



EU CBS Dispute Resolution

Lambert Botha

Hilton Lambert – Practitioners of Trade Law

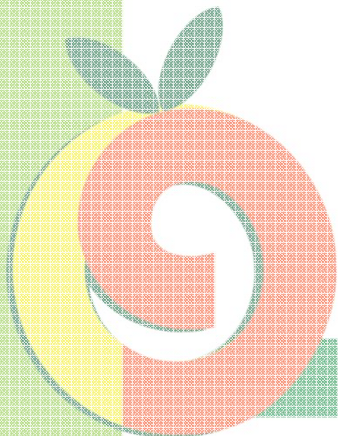


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Introduction

- The Dispute
- Responses by Affected Parties
- Resolving the Trade Dispute within the Framework of the 2013 CGA Strategic Plan



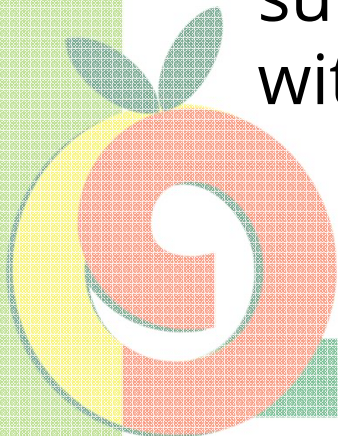
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Responses by Parties

Council Directive 2000/29/EC- Protection against introduction of harmful organisms

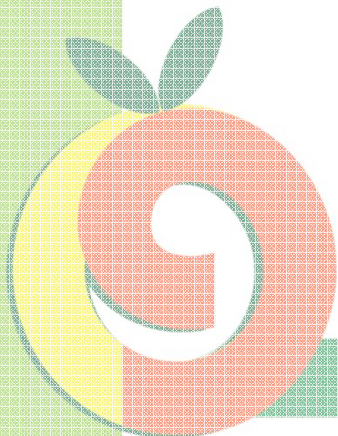
- Annex II, Part A, Section 1(c): Lists *Guignardia Citricarpa* Kiely as harmful organism
- Annex IV, Part A, Section 1.16(4): special requirements for introduction and movement of citrus fruit
(d) the fruits originate in a field of production subjected to appropriate treatment against CBS, with no symptoms on fruit harvested



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Responses by Parties

- South Africa
2000-2009 CBS PRA
- EFSA
2008 Scientific Opinion on SA CBS PRA
- USA
2010 CBS PRA
- EFSA
2013 Draft Scientific Opinion on CBS

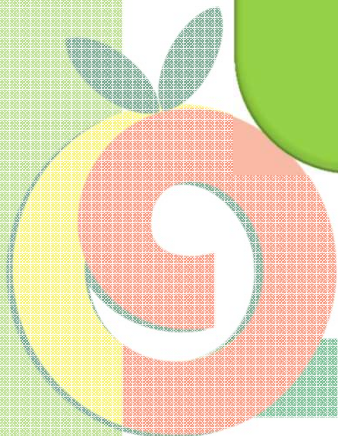


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Responses by Parties

- International Expert Panel
2013 Response to Draft EFSA RA (2013)

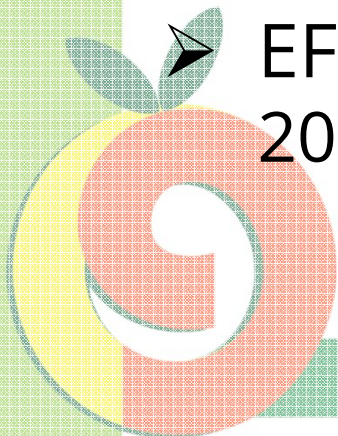
“CBS has never been reported to spread to new areas with fruit (without leaves) as the pathway and accordingly citrus fruit has never been demonstrated to be a pathway for the entry, establishment and spread of CBS”



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Responses by Parties

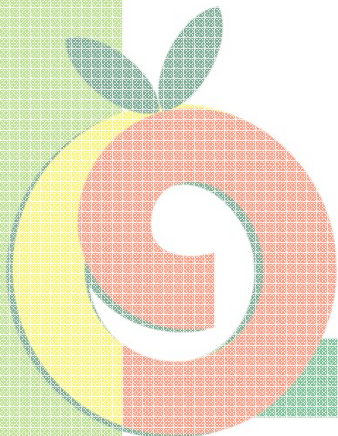
- EFSA
2013 Technical Report on Consultations
- EFSA
2014 Final Scientific Opinion on CBS
- Commission Implementing Decision of 2 July
2014 with respect to imports from South Africa
- Vaughan et al
2014 Response to EFSA (2014) Scientific Opinion
- EFSA
2015 Response to Vaughan et al (2014) Response



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Resolving the Dispute

- Primarily a dispute on science now developing into a potential trade dispute
- What are we doing to resolve this?
 - We need to continue with efforts to comply with the existing measures in place to ensure market access;
 - We need to contest the measure on scientific and legal grounds.



