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EU citrus rule dispute escalated to the WTO

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Source: Fresh Plaza.

The Department of Trade, Industry and Competition (dtic) has appealed to the World Trade Organization (WTO) to facilitate consultations with the EU regarding the sudden “drastic” and “protectionist” new rules governing the importation of citrus fruit from the country.

Citrus Growers’ Association CEO Justin Chadwick said the Permanent Mission of South Africa to the United Nations had written to João Aguiar Machado, ambassador of the European Union (EU) to the WTO in Geneva, to request consultations with the EU concerning the new regime governing the importation of citrus fruit from South Africa. He said the CGA welcomed the move, which was prompted by the dtic, after earlier attempts to resolve the dispute had failed.

Chadwick said the EU Standing Committee on Plant, Animal, Food and Feed (Scopaff) in June published “drastic and arguably misinformed” new regulations requiring the cold treatment of oranges as a means of addressing False Codling Moth (FCM) interceptions from southern African orange exports.

“Despite numerous objections from several other countries, including European markets that currently import South African oranges, these new regulations were published in the Official Journal of the European Union with an implementation date of July 14,” Chadwick said.

“The fact that EU authorities attempted to enforce these new regulations a mere 23 days after publication made it impossible for South African growers to ensure their compliance, and highlights how unjustified and discriminatory this legislation is, with devastating consequences for our local citrus industry,” he said.

In terms of WTO agreements, member states have agreed not to discriminate against imports from different origins and not to impose sanitary and technical barriers to trade that are discriminatory and not based on international standards or on sound scientific evidence.

“It is clear that the EU’s protectionist FCM import measures against South Africa violate these conditions. In its request for consultations, South Africa identified 21 inconsistencies in the new proposed phytosanitary measures, against the guidelines of the WTO Agreement, which the EU is obligated to adhere to. These transgressions have already impacted an estimated 3.2 million cartons of citrus valued at R605m (€38.4m), with reports of hundreds of containers of South African citrus being detained by authorities in the EU on arrival,” Chadwick said.

“Without immediate political intervention, the threat remains that these consignments will be destroyed by EU authorities.”

Chadwick added that local industry held the view that the cold treatment prescribed within the new regulations was contrary to scientific evidence, making it an “arbitrary and unnecessary trade-restrictive measure” that contravened international requirements for phytosanitary trade regulations.

“The CGA understands that the dtic, as well as national government, undertook a number of efforts to resolve this matter over a period of several weeks. We are aware that the process of seeking a WTO consultation was actioned when it became evident that other avenues would not prove successful to address the issue. The CGA welcomes the move by the dtic for the lodging of this dispute and elevating it to a multilateral level,” Chadwick said.

“This crisis not only threatens the sustainability and profitability of local growers and the 140 000 jobs the industry sustains locally, but will also result in less and more expensive citrus in European supermarkets. We simply cannot allow what was clearly nothing more than a politically motivated move by the Spanish to decimate the businesses of thousands of local growers and the livelihoods they support, while

threatening the destruction of millions of cartons of top-quality fruit by EU authorities.”

He said the CGA would continue to work with government and the industry to urgently confront the challenge and ensure citrus exports are welcomed in the EU.

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