EU requirements.

Given inspection rates and costs charged for particular inspections are based on risk assessments, these moves to full cost recovery had different effects on different developing countries depending on whether they were an established exporters or non-traditional exporters (see box 2 for an illustrative example).

The experience in the UK suggests moves to full cost recovery could take on commercial significance in ways which discriminate against:

- a) Non-traditional exporters with no established track record on which a risk assessment can be based;
- b) Infrequent exporters, who export only a limited number of consignments per year (under 200);

<sup>9</sup> The UK experience included the unexpected side effects has been summarized in, Agritrade, 'Financing EU food and feed controls: Recent developments and implications for the ACP', 18 January 2015, <http://agritrade.cta.int/en/layout/set/print/Agriculture/Commodities/Horticulture/Financing-EU-food-and-feed-controls-Recent-developments-and-implications-for-the-ACP>

<sup>10</sup> African, Caribbean and Pacific group of states



- c) Relatively remote suppliers whose transport links only allow a limited number of consignments to be sent each year (under 200 consignments per year for three years)

This UK experience of moves to full cost recovery has also highlighted some disturbing side effects, which are discussed in the following sections.

### **Strengthened SPS Controls**

UK moves to full cost recovery have allowed a strengthening of the UK SPS inspection service, such that the actual number of inspections carried out is now closer to formal EU requirements, which nominally apply across the EU<sup>11</sup>. Investments in new technology have also improved the effectiveness of UK inspections. This has given rise to a situation where *the UK's share of total EU interceptions on SPS grounds has increased dramatically, rising from 6.5% of total EU SPS interceptions in 2009 to 20.3% in 2013*. From 2009 to 2013, while the rate of interceptions of harmful organisms in the EU rose 33%, the detection rate for harmful organisms in the UK rose 5-fold.

This has seen a corresponding increase in SPS interceptions from countries whose primary point of entry to the EU market is the UK (e.g. Kenya, Ghana, the Dominican Republic). This is attributable *not to the deteriorating SPS controls* in these countries, but to the increased efficiency of UK inspections arising from increased staffing levels and the introduction of new technologies.

This is an important issue since the UK notifies all interceptions to the EU EUROPHYT system. It is reporting under this pan-EU reporting system that provides the basis for assessing the risks associated with imports from individual countries and hence the inspection schedules for each country/commodity combination.

This can give rise to an *increase in the minimum level of inspections to be carried out on particular country/product import combinations*. Since this increased frequency of inspections requires an increased number of fee payments, which are themselves costlier (+236% in two years), this can serve to *increase the overall costs of placing products on the EU market from the countries primarily exporting to the UK*.

This could occur not necessarily because imports from these countries carry more harmful organisms than from other countries exporting via other EU member states, but simply because the strengthened UK SPS inspection service is now more likely to detect harmful organisms than their counterparts in other EU member states.

### **Discrimination against Imports**

The UK experience to date also illustrates how moves to full cost recovery for all official SPS and food safety controls *can be discriminatory towards imported products*.

While moves to full cost recovery for official controls are *nominally applied across the board to all official controls where individual inspection fees are levied*, the reality is that *domestic UK producers of cut flowers*, for example, *are not charged fees for individual inspections*. For domestic UK cut flower producers, the costs of inspection are carried on the general departmental budget financed from the public purse. Since no individual fees are charged domestic producers, no cost increases arise. *Cost recovery for all official inspections of cut flowers therefore falls exclusively on imported cut flowers*. This could potentially carry implications for the price competitiveness of imported products vis à vis domestic producers of the same product<sup>12</sup>.

---

<sup>11</sup> In many EU member states actual levels of SPS inspection fall below the required minimum due to staffing and funding problems.

<sup>12</sup> However the implications of full cost recovery for SPS inspections for the competitiveness of imports is likely to vary from product to product, country to country and even seasonally (given the impact seasonality can have on market prices and hence the commercial significance of SPS inspection charges).

### **Impact on the Competitive Position of Smaller Locally Owned Firms**

Analysis carried by researchers at the Overseas Development Institute (ODI), suggest that *any increase in costs of accessing the EU market tends to fall more heavily on locally owned small and medium sized firms rather than larger foreign owned firms*<sup>13</sup>.

This is affirmed by the anecdotal evidence emerging from the UK's moves to full cost recovery for official controls, with *larger firms which are more integrated with importing companies tending to share the burden of increased SPS charges*. The UK "Assured Trader Scheme", which allows reduced inspection levels for established reputable importers, with a proven track record of compliance, further contributes to a trend whereby *large foreign owned firms with close corporate relationships to the importing company are better placed to deal with the increased costs associated with moves to full cost recovery for official SPS import controls*.

This reality potentially carries implications for ownership patterns in export orientated supply chains in African countries, serving EU markets. This could potentially undermine efforts in African countries to develop indigenous entrepreneurs in sectors serving high value EU markets.

### **Making SPS Inspections Charges More Development Friendly**

The first range of issues which need to be addressed relate to the basis for 'risk assessments'. There would appear to be a need to *review the minimum number of consignment criteria*, required for a risk assessment to be carried out. While clearly a statistically significant sample is required over a period which allows for exceptional climatic conditions be accommodated, it is unclear how the 200 consignments per annum requirement for three consecutive years was established.

For developing country exporters with limited transportation links to the EU, a review of this minimum number of consignments requirement would appear to be essential. To ensure a statistically significant sample, if necessary a longer assessment period could be introduced. While this may take longer it would provide a route to the carrying out of a 'risk assessment', and the prospect of a reduced frequency and intensity of inspections, with the consequent savings this would give rise to in terms of the overall level of SPS inspection charges levied.

In addition, it might also be necessary to *introduce a 'cap' on SPS fees charged certain categories of exporting developing countries as part of wider efforts to encourage export diversification*. Where necessary this could be covered by "aid for trade" support. Were such steps taken it would reduce the impact of moves to full cost recovery on certain categories of developing country exporters.

More broadly the growing importance of SPS (and food safety issues) in agro-food sector exports to the EU, suggests *a need for improved dialogue structures*. This could usefully focus on *how legitimate EU SPS objectives can be met, without unduly increasing the costs of entry to the EU market for small scale, non-traditional exporters*.

There would also appear to be a need to *increase dialogue on how the financing of SPS controls can be organized in ways which do not systematically discriminate against some types of developing country exporters*.

Given the existing institutional arrangements for high level dialogue which exist at the ACP-EU level (including on trade issues), there would appear to be scope for *expanding the remit of these structures to promote better dialogue on these SPS related issues*.

---

<sup>13</sup> See Agritrade, 'Analysis throws light on the differential impact on companies of increased costs of accessing EU markets', 11 August 2014, <http://agritrade.cta.int/en/Agriculture/Topics/EPAs/Analysis-throws-light-on-the-differential-impact-on-companies-of-increased-costs-of-accessing-EU-markets#imageModal>

## Namibian Communal Area Beef Producers: Changing SPS Compliance Requirements

### The Growing Importance of Bringing in Smallholder Communal Area Beef Producers

Since independence the structure of cattle production in Namibia has been changing. Independent large scale producers now provide far less cattle for slaughtering locally than was the case at independence. This has seen the launch of initiatives to halt the decline of cattle throughput at export approved abattoirs. This consists of both a growth of contract cattle raising initiatives, linked to particular meat processing companies, and *sustained efforts to increase the off-take of cattle raised on communally owned land by small-scale cattle farmers*. The most recent effort in this regard was the launch of a joint private sector/NGO initiative called the “Sustainable Cattle Production in Namibia” scheme (see box for details).

