



**THE COORDINATING COMMITTEE ON THE IMPLEMENTATION OF THE ATIGA  
SUBMISSION FORM FOR CASES OF THE 'MATRIX OF ACTUAL CASES'  
ON TRADE BARRIERS**

<b>CASE REFERENCE ID</b> <i>(For Secretariat's use)</i>	<b>REPORTING COUNTRY</b>	<b>INVOLVING COUNTRY</b>
	Thailand	Philippines
<b>DATE OF REPORT SUBMISSION</b>	<b>HS CODE AND PRODUCT DESCRIPTION</b> <i>(where applicable)</i>	
21 Nov 2012	Poultry products	
<b>DESCRIPTION OF TRADE BARRIER FACED</b> <i>Please provide a description of the situation</i>		
<p><b><u>Import Licensing on poultry products from Thailand</u></b></p> <ol style="list-style-type: none"> <li>1. The Philippines imposed an import ban on poultry products from Thailand on 23 January 2004 due to the spread of bird flu in Asia.</li> <li>2. The Philippines lifted the import ban against Thai poultry products since 14 August 2012, however, Thai poultry products have not yet been able to enter into the Philippines market. This is because the Philippines' Department of Agriculture has imposed lengthy and complicated procedures that need to be completed before Thai poultry products can gain approval to enter the Philippines' market.</li> <li>3. Such procedures include: <ul style="list-style-type: none"> <li>- Thai poultry meat establishments have to apply for the 'Certificate of Accreditation of Foreign Meat Establishment', which needs to be signed by the Secretary of the Department of Agriculture of the Philippines;</li> <li>- After the Certificate of Accreditation of Foreign Meat Establishment is issued or revalidated, the Philippines' Department of Agriculture will specify a date for conducting an inspection mission at the accredited (or re-accredited) Thai poultry meat establishments;</li> <li>- If the Department of Agriculture is satisfied with the inspection results, the Department will grant approval to the accredited (or re-accredited) Thai poultry meat establishments to export their products to the Philippines.</li> <li>- However, the Department of Agriculture does not specify the timeframe for each step or</li> </ul> </li> </ol>		

give any indication as to when the whole approval process will be completed.

4. On 13 November 2012, the Philippines' Department of Agriculture informed Thailand that the Department had re-validated the seven (7) Thai poultry meat establishments to enable them to export their heat processed poultry products to the Philippines, subject to the inspection results. The Department of Agriculture then visited Thailand in December 2012 to inspect the re-accredited seven (7) Thai poultry meat establishments.
5. **However, to date, those re-accredited Thai poultry meat establishments are still unable to export their poultry products to the Philippines, as the Philippines' Department of Agriculture has not yet confirmed the inspection's results and granted approval for Thai poultry products to enter the Philippines's market.**

Since the inspection has already been conducted since December 2012, Thailand urges the Philippines to accelerate the approval process so that it will not become a trade obstacle between Thailand and the Philippines.

**REFERENCE TO ATIGA PROVISION**

*Please provide a reference to the ATIGA provision to support your case, where applicable*

**Article 41**

**General Elimination of Quantitative Restrictions**

Each Member State undertakes **not to adopt or maintain any prohibition or quantitative restriction on the importation of any goods of the other Member States** or on the exportation of any goods destined for the territory of the other Member States, except in accordance with its WTO rights and obligations or other provisions in this Agreement. To this end, Article XI of GATT 1994, shall be incorporated into and form part of this Agreement, *mutatis mutandis*.

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**Article 44**

**Import Licensing Procedures**

4. Elements in non-automatic import licensing procedures that are found to be impeding trade shall be identified, with a view to remove such barriers, and to the extent possible work towards automatic import licensing procedures.

**Guidelines for the Implementation of Import Licensing Procedures in ASEAN**

E. PERMITTED IMPORT LICENSING

1. In general, Member States should not adopt or maintain non-tariff restrictions or prohibitions through import licensing or quotas on the importation of goods from other Member States, except in accordance with that Member State's WTO rights and obligations or the ATIGA.

F. GENERAL FEATURES OF PERMITTED IMPORT LICENSING SYSTEMS

In accordance with the procedures in the WTO ILA and ATIGA:

- (a) Import licensing systems of Member States should be neutral, fair, equitable, transparent and predictable.
- (c) Non-automatic import licensing of Member States should not have trade-restrictive or distortive effects on imports in addition to those caused by the imposition of the restriction.
- (d) Elements in non-automatic import licensing that impede trade should be identified with a view to removing such barriers and working towards automatic import licensing to the extent possible.

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***Agreement on Import Licensing Procedures (WTO)***

**Article 3**

**Non-Automatic Import Licensing**

- 2. Non-automatic licensing shall not have trade-restrictive or -distortive effects on imports additional to those caused by the imposition of the restriction. Non-automatic licensing procedures shall correspond in scope and duration to the measure they are used to implement, and shall be no more administratively burdensome than absolutely necessary to administer the measure.
- 6. (f) the period for processing applications shall, except when not possible for reasons outside the control of the Member, not be longer than 30 days if applications are considered as and when received, i.e. on a first-come first-served basis, and no longer than 60 days if all applications are considered simultaneously. In the latter case, the period for processing applications shall be considered to begin on the day following the closing date of the

announced application period;

**LIST OF SUPPORTING DOCUMENTS PROVIDED** *(where applicable)*