

**RESTRICTION TO TRADE ADOPTED IN RELATION TO THE OCCURRENCE OF THE
SCHMALLEMBERG VIRUS IN THE EUROPEAN UNION**

Communication from the European Union

The following communication, received on 29 June 2012, is being circulated at the request of the Delegation of the European Union.

Summary

The European Union continues to act in full transparency and share regular information with all WTO Members on the Schmallenberg virus situation. New scientific findings, the evolution of the epidemiological situation, reports published by EFSA and ECDC and the conclusions of the 80th OIE General Session provide sufficient justification to request that all WTO Members imposing trade restrictions related to Schmallenberg virus remove them without delay.

Such restrictions are untenable and do not correspond to the basic principles enshrined in the SPS Agreement, namely of scientific justification, proportionality and non-discrimination.

The current situation represents a crucial test for the international community to demonstrate that any WTO Member that follows international standards and acts within the spirit of the SPS Agreement – particularly by respecting the principle of transparency - will not be unduly penalised.

1. Following information shared during the previous SPS Committee meeting, the European Union is pleased to provide an update on the evolution of the situation as regards the Schmallenberg virus (SBV) infection.
2. Since the appearance and detection of the SBV infection in the European Union, the European Commission, working in close cooperation with the EU member States, has closely followed the issue, coordinated the EU response and ensured that the European Union and its member States apply a policy of full transparency towards stakeholders and third country partners.
3. This included several initiatives:
 - (i) the immediate notifications to the OIE made by the affected EU member States¹ in the context of the procedure foreseen for emerging diseases;

¹ Germany, the Netherlands, Belgium, the United Kingdom, France, Italy, Luxembourg and Spain

- (ii) the creation of a specific website with all the relevant information on SBV²;
- (iii) the organisation of a one-day scientific seminar on the "Management of the Schmallenberg Virus"³;
- (iv) numerous bilateral discussions with EU trading partners;
- (v) sharing the latest scientific findings with the OIE;
- (vi) the issuance of three scientific reports by the European Food Safety Authority (EFSA); and
- (vii) the risk assessment issued by the European Centre for Disease Control (ECDC).

4. It should be underlined that, in the past few months, additional substantial evidence has been gathered confirming that SBV has a very minor impact on livestock production (around four thousand cases in newborn ruminants which counts for less than 0,002 per cent of the susceptible ruminant population in the European Union). The EFSA reports on the epidemiology⁴ of this virus and its impact⁵ show a clear decline in the number of malformed SBV-positive newborn animals after February 2012. From the conclusions of the reports, the impact on the 2012-2013 calving season should be even lower in the regions already affected by this virus.

5. The ECDC latest assessment, based on scientific studies performed in Germany and in the Netherlands, concludes that the risk of infection of humans exposed to SBV is absent or extremely low and that it is very unlikely that SBV poses a risk to humans.⁶

6. In the light of the scientific information made available by the European Union, the OIE has developed and updated a technical factsheet⁷ which was the basis for a constructive discussion at the 80th OIE General Session on 20-26 May 2012 in Paris. On this issue, the World Assembly of Delegates concluded that:

- (i) the risk posed by commodities such as meat, milk, semen and embryos is negligible;
- (ii) the conditions to consider this infection as an emerging disease are no longer met; and
- (iii) the disease does not meet the criteria for listing by the OIE.

7. The conclusions of the OIE, based on scientific evidence, clearly support the EU's view with respect to the management of the risk that the trade in animals and products may represent and that the SBV virus deserves the same approach as for other viruses of the Simbu serogroup (e.g. Sathuperi, Shamonda, Douglas and Akabane).

8. In the light of these developments, in early June 2012, the eight EU member States that notified the occurrence of SBV to the OIE in their territory informed the OIE and its members, via World Animal Health Information System (WAHIS), that the SBV would no longer be considered as an emerging disease in the EU and that events were resolved.

9. Nevertheless, appropriate investigations and scientific research continue in the affected countries with the financial support of the European Union. EFSA will continue to monitor

² <http://ec.europa.eu/food/sbv>

³ http://ec.europa.eu/food/animal/diseases/schmallenberg_virus/scientific_seminar_en.htm

⁴ <http://www.efsa.europa.eu/en/supporting/doc/277e.pdf>

⁵ <http://www.efsa.europa.eu/en/efsajournal/pub/2768.htm>

⁶ <http://ecdc.europa.eu/en/healthtopics/schmallenberg-virus/Pages/index.aspx>

⁷ http://www.oie.int/fileadmin/Home/eng/Our_scientific_expertise/docs/pdf/A_Schmallenberg_virus.pdf

developments and update its reports. The European Union remains committed to inform third country partners of new significant scientific or epidemiological developments in a timely manner.

10. Given all the scientific knowledge that has been accumulated and made available to the scientific community and following the position adopted by the OIE, the European Union urges third countries that have adopted restrictive measures on imports of meat, milk, semen and embryos from the European Union to remove those restrictions. These restrictions are neither scientifically justified nor proportionate due to the negligible risk posed by these commodities.

11. The European Union also considers that any measures adopted should be taken in compliance with the SPS Agreement, namely the basic principles of scientific justification, proportionality and non-discrimination. This implies that third countries applying those measures should be able to demonstrate that they are free from SBV and that similar measures are also applied against other viruses of the Simbu serogroup in their own territory and when dealing with other trading partners.

12. The elements, data, and arguments presented in this communication are fully and unanimously backed by all EU Chief Veterinary Officers meeting in June 2012, in Denmark, as detailed in their statement of 8 June 2012.⁸ Apart from re-iterating the points highlighted above, this statement demonstrates the strong political will that exists for a coordinated and unified approach towards this issue by the European Union.

13. In the next few years, newly available techniques, such as the metagenomic analysis that was applied by the Friedrich-Loeffler-Institut, Germany, to detect SBV⁹, will likely lead to the detection of previously unknown viruses and disease agents all over the world, which may or may not have a significant impact on animal or human health. This situation represents a crucial test for the international community to demonstrate that *any* member of our community that follows international standards and acts within the spirit of the SPS Agreement will not be unduly penalised.

14. It is of paramount importance that transparency be encouraged to ensure timely disease notification and adequate early response for any, and all, future emerging diseases that might occur.

15. The European Union is ready to work with others to ensure such transparency but it is equally ready to raise any unjustified trade restrictions in both the SPS Committee and the OIE as appropriate.

16. In conclusion, the European Union requests that, in light of the in-depth information provided above, all restrictions imposed as a result of the occurrence of Schmallenberg on EU exports are unequivocally withdrawn.

17. In that context, the European Union is willing to maintain an open and constructive dialogue with the aim of improving animal health in all corners of the globe.

⁸ http://ec.europa.eu/food/animal/diseases/schmallenberg_virus/docs/statement_cvo_june_en.pdf

⁹ http://wwwnc.cdc.gov/eid/article/18/3/11-1905_article.htm