#### **The “Sustainable Cattle Production in Namibia” scheme<sup>14</sup>.**

In May 2013, after considerable consultation, Namibia’s leading beef processing company, Meatco, joined forces with the Danish Coop FDB (Fællesforeningen For Danmarks Brugsforeninger) and the NGO Solidaridad, in implementing and managing a project aimed at enabling 2,400 smallholder communal farmers to manage their livestock sustainably, with the delivery of four to five extra head of cattle from an initial 800 smallholder communal area farmers.

This scheme, it was felt, would eventually assist smallholder cattle farmers in participating in high value export supply chains, including export supply chains which sees Meatco deliver ‘Nature Reserve’ branded vacuum pack beef cuts to the Danish Coop.

Maintaining cattle throughput at export approved abattoirs is seen as essential to reducing the unit cost of processing. In this context an increasingly important cost factor in the Namibian beef export trade has been the increasingly strict SPS requirements for access to the EU market.

### Complicating Efforts to Increase Off-take from Communal Herds

Most recently in the 2012/13 season, in response to regulatory changes introduced by the EU in 2011, the Namibian Directorate of Veterinary Services sat out a new *dual requirement* for cattle to enter EU export supply chains.

Firstly, all cattle entering EU export supply chains had to be resident south of the veterinary control fence for more than 90 days. This was in fact a long-standing requirement. Secondly, cattle entering EU export supply chains needed to be kept physically segregated from other cattle for 40 days prior to slaughtering. This was a new requirement. *Any animal which did not meet these dual requirements would lose its EU-compliant status and hence meat from these cattle would not be eligible for sale on the EU market<sup>15</sup>.*

This new requirement gave rise to immediate compliance verification problems. This saw between 12,000 and 15,000 head of cattle previously sent for slaughtering at EU approved abattoirs diverted to markets where no such residency requirement existed (this was equivalent to between 12.7% and 15.8% of the throughput of the main company exporting to the EU)<sup>16</sup>. This saw an immediate loss of income to the sector, given the high prices obtainable on the EU market (see box 4).

<sup>14</sup> The Namibian, ‘Meatco Targets Rural Farmers’, 11 February 2014, <http://allafrica.com/stories/201402111098.html>

<sup>15</sup> For the source of a summary of the details used in this and the following sections See, Agritrade, ‘Commercial implications of EU SPS requirements hinder development of smallholder beef supplies in Namibia’, 04 May 2013, <http://agritrade.cta.int/en/Agriculture/Commodities/Beef/Commercial-implications-of-EU-SPS-requirements-hinder-development-of-smallholder-beef-supplies-in-Namibia>

<sup>16</sup> For raw data on which these calculation are based see Meatco annual reports 2011/12, 2012/13 2013/14 which can be found via the company’s website, <http://www.meatco.com.na/our-company/>

## **The Differential Impact of New SPS Requirements**

The commercial effects of these new SPS requirements fell particularly heavily on smallholder cattle farmers producing on communally owned land. The main beef processing company announced the introduction of a dual pricing system for cattle, with *animals that did not comply with the 90/40 days' residency requirement receiving 25% less than animals that did comply with the requirement.*

### **The importance of EU markets to the Namibian beef sector**

In response to reforms of EU's common agricultural policy (CAP), which lowered the EU price for undifferentiated beef, the Namibian beef processing sector moved over to the production and marketing of 'quality differentiated' beef (which stressed the 'natural' extensively raised nature of Namibian beef production), *processed and packaged into bar-coded consumer-ready cuts in line with final retailer requirements.*

This targeted marketing strategy has given rise to a situation where, despite European markets accounting for only *30% of the volume of Namibian beef sales, European markets generated around 60% of the value* of total Namibian beef sales. This targeted marketing strategy has not only helped the Namibian beef sector cope with CAP induced price declines but also has assisted in meeting the rising costs of complying with evolving EU SPS and food safety standards.

#### ***Meatco: Volume and value distribution of sales in 2011/12***

	2011/12		2012/13		2013/14	
	Volume	Value	Volume	Value	Volume	Value
Norway	5.05%	15.31%	7.23%	22.84%	2.4%	13.3%
EU –	26.89%	41.65%	29.91%	40.98%	28.2%	47.0%
- Non-UK*	15.28%	24.65%	16.89%	23.51%		
- UK	11.61%	17.00%	13.02%	17.47%		
RSA <sup>o</sup>	45.72%	33.53%	41.27%	27.08%	39.5%	25.4%
Namibia	22.35%	9.51%	21.60%	9.10%	29.9%	14.3%

\* Mainland Europe, comprising Eurozone countries, plus Denmark and Switzerland

<sup>o</sup> Southern African Customs Union markets excluding Namibia

Source: Meatco annual reports 2011/12, 2012/13 2013/14

Against the background of the commercial value of European markets to the Namibian beef sector, ensuring smallholder farmers can access high value export supply chains, can be seen as an important issue in maximising the contribution of cattle farming to rural development in disadvantaged areas.

This was based on the fact that income earned on sales of beef to European markets were on average around *“40% higher per head than for cattle not exported to the EU”*. The introduction of this dual pricing system was aimed at stimulating greater compliance with EU SPS requirements, so as to ensure increased supplies of cattle for processing for export.

This new pricing policy saw an immediate response from representatives of communal area farmers, who argued it was impossible in communal areas to physically segregate cattle destined for the EU market for 40 days before slaughtering. It was maintained communal area farmers could not afford to fence off cattle with EU status from other animals, or keep them apart during transportation and at auction sites. However, equally it was recognised *“no communal producer can afford to lose 25 percent per kilogram because of the new regulation”*<sup>17</sup>.

## **Review of How SPS Measures Can Be Implemented in an EU Compliant Manner**

Against this background Namibian beef sector stakeholders called for *“the interpretation of the regulation to be reviewed”*<sup>18</sup>, so no less effective but far less commercially damaging mechanisms for ensuring SPS compliance could be set in place.

<sup>17</sup> Agritrade, 'Commercial implications of EU SPS requirements hinder development of smallholder beef supplies in Namibia', 04 May 20

<sup>18</sup> Agritrade, 'Commercial implications of EU SPS requirements hinder development of smallholder beef supplies in Namibia', 04 May 2013,

The situation created for Namibian smallholder cattle farmer producing on communally held land in the foot-and-mouth disease (FMD) free zone is illustrative of the *commercial consequences which new interpretations of the application of existing SPS regulations can carry*. Unfortunately, these consequences, which are often structural in nature being linked to the local land tenure system under which smallholder farmers produce, are not commonly taken into account when designing SPS implementation requirements.

The interpretation now placed on EU SPS requirements for accessing the EU market is effectively *raising the costs to communal area farmers of serving EU export supply chains* and hence is making it *more and more difficult for EU approved abattoirs to secure EU approved cattle for slaughtering from smallholder producers raising cattle on communally held land*. This has seen the Namibian government appealing to the EU “to exempt parts of the country from the 40-day residency requirement”<sup>19</sup>, including the whole area south of the veterinary control fence (VCF). The Namibian government maintains its current systems of cattle identification, registration and certification, already ensure animals destined for slaughter for the EU market are transported, slaughtered and processed separate from other animals. The changes in the implementation of SPS requirements for Namibian beef exports highlights the need to improve *the design and application of SPS measures so as to systematically eliminate the bias against smallholder communal area producers, in FMD free production zones*.

