

# COMMENTARY ON AHEA SUBMISSION TO THE INQUIRY INTO THE CITRUS INDUSTRY AND POSITION PAPER OF THE PRODUCTIVITY COMMISSION.

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# COMMENTARY REGARDING RECOMMENDATIONS FROM THE POSITION PAPER OF THE PRODUCTIVITY COMMISSION.

### **Draft Recommendation 7.2**

'The Government should use the opportunity provided by the forthcoming multilateral trade negotiations in the World Trade Organisation to seek reductions in overseas trade barriers faced by citrus exporters.'

The AHEA welcomes this recommendation but would add that Biosecurity Australia (BA) needs to be also aggressively seeking access to new markets with workable protocols and less rigorous treatments/protocols to some of the markets in which we currently participate such as Japan, USA and Korea.

# **Draft Recommendation 7.3**

'Biosecurity Australia should provide a schedule to stakeholders containing information on the status of market access negotiations underway (including their anticipated completion date). This schedule should include the timing of proposed future negotiations.'

It is understood that this document is already available from Biosecurity.

# **Draft Recommendation 7.4**

'If market access negotiations which are important for the future of the citrus industry are being delayed due to insufficient resources within Biosecurity Australia, the Government should consider means of augmenting Biosecurity Australia's resources'

The AHEA supports the view that Biosecurity is inadequately resourced and with significantly increased planting's of a number of citrus cultivars the industry needs to access as quickly as possible all economically viable markets that are available but with workable import treatments/protocols. Whilst Australia may be concerned about who or how this will be funded our competitors seem to have universal support from their Governments who appear

to be better equipped and more organised than their Australian counterparts in the way they go about opening markets and supporting exports. Eg. A serious delay in commencement of negotiations with China is thought to delay formal acceptance of Australian produce by 2 years after acceptance into WTO.

## **Draft Recommendation 7.6**

'Competitive marketing of citrus exports should be introduced <u>except</u> in those markets where an independent review can demonstrate, on the basis of clear criteria, that the export control powers generate benefits which exceed costs.'

The AHEA welcomes this recommendation and wishes to comment further:

- a) The restrictive marketing arrangements such as USA, South Korea and to a lesser extent Thailand and formerly Taiwan were said to be at the industry's request but it was mainly at the request of the Australian Citrus Growers inc (ACG) and the National Citrus Packers (NCP). The independent exporters (who sell 78% of the citrus exports 99/2000, source HAL statistics handbook 2000/2001) and Australian horticultural exporters association (AHEA) [who represents the views of its exporter members] views in the past have been disregarded as unimportant or they have been outvoted by the aforementioned, although the exporters have the 'coalface' experience and exposure to the markets. This situation has existed since the early 90's and perhaps before - Please refer to notes from Riverland Citrus Packer/Exporter meeting held at Berri on 19 May 1992 Re US Market. ACG and NCP have promoted the notion of orderly marketing (which has now been abandoned by most other countries) by inducing fear, amongst growers that exporters will undercut each other to gain market share or the importers will play exporters off against each other to obtain the lowest possible price. The result, according to the ACG and NCP is that returns to growers will be lower and in some cases unsustainable unless these markets are restricted. It is customary for exporters to provide prices to their suppliers before they start packing. If the supplier does find the price workable then they simply do not pack the order.
- b) In the past, there has been very little evidence that 'clear criteria' has been used to determine that the export control powers have been reviewed independently on a relatively regular basis with industry input or that there is a net benefit to the industry. Again, exporter views have largely been ignored.

# **Draft Recommendation 7.7**

'There should be effective monitoring and review of existing control arrangements to ensure that they remain relevant to prevailing market conditions. To improve the effectiveness of benefit-cost assessments, the department of Agriculture Fisheries and Forestry – Australia should provide better guidance to Horticulture Australia Limited on the factors to be considered.'

The AHEA agrees that there needs to be fully transparent process to enable effective monitoring and regular review of the existing control arrangements. Additionally there needs to be a more cost effective avenue of appeal than the Administrative Appeals Tribunal should a licensee believe that their interests have been affected by a decision made by Horticulture Australia Limited.

## **Draft Recommendation 7.8**

'Horticulture Australia Limited should give serious consideration to discontinuing the requirement that citrus exporters use a single importing agent in the United States.'

