

**AUSTRALIA – MEASURES AFFECTING THE IMPORTATION OF APPLES
FROM NEW ZEALAND**

Status Report by Australia

The following communication, dated 22 August 2011, from the delegation of the Australia to the Chairperson of the Dispute Settlement Body, is circulated pursuant to Article 21.6 of the DSU.

Status Report Regarding Implementation of the
DSB Recommendations and Rulings in the Dispute
Australia – Measures Affecting the Importation of Apples from New Zealand
(WT/DS367)

Australia submits this report in accordance with Article 21.6 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*.

At its meeting on 17 December 2010, the DSB adopted the Panel and Appellate Body reports in *Australia – Measures Affecting the Importation of Apples from New Zealand* (WT/DS367). On 13 January 2011, Australia notified the DSB of its intention to implement the recommendations and rulings in this dispute. On 30 November 2010, the Australian Government had foreshadowed its intention to implement the recommendations and rulings by undertaking a science-based review of Australia's import risk analysis for New Zealand apples. On 31 January 2011, Australia and New Zealand informed the DSB that they had agreed on a reasonable period of time for implementation, expiring on 17 August 2011. The agreed reasonable period of time for implementation was to allow Australia to be in a position to issue import permits for New Zealand apples from 17 August 2011, based on any conditions arising out of the review.

As notified to the DSB on 13 January 2011, Australia decided to implement the recommendations and rulings of the DSB through a scientific review of the pre-existing import policy for New Zealand apples with respect to the three pests at issue in the dispute (fire blight, European canker, and apple leaf curling midge). The review was a non-regulated analysis under Australia's import risk analysis process and was conducted by the Australian Department of Agriculture, Fisheries and Forestry, through Biosecurity Australia. A draft of the review was released for a 60 day public comment period on 4 May 2011. The Governments of New Zealand and the United States, as well as other stakeholders, made submissions on the draft review during the comment period. Their submissions, along with those of the other stakeholders, were taken into account in finalising the review. The Final report for the non-regulated analysis of existing policy for apples from New Zealand was issued on 17 August 2011.

On 17 August, the Australian Government announced that Australia's Director of Animal and Plant Quarantine had determined a policy for the import of apples from New Zealand. The policy has the following requirements:

- phytosanitary measures as specified in the Final report for the non-regulated analysis of existing policy for apples from New Zealand and those measures applying from the 2006 Final import risk analysis report for apples from New Zealand that were not challenged by New Zealand in the dispute
- a supply chain trace-back system for apples from orchard to arrival in Australia
- an Australian managed audit and verification system to ensure the phytosanitary status of consignments and the maintenance of the production systems used in New Zealand to produce apples for export.

On 17 August, Australia commenced issuing import permits for apples from New Zealand on the basis of this policy, consistent with the joint notification of the agreed reasonable period of time by Australia and New Zealand to the DSB on 31 January 2011.

On this basis, Australia has fully implemented the recommendations and rulings of the DSB in this dispute.