#### **EU Investments in Communal Area Beef Supply Chain 2015-20:**

##### **Reconciling EU SPS Compliance Requirements with Policy Coherence Commitments**

In May 2015 a national indicative programme (NIP) agreement was signed by EC and Namibian government representatives which allocated a substantial part of some €20 million to strengthening the livestock value chain in Communal Areas. The EC Delegate to Namibia expressed the view that by “gradually adapting to a more commercial oriented” approach, more wealth and employment could be generated not only in farming communities but also throughout the “value chain like input providers, transporters, processors and retailers”. Under the NIP “investments are foreseen to improve the veterinary status, work on development of markets and market knowledge of producers, assist communities with small scale infrastructures to promote commercial cattle production and stimulate entrepreneurship to engage in value addition of rural value chains”<sup>20</sup>.

This would appear to be particularly important given the efforts underway to promote smallholder cattle farming in Namibia under EU financed development assistance programmes. While a fairly comprehensive approach is being adopted (see box 3) the danger exists that these planned investments in smallholder beef supply chains could be undermined, if SPS implementation requirements do not take into account the production realities faced in FMD disease-free communally owned farming areas in Namibia.

## **South Africa: The Case of Citrus Black Spot**

### **New Problems for a Well-established Exporter**

South Africa is the second largest exporter of fresh citrus fruit in the world after Spain. South Africa has a long standing citrus export trade with EU member states and supply about 1/3 of EU citrus imports. The EU as a whole is by far the largest market for a number of South African citrus fruit varieties.

While concerns have existed about the possible transmission of citrus black spot (CBS) to EU citrus orchards since 1992, discussions on the CBS issue were sporadic and inconclusive. In 2010 this led the South African authorities to take the question of the scientific basis for EU CBS concerns and

<sup>19</sup> Agritrade, ‘Commercial implications of EU SPS requirements hinder development of smallholder beef supplies in Namibia’, 04 May 20

<sup>20</sup> The agreed Namibian NIP can be found at: [http://ec.europa.eu/europeaid/sites/devco/files/nip-namibia-edf-11-2015\\_en.pdf](http://ec.europa.eu/europeaid/sites/devco/files/nip-namibia-edf-11-2015_en.pdf)

potential control measures to the *International Plant Protection Convention* (IPPC) Secretariat, which is seen as the appropriate technical body for advising the WTO on plant protection issues.

Unfortunately, the IPPC Secretariat only began to actively consider the issue after an October 2012 EC communication to the Citrus Growers Association of Southern Africa (CGA) to the effect ***that actions could be taken against imports of citrus fruit from South Africa, should detection of CBS infections in imported consignments from South Africa exceed 5 in any one season.*** The notification of this new ‘5-strike’ rule, caused concern in South Africa, since there had never been a year when less than 12 interceptions of CBS infected consignments had occurred.<sup>21</sup>

This saw the South African authorities intensify efforts to establish an expert panel under IPPC rules to review the CBS dispute. However rather formalistically, despite the sporadic consultations since 1992, the EC insisted on consultations before launching an expert panel. These consultations were initiated in February 2013, with the EC committing to a new Pest Risk Assessment (PRA) by July 2013. A draft of the PRA was duly circulated, with comments on the report being made by the South African authorities on the basis of the report of an international panel of citrus scientists<sup>22</sup>.

Alongside these efforts in the IPPC, the South Africa citrus industry sought to adopt a comprehensive approach to ensuring a “*robust risk management system*” was in place. This included additional disease controls measures consisting of comprehensive spraying and a strengthening of SPS inspections in the orchard, pack houses and immediately prior to export<sup>23</sup>. In September 2013 the South African citrus industry went further and introduced, on a voluntary basis, a ban on exports to the EU of citrus fruit from areas with cases of CBS infections<sup>24</sup>.

Despite these measures on 28<sup>th</sup> October 2013 the EC announced a ban on most imports of South African citrus fruit for the rest of this year. While this ban did not have any immediate impact on overall exports to the EU given the seasonal nature of South African citrus exports, the EC held out the prospect that “*the ban could be extended into next year if need be*”<sup>25</sup>.

Following the submission and consideration of the European Food Safety Agency’s (EFSA) PRA, on May 27 2014, the Plant Health Standing Committee of the EC decided to increase the control measures on South African citrus imports into the EU<sup>26</sup>. According to a USDA assessments this resulted in “*decreased orange imports from South Africa by 11.5 percent in the marketing year 2013/14*”<sup>27</sup> (see annex 3 for trends in South African citrus exports to the EU).

### **Factors Behind the Strengthening of EU CBS Controls**

While the introduction of stricter controls on citrus imports from South Africa can be seen both as part of a wider process of harmonisation of EU SPS control requirements and as part of a process aimed at ensuring SPS control requirements keep pace with the effects of climate change on the prospects for plant disease transmission, ***it cannot on be divorced from the market effects of wider processes of EU agricultural policy reform and the changing economic context of citrus production in Spain.***

---

<sup>21</sup> According to press reports 27 interceptions occurred in 2012.

<sup>22</sup> See Agritrade, ‘Dispute settlement procedures raise serious issues for South African citrus exporters’, Interview Justin Chadwick, CEO of the Citrus Growers’ Association of Southern Africa, 17 November 2013, <http://agritrade.cta.int/en/Agriculture/Commodities/Horticulture/Dispute-settlement-procedures-raise-serious-issues-for-South-African-citrus-exporters>

<sup>23</sup> Overall the costs of new measures introduced to control CBS in South Africa both prior to and subsequent to the introduction of the EU import ban was put at US \$68 million by the CGA. In the 2013/14 season this would have been equivalent to an additional cost of US\$ 113/tonne or 11.3 cents per kg of citrus exported to the EU.

<sup>24</sup> Freshfruitportal.com, ‘South Africa imposes restrictions in citrus shipments to EU’, 25 September 2013 <http://www.freshfruitportal.com/2013/09/25/south-africa-imposes-restrictions-on-citrus-shipments-to-eu/>

<sup>25</sup> Agritrade, ‘Debate on Citrus Black Spot continues’, 13 January 2014 <http://agritrade.cta.int/en/Agriculture/Commodities/Horticulture/Debate-on-Citrus-Black-Spot-continues>

<sup>26</sup> See EC, ‘Summary report of the meeting of the Standing Committee on Plant Health on 26-27 May 2014 [http://ec.europa.eu/food/plant/standing\\_committees/sc\\_plant\\_health/docs/sum\\_20140526-27\\_en.pdf](http://ec.europa.eu/food/plant/standing_committees/sc_plant_health/docs/sum_20140526-27_en.pdf)

<sup>27</sup> USDA GAIN, ‘EU28 Citrus Semi-annual 2015’, 17 June 2015, [http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Citrus%20Semi-annual\\_Madrid\\_EU-28\\_6-17-2015.pdf](http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Citrus%20Semi-annual_Madrid_EU-28_6-17-2015.pdf)

In 2008 the shift from production support to direct aid to producers began in the citrus sector in the EU. This was intended to improve the market orientation and price competitiveness of the citrus sector and formed an integral part of wider processes of EU fruit and vegetable sector reforms. This greater market orientation however has generated pressures on producers to be more responsive to market signals and left them more vulnerable to market pressures.

