



**RUSSIAN FEDERATION – MEASURES ON THE IMPORTATION OF LIVE PIGS,
PORK AND OTHER PIG PRODUCTS FROM THE EUROPEAN UNION**

COMMUNICATION FROM THE RUSSIAN FEDERATION

The following communication, dated 8 December 2017, was received from the delegation of the Russian Federation with the request that it be circulated to the Dispute Settlement Body (DSB).

On 21 March 2017 the Dispute Settlement Body ("DSB") adopted the Appellate Body report and the Panel report, as modified by the Appellate Body report, in the dispute *Russian Federation – Measures on the Importation of Live Pigs, Pork and Other Pig Products from the European Union* (DS475).

We recall that the adjudicators recommended the Russian Federation to bring a number of challenged measures in conformity with the provisions of the Agreement on Sanitary and Phytosanitary Measures ("SPS Agreement").

Pursuant to Article 21.3(b) of the Dispute Settlement Understanding ("DSU") the Russian Federation and the European Union agreed on the reasonable period of time to implement the DSB's recommendations and rulings in this dispute that expired on 6 December 2017.

Russia would like to inform the DSB that it has taken appropriate steps to comply with the DSB's recommendations and rulings in this dispute within the reasonable period of time agreed by the parties. To this end, the Federal Service for Veterinary and Phytosanitary Surveillance ("Rosselkhoznadzor") issued Directive ("the Letter") of 5 December 2017 No. FS-NV-7/26504 that addresses all measures found to be inconsistent with the WTO obligations of the Russian Federation in this dispute as set out below.

First, Russia resumes importation of live pigs, pork meat and raw meat preparations from the entire territory of the EU and its Member States, excluding ASF affected territories. The list of ASF affected territories is set out in the Annex to the Letter. Consequently, the Russian Federation has brought the measures related to importation of products in question from the entire territory of the EU (so called "EU-wide ban") into conformity with its WTO obligations.

Secondly, the Letter removes restrictions imposed in 2014 on the imports of the products at issue from Estonia, Latvia, Lithuania and Poland found by the Panel to be inconsistent with certain WTO obligations, allowing such imports with the exclusion of a number of ASF affected administrative territories set out in the Annex to the Letter.

Thirdly, the Russian Federation fully implemented DSB's recommendations and rulings concerning Article 6 of the SPS Agreement by adapting its SPS measures to the sanitary and phytosanitary characteristics of the area of the exporting Members (the EU and its Member States). In particular, as it was mentioned above, Rosselkhoznadzor has approved the list of ASF affected administrative territories. The territories of the EU Member States not listed in the Annex to the Letter are recognized for the regionalization purposes as ASF-free areas. In case of evolution of the epidemic situation within the EU Member States' territories, the list could be amended respectively.

Finally, with respect to the measures related to treated pork products from Estonia, Lithuania, Latvia and Poland Russia brought them into compliance with its WTO obligations by allowing importation of such products from the territories of the EU Member States affected by ASF provided that the requirements of Chapter 15.1 of the OIE Code are fully complied with. These requirements are specified in the Annex to the Letter.

In addition, for transparency purposes, Russia has informed the EU and other WTO Members on the steps taken to comply with DSB's recommendations and rulings through the WTO SPS Notification Submission System. The Letter was delivered to the EU's competent authority.

Therefore, by having taken the above mentioned steps Russia fully implemented the DSB's rulings and recommendations in this dispute, as required by Article 19.1 of the DSU.