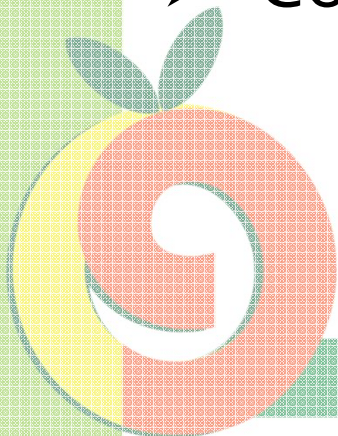
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Resolving the Dispute

Domestic and Bilateral Front

Established a CBS Stakeholders Forum

- DAFF, Dti, DIRCO, PPECB and CGA
- 'Building Trust', 'Improvement of interaction with Government', 'Facilitating better understanding of industry', 'Working to retain market access'.
- Considering all options to resolve the dispute.

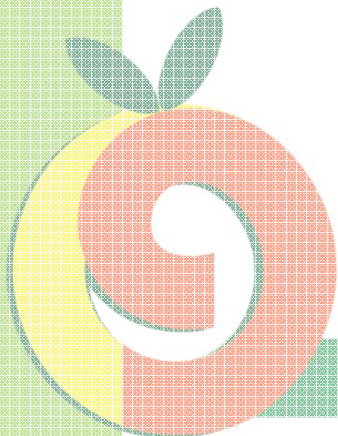


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Resolving the Dispute

Multilateral Front

- International Plant Protection Convention – Dispute Settlement Mechanism
- Article XIII Conciliation Process
 - Non-binding outcome
 - Scientific resolution

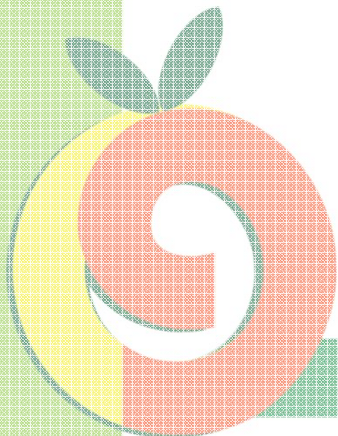


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Resolving the Dispute

Multilateral Front

- SPS Committee
 - Trade Concern
 - SA statement: July 1997
 - SA statement: 27 June 2013



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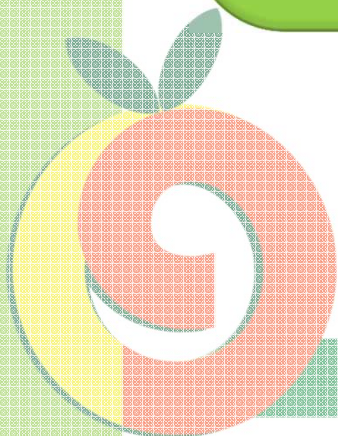
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Resolving the Dispute

Multilateral Front

The Minister of Trade and Industry, Dr. Rob Davies has expressed the view that the EU stance is fundamentally driven by protectionism, rather than plant health concerns and is aimed at restricting highly competitive citrus imports from SA to the benefit of citrus producers in the EU. The Minister said there is no scientific consensus that supports the EU's claim that CBS found on peels could infect European orchards. He has also pointed out that proposals from SA to divide the EU into citrus growing areas in southern Europe had been ignored. Minister Davies is of the view that South Africa has been left with no option other than to elevate the issue to the WTO.

Dti Media release: 16 October 2014



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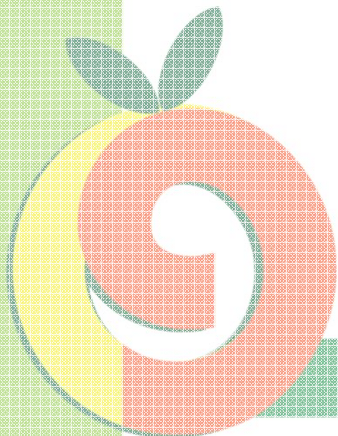
Resolving the Dispute

Multilateral Front

Best resolution is one that will:

- address the EU's concerns regarding CBS and other pests and diseases; and
- allow South Africa to retain and grow market access into the EU market.

Our solution:
"protected zones"
within the EU



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The South African citrus industry has been around for more than 100 years. We must ensure that it is around for another 100.



Thank you

Lambert Botha

lambert@hiltonlambert.com

083 630 0254



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