Part of the response to this new policy framework in Spain has been to try and extend the citrus production season, through the introduction of new early and late maturing citrus varieties. The aim has been to try and cover the whole marketing year, thereby securing more stable prices. This strategy alongside improvements in technologies to preserve the freshness of citrus fruit, has resulted in an increase in the competitive overlap between imports of citrus fruit from South African and domestic Spanish production<sup>28</sup>. In addition Spanish citrus companies have been expanding their investments in neighbouring Morocco and have a growing stake in this trade, particularly for soft citrus such as tangerines<sup>29</sup>.

The economic adjustments facing the Spanish citrus sector as a result of EU agricultural policy reforms have been compounded by a period of relatively lower producer prices for Spanish citrus.

It is against this background that Spanish citrus producer organisations have increased pressure on the Spanish government to give absolute priority to preventing the spread of citrus black spot to European orchards. The policy advocated by Spanish producer organisations is one of ‘zero-tolerance’ for CBS infections. A policy which serves to ***both increase the costs of placing South African citrus on the EU market and reduce competition for Spanish producers at the beginning of the European citrus season.***

#### Summary of Recent Citrus Price Developments

In December 2013, USDA was reporting lower orange prices in Spain as a result of the smaller calibres and larger production<sup>30</sup>. By June 2014, USDA was reporting “*relatively low*” citrus prices and “*stagnating citrus consumption*”<sup>31</sup>. In June 2015 for the 2014/15 marketing year USDA reported a 10.3% decline in Spanish production of oranges. According to USDA analysis “*several years in a row of an economic crisis in the orange sector have caused many abandoned orange orchards in the Region of Valencia substituting it by more profitable productions such as persimmon and kiwi*”<sup>32</sup>.

Reinforcing this USDA analysis, in March 2015 the President of the Valencian Growers Association (AVA-ASAJA), Cristóbal Aguado, described the ongoing Spanish citrus campaign as an “*unmitigated disaster*”. He went on to call for: measures “*to prevent citrus from continuing to be sold at a loss by supermarkets as a way to attract consumers*”; the establishment of a comprehensive plan for the industry to halt the conversion of land away from citrus production; and for Valencian farmers to convert to other citrus varieties to reduce pressure on the market during certain parts of the season<sup>33</sup>.

<sup>28</sup> While the main South African export season runs from June until October, exports of some citrus products can commence in April and end in November.

<sup>29</sup> In 2013/14 EU imports of tangerines from Morocco rose 63.1%, overtaking South Africa as the leading source of imports of tangerines to the EU. See USDA GAIN report ‘EU28 Citrus Semi-annual 2015’, 17 June 2015, [http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Citrus%20Semi-annual\\_Madrid\\_EU-28\\_6-17-2015.pdf](http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Citrus%20Semi-annual_Madrid_EU-28_6-17-2015.pdf)

<sup>30</sup> USDA GAIN report ‘EU-28 Citrus Annual’ 26 December 2013, <http://www.agrochart.com/en/news/news/261213/eu-28-citrus-annual-dec-2013/>

<sup>31</sup> USDA GAIN report ‘EU28 Citrus Semi-annual 2014’, 20 June 2014, [http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Citrus%20Semi-annual\\_Madrid\\_EU-28\\_6-20-2014.pdf](http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Citrus%20Semi-annual_Madrid_EU-28_6-20-2014.pdf)

<sup>32</sup> USDA GAIN report ‘EU28 Citrus Semi-annual 2015’, 17 June 2015, [http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Citrus%20Semi-annual\\_Madrid\\_EU-28\\_6-17-2015.pdf](http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Citrus%20Semi-annual_Madrid_EU-28_6-17-2015.pdf)

<sup>33</sup> Freshplaza.com, ‘Citrus campaign has so far been an unmitigated disaster’, 27 March 2015 <http://www.freshplaza.com/article/137356/Spain-Citrus-campaign-has-so-far-been-an-unmitigated-disaster>

## **The Contentious Nature of the New EU ‘5-strike’ Rule**

The strengthening of EU SPS requirements for imports of citrus from South Africa has proved highly controversial<sup>34</sup>. A 2000 EU CBS risk assessment had found “*there was no risk of CBS establishing in the EU as the climate was unsuitable and the fruit is not a pathway*”. This finding was subsequently confirmed by a 2010 US pest risk assessment and the conclusions of EFSA that “*the possibility of CBS establishing in the EU is highly unlikely*”<sup>35</sup>.

### **A European Citrus Buyer View**

According to a European citrus buyer quoted in a May 2015 Freshplaza.com article, the South Africa CBS issue is essentially

*‘a political problem, as in the last century not a single tree in Europe has been affected. Despite this, the Spanish lobby was so strong that these measures have been taken. It’s expensive for the South Africans and difficult for us, but enough South African citrus will once again make its way to Europe, also through re-export to Spain, as long as its declared somewhere else’*<sup>36</sup>.

This has led the CGA to conclude there is no scientific basis for the EU’s new ‘5-strike’ rule. This view was confirmed in October 2013 by the findings of an international panel of citrus scientists drawn from Brazil, Argentina, the USA, Uruguay, Australia and South Africa, convened to assess the findings of the EFSA on the risk of CBS transmission through trade. The panel of experts “*identified factual errors, omissions and differences*” in the 2013 EFSA assessment, which led to a “*strong overall disagreement with the outcome of the assessment*”.

The panel of international experts maintained “*a sequence of unlikely events would have to occur for there to be any prospect of imported citrus fruit giving rise to infection of citrus plants in the EU*”. What is more, it was maintained “*even if an infection event was to occur...there is no risk of establishment and spread under EU climate conditions*”<sup>37</sup>.

### **Findings of the September 2013 International Panel of Citrus Experts**

In September 2013 an international panel of citrus experts from Brazil, Argentina, USA, Uruguay, Australia and South Africa, presented a report on the danger of CBS transmission via the trade in citrus fruit. Three critical points were highlighted:

- “*CBS has never been reported to spread to new areas with fruit (without leaves) as the pathway and accordingly citrus fruit has never been demonstrated to be a pathway for the entry, establishment and spread of CBS*”;
- “*CBS has a wide global distribution, but is only known to occur in summer rainfall citrus production areas and nowhere in the world in areas with a Mediterranean climate*”;
- “*the only recorded mechanism by which CBS has been spread to new areas is through the movement of infected propagation material into areas where both the host is grown and the climate is suitable for establishment*”.

Current EU CBS Regulations were not considered “*scientifically justified or proportionate to the risk*”.

<sup>34</sup> The CGA claims these stricter controls are not applied equally towards all sources of citrus imports into the EU and that there is no scientific basis for the EU controls given trade in citrus fruits cannot be a vector for CBS fungal infection transmission.

