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FEATURE ARTICLE

EU Attacked over Trade Bans

US study criticises trend of trade barriers that ignore sound science.

Burdensome national standards and technical regulations imposed by the European Union and other major US trading partners are creating trade barriers that often ignore scientific principles, according to a new report published by the National Foreign Trade Council (NFTC).

The group called for standardised regulations based on sound science and developed in an inclusive and transparent manner, naming beef, poultry, food ingredients, vitamins and foods derived from biotechnology among the affected products subjected to trade barriers.

The report, titled *Looking Behind the Curtain: The Growth of Trade Barriers that Ignore Sound Science*, criticised the use of unjust trade restrictions across a number of industries.

NFTC president Bill Reinsch said that manufacturers in several industries are facing escalating attempts to dictate how products can be made, an approach that clearly violates the WTO's rules-based protocol.

For example, the report noted that for more than 10 years the EU has banned US beef exports from cattle treated with growth hormones, despite a WTO panel's decision, which concluded that no scientific risk assessment had been performed, and that there was no scientific evidence of health risks from the use of growth hormones. That decision was subsequently upheld by the Appellate Body in the EC-Hormones case, which agreed that the beef ban lacked "scientific justification" and was thus inconsistent with the EU's obligations under the Sanitary-Phytosanitary (SPS) Agreement.

The report also criticised the EU for its poultry import standards, noting U.S. exports of poultry and poultry products have been subject to questionable SPS restrictions.

The EU has banned US poultry exports because US producers have regularly used washes of low-concentration chlorine as an antimicrobial treatment to reduce the level of pathogens in poultry meat production, the report said.

The inconsistency of that ban with the terms of the SPS Agreement has become more apparent since recent European Commission audits uncovered that Member States are not complying with the EU ban on the domestic use of chlorinated water.

Mr Reinsch identified as most alarming a trend that has seen the apparent targeting of non-scientific restrictions to the most promising areas of new technology.

While the result of such targeting is damaging to US exporters, Mr Reinsch warned that it will be even more threatening to developing nations that could benefit from those technologies.

In its report, **NFTC** identified problems in three areas:

- * Regulations and standards that are neither based on sound science nor subject to rational, balanced risk assessment;

- * Regulations and standards that fail to adhere to internationally agreed-upon standards;

- * Regulatory drafting and review processes in which U.S. and other foreign exporters are effectively prevented from participating fully.

The report was released at a panel discussion featuring officials from the Office of the U.S. **Trade** Representative, the European Community and the Mexican

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