<sup>35</sup> Citrus Growers Association of Southern Africa, ‘Annual Report 2013’,  
<http://www.cga.co.za/site/files/5438/CGA%20ANNUAL%20REPORT%202013%20e.pdf>

<sup>36</sup> freshplaza.com, ‘South African citrus exporters avoid EU as much as possible, but can't do without’, 7 May 2015  
<http://www.freshplaza.com/article/139428/South-African-citrus-exporters-avoid-EU-as-much-as-possible,-but-cant-do-without>

<sup>37</sup> CBS Expert Panel, ‘Comments on: EFSA Panel on Plant Health, 2013. Draft Scientific Opinion on the risk of *Phyllosticta citricarpa* (*Guignardia citricarpa*) for the EU territory with identification and evaluation of risk reduction options’, 11 September 2013  
<http://www.citrusres.com/sites/default/files/documents/CBS%20Expert%20Panel%20comments%20EFSA%20PRA%20CBS%202013.pdf>



Spanish citrus growers, who have gained support from pan-EU farmers organisations, take a very different view, claiming interception statistics “*clearly indicate that the phytosanitary problem in South Africa is out of control*”. Spanish citrus sector representatives have even gone so far as to suggest that “*no effective control systems are implemented*” in South Africa<sup>38</sup>. It was against this background that in May 2014 the EC Plant Health Standing Committee decided to increase the control measures on South African citrus imports into the EU.

### **The Challenge of Differential Application of EU SPS Rules**

Evidence suggests that part of the problem of increased CBS interceptions, which Spanish citrus growers used to justify stricter controls on imports from South Africa, arises from *the different control regimes applied by EU member states*. This includes, in the case of citrus imports into Spain from South Africa, *post-landing and clearance procedures which have given rise to the discovery of the virus after subsequent exceptional laboratory testing*<sup>39</sup>. According to CGA this gives rise to a situation where consignments of citrus imports have been *cleared of CBS at the border, have been sold and consumed, before reports have been tabled of a citrus black spot interception*. This it is argued is “*inconsistent with the normal procedure*”<sup>40</sup> and amounts to “*more of a witch hunt than risk mitigation*”<sup>41</sup>.

Analysis undertaken by the CGA of inspections processes and interception rates at different points of entry has found some stark differences in Spanish ports of entry compared to ports of entry in northern Europe. While only 5 interceptions were found in the 4,700 consignments of citrus fruit delivered to Rotterdam (an interception rate of **0.106%**) and only 1 interception in 2,750 consignments unloaded in the UK (an interception rate of **0.036%**), 10 interceptions were found in only 400 consignments landed in Spain (an interception rate of **2.5%**). The frequency of interceptions of CBS infected fruit in Spain were nearly 24 times higher than in Rotterdam and 69 times higher than in the UK<sup>42</sup>.

This raises an important issue, for while legislation on access and trade is harmonized at the EU level, *implementation of inspections remains a national responsibility, so each country can interpret how to apply the regulations as it sees fit, providing it meets some minimum standards set out at the EU level*<sup>43</sup>.

While pan-EU reporting on SPS based import interceptions provides the basis for the minimum EU inspection requirements and even the openness of the EU market to imports from particular countries, *there are enormous differences in how individual member states implement SPS import controls*. For example, under pressure from Spanish growers in early 2015 the South Africa citrus Growers Association received official notification from the Spanish authorities that *every individual consignment of citrus entering Spain from South Africa would be inspected*, since ‘*South African citrus posed a greater threat for the spread of CBS than that from other third countries*’<sup>44</sup>.

As such, stricter inspections are allowed since *EU regulations stipulate only required minimum levels of inspection, with no maximum levels being set* (beyond the general principle that SPS inspections should not unduly disrupt trade). In addition, while at the EU level *minimum standards for inspection exist, no maximum standards for inspections are established*. This allows major

---

<sup>38</sup> Freshfruitplaza.com, ‘South Africa cancelling citrus shipments to S. Europe is nonsense’, 27 February <http://www.freshplaza.com/article/135916/South-Africa-cancelling-citrus-shipments-to-S.-Europe-is-nonsense>

<sup>39</sup> Freshplaza.com, ‘South Africa may consider stopping citrus to Southern Europe’, 18 February 2015 <http://www.freshplaza.com/article/135418/South-Africa-may-consider-stopping-citrus-to-Southern-Europe>

<sup>40</sup> Freshfruitportal.com, ‘South Africa alleges inconsistent citrus inspections in Southern Europe’, 11 February 2015 <http://www.freshfruitportal.com/2015/02/11/south-africa-alleges-inconsistent-citrus-inspections-in-southern-europe>

<sup>41</sup> Freshplaza.com, ‘South Africa may consider stopping citrus to Southern Europe’, 18 February 2015 <http://www.freshplaza.com/article/135418/South-Africa-may-consider-stopping-citrus-to-Southern-Europe>

<sup>42</sup> Freshplaza.com, ‘South Africa may consider stopping citrus to Southern Europe’, 18 February 2015 <http://www.freshplaza.com/article/135418/South-Africa-may-consider-stopping-citrus-to-Southern-Europe>

<sup>43</sup> Freshfruitportal.com, ‘South Africa alleges inconsistent citrus inspections in Southern Europe’, 11 February 2015 <http://www.freshfruitportal.com/2015/02/11/south-africa-alleges-inconsistent-citrus-inspections-in-southern-europe>

<sup>44</sup> Freshplaza.com, ‘South Africa may consider stopping citrus to Southern Europe’, 18 February 2015 <http://www.freshplaza.com/article/135418/South-Africa-may-consider-stopping-citrus-to-Southern-Europe>

differences in the conduct of inspections at the national level, which can carry implications for trade with the EU as a whole. It is this which *leaves considerable scope for the use of SPS controls as a protectionist tool*.

### **The On-going Nature of the CBS Controversy**

In 2014, in response to an invitation from DG SANCO<sup>45</sup> to visit all institutions where CBS strikes are recorded, South African CBS experts visited import inspection facilities in Holland and Germany. These facilities were felt to be ‘*exemplary*’. However, South African CBS exports were refused entry to inspection facilities in Spain and Italy. This, it was held, cast “*unnecessary doubt on the procedures and methodology*” being applied in Spain and Italy. The implicit suggestion by the CGA that Spanish inspectors were unprofessional, caused outrage and were fervently rejected by representatives of Spanish citrus producers.

The CGA for its part has sought a way out of this impasse, by proposing a programme of investigations which would *strengthen the scientific basis of the underlying debate on CBS controls*. It was proposed that *where infected fruit was intercepted, independent EU scientists should take cuttings of CBS lesions and culture these lesions to see if the fungus would take root and grow*. This, it is felt, would then establish whether trade in citrus fruit could constitute a pathway for disease transmission.

However, since the *implementation of SPS controls remain a national responsibility, the EC and the responsible pan-EU scientific bodies have no powers to undertake such a review*. Against this background *any unilateral EC or EFSA initiative would be likely to cause considerable controversy in the EU Council of Ministers*.

It is against this background that in March 2015 the CGA recommended that South African exporters halt citrus exports to Spain. Citrus exports to Spain were seen representing an ‘*unreasonable risk*’, which would endanger exports to the wider EU market. This recommendation was adopted by the industry and direct exports of South African citrus to Spain were discontinued.

However, this is unlikely to be the end of the matter. The Spanish citrus industry argues citrus fruit imported through northern European ports could still end up in Spain. It therefore continues to advocate for ‘*zero-tolerance*’ for *CBS infections on imports from South Africa across the whole territory of the EU*. This could potentially create problems for the European Commission, if the Spanish authorities were to introduce new controls on intra-EU trade in citrus products, in response to producer pressures. This would be a serious development since it would challenge the functioning of the single market within the EU.

Clearly a way forward needs to be found to reconcile *the pan-EU application of SPS related market access measures* and the *differential application of EU SPS standards by individual EU member states*. This would appear essential if the national application of SPS measures is not to emerge as a new non-tariff barrier to trade.

### **Strengthening International Procedures for SPS Dispute Settlement**

The growing impact of SPS measures on trade flows and the shortcomings of the IPPC process identified in the CBS case, suggests *a need for a review of international mechanisms for the resolution of SPS disputes*.

The CBS case raises a number of specific shortcomings, ranging from *the capacity constraints faced by such international bodies to the issue of the independence of such bodies from their principal financiers*<sup>46</sup>. It would appear to be essential to ensure the existence of *a robust, reliable, non-partisan*

---

<sup>45</sup> Directorate General for Health and Consumer Affairs.

<sup>46</sup> It has been suggested that the IPPC may have been reluctant to pro-actively proceed with the CBS case in the absence of any direct trade dispute since its funding comes predominantly from the EU.

*body to resolve SPS disputes.* This needs to include *clear procedures to be followed, with strict timelines for the conduct of the agreed procedures,* with both parties being *obliged to follow the process.* It also requires an enhancement of the capacities of international technical bodies (such as the IPPC), so they can proactively engage in dispute resolution.

### **The WTO Dimension: Creating New Possibilities**

Beyond the IPPC there remains the option of taking SPS disputes to the WTO. In October 2014 South Africa's Trade and Industry Minister, Rob Davies, argued that unless a resolution of the current dispute was forthcoming South Africa would have "*no choice but to take the CBS matter to the WTO*". However, as the CGA has pointed out, taking the matter to WTO dispute settlement would be a costly exercise<sup>47</sup>. If such a course of action would be costly for a well-established exporter, such as South Africa, it would seem likely that such a course of action would be entirely beyond the reach of smaller developing and least developed countries.

In addition, this WTO route is seen as being far more confrontational, with this potentially discouraging smaller economies from challenging larger economies over the design and application of their SPS measures, for fear of informal retaliatory action in other sectors, which would serve to profoundly disrupt trade.

It is against this background that consideration needs to be given to the proposal by Joseph Stiglitz and Andrew Charlton for the establishment under WTO rules of a "*right to trade*". This '*right to trade*' would seek to address "*the trade barriers facing exporters from developing countries*", by granting them the right to '*bring an action against an advanced country on the basis that a specific policy materially impedes the development of an identified community in a poor country by restricting their ability to trade*'. Under this proposal groups of developing countries, non-state actors and a *new office of 'defender of the right to trade'* would all be eligible to bring actions against member states who applied non-tariff measures in ways which created barriers to trade for groups of developing country producers<sup>48</sup>.

---

<sup>47</sup> Freshfruitnet.com, 'No South African citrus to Spain in 2015', 16 March 2015, <http://www.fruitnet.com/eurofruit/article/164581/rso-opts-against-spanish-shipments>

<sup>48</sup> See Joseph Stiglitz and Andrew Charlton, 'The right to trade: Rethinking the aid for trade agenda', Commonwealth Secretariat 2013, <http://unctad.org/meetings/en/Miscellaneous%20Documents/Right-to-Trade-Report.pdf> and <http://thecommonwealth.org/media/news/professor-joseph-stiglitz-calls-%E2%80%98right-trade%E2%80%99>

## Annex 1

**Table 1: Changes in UK Inspection fees for cut flowers, daytime and non-day time working (standard treatment)**

	1 January 2011 (1)	6 April 2012 (2)	6 April 2013 (3)	6 April 2014 (4)	% change 2011/14
<b>Cut flowers (up to 20,000 stems)</b>					
<b>Day Time</b>	£14.28	£46.98	£49.66	£47.87	+235.2%
<b>Non Day Time</b>	£21.42	£70.47	£74.50	£71.80	+235.2
<b>Each additional 1,000 stems</b>					
<b>Day Time</b>	£0.11 (up to a max of. £114.24)	£0.36 (up to a max of. £375.84)	£0.38 (up to a max of. £397.31)	£0.37 (up to a max of. £382.92)	+236.4%
<b>Non Day Time</b>	£0.16	£0.54	£0.57	£0.55	+243.8%
<b>Fresh fruit and veg (up to 25 tonne)</b>					
<b>Day Time</b>	£14.28	£46.98	£49.66	£47.87	+235.2%
<b>Non Day Time</b>	£21.42	£70.47	£74.50	£71.80	+235.2
<b>Each additional tonne</b>					
<b>Day time</b>	£0.57	£1.88	£1.98	£1.91	+235.1%
<b>Non Day Time</b>	£0.85	£2.81	£2.97	£2.87	+237.6%

**Source:** Agritrade, 'UK moves to full cost recovery for SPS inspections, but no agreement yet at EU level', 09 June 2014, <http://agritrade.cta.int/Agriculture/Topics/SPS-Food-safety/UK-moves-to-full-cost-recovery-for-SPS-inspections-but-no-agreement-yet-at-EU-level>

**Original Sources:** Plant Health England, 'The Plant Health (Import Inspection Fees) (England) Regulations 2010, no. 2693', 4 November 2010

[http://www.legislation.gov.uk/uksi/2010/2693/pdfs/uksi\\_20102693\\_en.pdf](http://www.legislation.gov.uk/uksi/2010/2693/pdfs/uksi_20102693_en.pdf)

Plant Health England, 'The Plant Health (Import Inspection Fees) (England) Regulations 2012, no. 745', 6 March 2012

[http://www.legislation.gov.uk/uksi/2012/745/pdfs/uksi\\_20120745\\_en.pdf](http://www.legislation.gov.uk/uksi/2012/745/pdfs/uksi_20120745_en.pdf)

Plant Health England, 'The Plant Health (Import Inspection Fees) (England) Regulations 2013, no. 494', 4 March 2013

[http://www.legislation.gov.uk/uksi/2013/494/pdfs/uksi\\_20130494\\_en.pdf](http://www.legislation.gov.uk/uksi/2013/494/pdfs/uksi_20130494_en.pdf)

Plant Health England, 'The Plant Health (Fees) (England) Regulations 2014, No 601', 11 March 2014

[http://www.legislation.gov.uk/uksi/2014/601/pdfs/uksi\\_20140601\\_en.pdf](http://www.legislation.gov.uk/uksi/2014/601/pdfs/uksi_20140601_en.pdf)

**Table 2: Changes in UK Inspection fees for Roses per 20,000 stems from selected East African countries, daytime and non-day time working (Reduced rates per country)**

	1 January 2011 (1)	6 April 2012 (2)	6 April 2013 (3)	6 April 2014 (4)	% change 2011/14
<b>Kenya</b>					
<b>Day Time</b>	£0.71	£2.35	£2.48	£2.39	+236.6 %
<b>Non Day Time</b>	£1.06	£3.52	£3.72	£3.59	238.7%
<b>Zambia</b>					
<b>Day Time</b>	£3.57	£11.74	£12.42	£11.96	+235.0 %
<b>Non Day Time</b>	£5.35	£17.62	£18.62	£17.95	235.5%
<b>Uganda</b>					
<b>Day Time</b>	£3.57	£11.74	£12.42 £18.62	n.a.	n.a
<b>Non Day Time</b>	£5.35	£17.62			
<b>Tanzania</b>					
<b>Day Time</b>	£1.42	£4.70	£4.96	£7.18	+505.6%
<b>Non Day Time</b>	£2.13	£7.05	£7.42	£10.77	+505.6
<b>Ethiopia</b>					
<b>Day Time</b>	£0.71	£2.35	£4.96	£4.78	+ 598.6%
<b>Non Day Time</b>	£1.06	£3.52	£7.41	£7.18	+577.4%

## Annex 2

**Table 3: Minimum % of consignments of cut flowers to be inspected (Commission regulation (EC) 1759/2004) – Decision 30 August 2013**

Genus	Country of origin	Taric Code	Min % consign. checks	Date of application from	Revised Min % consign. checks	Date of Application from
Aster	Zimbabwe	0603199090	75%	1/1/ 2013	100%	1/1/2014
Dianthus	Kenya	060312	5%	1/1/2011	-	-
Rosa	Ethiopia	060311	10%	1/1/2013	-	-
Rosa	Kenya	060311	5%	1/1/2011	-	-
Rosa	Tanzania	060311	10%	1/1/2011	15%	1/1/2014
Rosa	Uganda	060311	25%	1/1/2011	100%	1/9/2013
Rosa	Zambia	060311	25%	1/1/2011	-	-

**Source:** Notification of reduced plant health checks for certain products, Commission Regulation (EC) 1756/2004, Period: 01.07. 2013 – 2014, 30 August 2013

[http://ec.europa.eu/food/plant/plant\\_health\\_biosafety/trade\\_non\\_eu/docs/recommended\\_products\\_plant\\_checks\\_en.pdf](http://ec.europa.eu/food/plant/plant_health_biosafety/trade_non_eu/docs/recommended_products_plant_checks_en.pdf)

## Annex 3

### EU-28 Citrus Imports from South Africa, Total and % share of South Africa<sup>49</sup>

	MY 2011/2012	MY 2012/2013	MY 2013/2014	% change 112/13-13/14
<b>Oranges Imports</b>				
South Africa	409,826	425,237	376,428	- 11.48%
Total	848,426	882,780	818,180	- 7.32%
RSA %	48.3%	48.2%	46.0%	
<b>Tangerines Imports</b>				
South Africa	67,179	80,673	84,017	+ 4.15%
Total	341,658	316,832	367,069	+15.86%
RSA %	19.7%	25.5%	22.9%	
<b>Lemons Imports</b>				
South Africa	44,342	42,132	28,540	-32.26%
Total	427,376	444,458	421,925	- 4.07%
RSA %	10.4%	9.5%	6.8%	
<b>Grapefruits Imports</b>				
South Africa	76,479	103,610	83,752	-19.17%
Total	340,619	336,457	363,958	+ 8.17%
RSA %	22.5%	30.8%	23.0%	
<b>Total Citrus Imports</b>				
South Africa	597,826	651,652	572,737	-12.11%
Total	1,958,079	1,980,527	1,971,132	-0.47%
RSA Share	30.53%	32.90%	26.77%	

<sup>49</sup> USDA GAIN, 'EU28 Citrus Semi-annual 2015', 17 June 2015, [http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Citrus%20Semi-annual\\_Madrid\\_EU-28\\_6-17-2015.pdf](http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Citrus%20Semi-annual_Madrid_EU-28_6-17-2015.pdf)

## Comprehensive List of Sources

### **Agritrade**

Agritrade, 'Financing EU food and feed controls: Recent developments and implications for the ACP', 18 January 2015

<http://agritrade.cta.int/en/Agriculture/Commodities/Horticulture/Financing-EU-food-and-feed-controls-Recent-developments-and-implications-for-the-ACP>

Agritrade, 'Analysis throws light on the differential impact on companies of increased costs of accessing EU markets', 11 August 2014,

<http://agritrade.cta.int/en/Agriculture/Topics/EPAs/Analysis-throws-light-on-the-differential-impact-on-companies-of-increased-costs-of-accessing-EU-markets#imageModal>

Agritrade, 'ACP agricultural exports and proposed changes to the EU Regulation on food and feed controls', 12 May 2014,

<http://agritrade.cta.int/en/Agriculture/Topics/SPS-Food-safety/ACP-agricultural-exports-and-proposed-changes-to-the-EU-Regulation-on-food-and-feed-controls>

### **Copa-Cogeca**

Copa-Cogeca, 'Copa-Cogeca criticises MEPs vote to impose on farmers fees for inspection costs and to reduce the scope of official controls', 21 February 2014

<http://www.copa-cogeca.be/Main.aspx?page=Archive>

### **Commonwealth Secretariat**

The Commonwealth Secretariat, 'EU policy changes pending the EPA deals: Implications for African global value chains', Commonwealth Trade Hot Topics, Issue 108, 2014

[http://commonwealth.assetbank-server.com/assetbank-commonwealth/action/viewAsset?id=22558&index=8&total=94&categoryId=1552&categoryTypeId=1&collecton=Trade%20Hot%20Topics&sortAttributeId=0&sortDescending=false%20&utm\\_source=ECDPM+Newsletter+List&utm\\_campaign=1519121da6-Weekly+Compass+193+13-06-2014&utm\\_medium=email&utm\\_term=0\\_f93a3dae14-1519121da6-388626165#imageModal](http://commonwealth.assetbank-server.com/assetbank-commonwealth/action/viewAsset?id=22558&index=8&total=94&categoryId=1552&categoryTypeId=1&collecton=Trade%20Hot%20Topics&sortAttributeId=0&sortDescending=false%20&utm_source=ECDPM+Newsletter+List&utm_campaign=1519121da6-Weekly+Compass+193+13-06-2014&utm_medium=email&utm_term=0_f93a3dae14-1519121da6-388626165#imageModal)

### **EU**

Freshplaza.com, 'Citrus campaign has so far been an unmitigated disaster; '27 March 2015  
<http://www.freshplaza.com/article/137356/Spain-Citrus-campaign-has-so-far-been-an-unmitigated-disaster>

See EC, 'Summary report of the meeting of the Standing Committee on Plant Health on 26-27 May 2014  
[http://ec.europa.eu/food/plant/standing\\_committees/sc\\_plant\\_health/docs/sum\\_20140526-27\\_en.pdf](http://ec.europa.eu/food/plant/standing_committees/sc_plant_health/docs/sum_20140526-27_en.pdf)

European Commission, 'Notification of reduced plant health checks for certain products: EC Regulation 1756/2004, Period: 01.07.2013–2014', 30 August 2013

<http://www.food.gov.uk/enforcement/regulation/europeleg/feedandfood/882-proposals/#.U28dkPmSzhA>

EC, 'Europhyt 2013 Food and Veterinary Office Annual Report', 2014

[http://ec.europa.eu/food/plant/plant\\_health\\_biosafety/europhyt/docs/annual-report\\_europhyt\\_2013\\_en.pdf](http://ec.europa.eu/food/plant/plant_health_biosafety/europhyt/docs/annual-report_europhyt_2013_en.pdf)

### **Namibia**

Namibian NIP can be found at:

[http://ec.europa.eu/europeaid/sites/devco/files/nip-namibia-edf-11-2015\\_en.pdf](http://ec.europa.eu/europeaid/sites/devco/files/nip-namibia-edf-11-2015_en.pdf)

The Namibian, 'Meatco Targets Rural Farmers', 11 February 2014,

<http://allafrica.com/stories/201402111098.html>

Agritrade, 'Commercial implications of EU SPS requirements hinder development of smallholder beef supplies in Namibia', 04 May 2013

<http://agritrade.cta.int/en/Agriculture/Commodities/Beef/Commercial-implications-of-EU-SPS-requirements-hinder-development-of-smallholder-beef-supplies-in-Namibia>

Meatco Annual Report 2014-15

<http://www.meatco.com.na/wp-content/uploads/2015/02/Download-the-2015-Meatco-Annual-Report.pdf>

Meatco Annual Report 2013-14

[http://www.meatco.com.na/wp-content/uploads/2015/02/annual\\_report\\_2014.pdf](http://www.meatco.com.na/wp-content/uploads/2015/02/annual_report_2014.pdf)

Meatco Annual Report 2012-13

[http://www.meatco.com.na/wp-content/uploads/2015/02/31-05-13\\_3512\\_\\_meatco\\_annual\\_report\\_2013.pdf](http://www.meatco.com.na/wp-content/uploads/2015/02/31-05-13_3512__meatco_annual_report_2013.pdf)

Meatco Annual Report 2011-12

[http://www.meatco.com.na/sites/default/files/meatco\\_annual\\_report\\_2011\\_2012.pdf](http://www.meatco.com.na/sites/default/files/meatco_annual_report_2011_2012.pdf)

### **OECD**

OECD, 'Non-tariff measures in agri-food trade: Improving policy coherence for development', PCD [Policy Coherence for Development] in Focus, 24 January 2013

<https://community.oecd.org/docs/DOC-50363>

### **South Africa**

freshplaza.com, 'South African citrus exporters avoid EU as much as possible, but can't do without', 7 May 2015

<http://www.freshplaza.com/article/139428/South-African-citrus-exporters-avoid-EU-as-much-as-possible,-but-cant-do-without>

Freshfruitnet.com, 'No South African citrus to Spain in 2015', 16 March 2015,

<http://www.fruitnet.com/eurofruit/article/164581/rsa-opts-against-spanish-shipments>

Freshfruitplaza.com, 'South Africa cancelling citrus shipments to S. Europe is nonsense', 27 February 2015

<http://www.freshplaza.com/article/135916/South-Africa-cancelling-citrus-shipments-to-S.-Europe-is-nonsense>

Freshplaza.com, 'South Africa may consider stopping citrus to Southern Europe', 18 February 2015

<http://www.freshplaza.com/article/135418/South-Africa-may-consider-stopping-citrus-to-Southern-Europe>

Freshfruitportal.com, 'South Africa alleges inconsistent citrus inspections in Southern Europe', 11 February 2015

<http://www.freshfruitportal.com/2015/02/11/south-africa-alleges-inconsistent-citrus-inspections-in-southern-europe>

Freshplaza.com, 'South Africa may consider stopping citrus to Southern Europe', 18 February 2015

<http://www.freshplaza.com/article/135418/South-Africa-may-consider-stopping-citrus-to-Southern-Europe>

Agritrade, 'Debate on Citrus Black Spot continues', 13 January 2014

<http://agritrade.cta.int/en/Agriculture/Commodities/Horticulture/Debate-on-Citrus-Black-Spot-continues>

Citrus Growers Association of Southern Africa, 'Annual Report 2013,

<http://www.cga.co.za/site/files/5438/CGA%20ANNUAL%20REPORT%202013%20e.pdf>

CBS Expert Panel, 'Comments on: EFSA Panel on Plant Health, 2013. Draft Scientific Opinion on the risk of *Phyllosticta citricarpa* (*Guignardia citricarpa*) for the EU territory with identification and evaluation of risk reduction options', 11 September 2013

<http://www.citrusres.com/sites/default/files/documents/CBS%20Expert%20Panel%20comments%20EFSA%20RA%20CBS%202013.pdf>

Agritrade, 'Dispute settlement procedures raise serious issues for South African citrus exporters', Interview Justin Chadwick, CEO of the Citrus Growers' Association of Southern Africa, 17 November 2013,

<http://agritrade.cta.int/en/Agriculture/Commodities/Horticulture/Dispute-settlement-procedures-raise-serious-issues-for-South-African-citrus-exporters>

Freshfruitportal.com, 'South Africa imposes restrictions in citrus shipments to EU', 25 September 2013

<http://www.freshfruitportal.com/2013/09/25/south-africa-imposes-restrictions-on-citrus-shipments-to-eu/>

### **UNCTAD**

UNCTAD, 'Non-tariff measures to trade: Economic and policy issues for developing countries', 2013

[http://unctad.org/en/PublicationsLibrary/ditctab20121\\_en.pdf](http://unctad.org/en/PublicationsLibrary/ditctab20121_en.pdf)

European Commission, 'Notification of reduced plant health checks for certain products: EC Regulation 1756/2004, Period: 01.07.2013–2014', 30 August 2013

<http://www.food.gov.uk/enforcement/regulation/europeleg/feedandfood/882-proposals/#.U28dkPmSzhA>

#### **UK Agencies**

Food Standards Agency, 'Proposed changes to EU Regulation 882/2004', 29 April 2014

<http://www.food.gov.uk/enforcement/regulation/europeleg/feedandfood/882-proposals/#.U28dkPmSzhA>

Plant Health England, 'The Plant Health (Import Inspection Fees) (England) Regulations 2010, no. 2693', 4 November 2010

[http://www.legislation.gov.uk/uksi/2010/2693/pdfs/uksi\\_20102693\\_en.pdf](http://www.legislation.gov.uk/uksi/2010/2693/pdfs/uksi_20102693_en.pdf)

Plant Health England, 'The Plant Health (Import Inspection Fees) (England) Regulations 2012, no. 745', 6 March 2012

[http://www.legislation.gov.uk/uksi/2012/745/pdfs/uksi\\_20120745\\_en.pdf](http://www.legislation.gov.uk/uksi/2012/745/pdfs/uksi_20120745_en.pdf)

Plant Health England, 'The Plant Health (Import Inspection Fees) (England) Regulations 2013, no. 494', 4 March 2013

[http://www.legislation.gov.uk/uksi/2013/494/pdfs/uksi\\_20130494\\_en.pdf](http://www.legislation.gov.uk/uksi/2013/494/pdfs/uksi_20130494_en.pdf)

Plant Health England, 'The Plant Health (Fees) (England) Regulations 2014, No 601', 11 March 2014

[http://www.legislation.gov.uk/uksi/2014/601/pdfs/uksi\\_20140601\\_en.pdf](http://www.legislation.gov.uk/uksi/2014/601/pdfs/uksi_20140601_en.pdf)

#### **USDA**

USDA GAIN, 'EU28 Citrus Semi-annual 2015', 17 June 2015,

[http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Citrus%20Semi-annual\\_Madrid\\_EU-28\\_6-17-2015.pdf](http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Citrus%20Semi-annual_Madrid_EU-28_6-17-2015.pdf)

USDA GAIN report 'EU28 Citrus Semi-annual 2015', 17 June 2015,

[http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Citrus%20Semi-annual\\_Madrid\\_EU-28\\_6-17-2015.pdf](http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Citrus%20Semi-annual_Madrid_EU-28_6-17-2015.pdf)

USDA GAIN report 'EU28 Citrus Semi-annual 2014', 20 June 2014,

[http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Citrus%20Semi-annual\\_Madrid\\_EU-28\\_6-20-2014.pdf](http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Citrus%20Semi-annual_Madrid_EU-28_6-20-2014.pdf)

USDA GAIN report 'EU-28 Citrus Annual' 26 December 2013,

<http://www.agrochart.com/en/news/news/261213/eu-28-citrus-annual-dec-2013/>