The AHEA supports this draft recommendation for the following reasons:

 a) In principle AHEA does not support regulatory marketing arrangements as its philosophy which has been reaffirmed a number of times is as follows:

"The AHEA is a national organisation that acts on behalf of all members and Australia's horticultural exporters. The AHEA believes that all exporters have the right to export any horticultural product to any market, which is open to the Australian industry. Further more the AHEA provides a national forum for exporters to facilitate the resolution of market access issues to these markets where restrictions due to duty, tariff, quotas, quarantine and exchange controls exist"

- b) There is no evidence to suggest that by restricting the number of marketers or importers that grower returns are increased. In the case of the single marketer in the USA, there is no clear way to measure their progress and performance. In addition, the sole marketer in USA also imports South African navel oranges in direct competition with the Australian product. The sole marketer as far as we understand has not developed a market for Australian lemons in the USA although we believe there are markets for Australian lemons in USA. It is understood that the sole marketer imports lemons from Argentina, which would be in competition with the Australian product. It is also fair to say that a single marketer would not be in a position to regularly service the entire customer base in the USA and important opportunities may be being missed.
- c) As Australian navel orange planting's increase (production is likely to double in 5 years) and trees come into bearing age the industry needs to develop long term sustainable markets for the volume of fruit that is produced. Restricting the marketers in certain markets who would be looking to minimise their financial exposure and maximise their profits, will not, in the long term, increase the volumes that are exported to those markets. The Australian industry needs to be looking carefully at these restrictions as there is no point in being able to successfully sell 50% of the export availability at very high prices then not be able to sell the balance of the crop at workable levels. It is much better to sell the entire crop at price levels that allow all growers and packers to be profitable and prosperous.
- d) Apart from the sole marketer, the beneficiaries of the sole marketing arrangements in the USA are the large Australian citrus packers who obtain their income from packing volume as this product is shipped to the USA on open consignment terms. There is very little commercial risk in shipping to the USA for anyone except the owner of the fruit, which is normally the grower. After the sole marketer has allocated the seasonal quantities to the packers then it is simply a production and distribution exercise for the packers rather than having to obtain orders which would be the case in all other export markets.
- e) We believe that if the sole marketing arrangements were removed then there would be the opportunity for the growers to have shipped volumes increased to the currently restricted markets at sustainable price levels while ensuring their long term viability.

# FURTHER COMMENTS REGARDING THE AHEA SUBMISSION TO THE CITRUS INQUIRY

# The availability and cost of credit and inherent vice insurance:

Only two insurers provide credit insurance to Australian horticultural exporters. The development of citrus trade in "medium to high payment risk" markets, (e.g. Indonesia, China, India), is made difficult by the reluctance of the credit insurer to provide cover until the exporter can demonstrate a reliable payment history with the buyer. Inherent vice insurance covering the intransit deterioration in the appearance of packed citrus, (decay, pitting, skin breakdown), is provided by only two or three companies to Australian citrus exporters. Premiums often exceed A\$1.00 per carton and the excess that is applied to a claim is often more than five times the commission the exporter would hope to make on the sale.

After a difficult 1999 season, with poor outturns of Australian citrus in Japan, the cost of inherent vice cover for citrus exports in 2000 was commercially prohibitive. Only after exporters, shipped "uninsured" in 2000, with satisfactory outturns, did the insurance industry return to offer affordable cover for Japan shipments in 2001.

The high cost of inherent vice insurance, (premium plus excess), and the difficulty in passing the cost of fruit quality problems back to the packer and / or grower, discourage export to long transit markets and markets requiring "on shore" cold sterilisation, where there is a greater risk of inherent vice problems, (e.g. Europe, Middle East, Japan, Korea).

The increasing costs of insurance is adding to the already burgeoning cost structures, which is making Australian citrus exports seriously less competitive in global markets, to a point where citrus exporters often make less profit margin than their insurers.

This will force exporters to contract their business to the least risky markets and will lead to self-insurance and substantially increase the risks of doing business and making citrus exports commercially unsustainable in the longer term.

# Importance of world competitive shipping rates and services:

Most of Australia's citrus exports are shipped by sea. The Australian citrus export industry needs a shipping industry offering refrigerated container freight services to all key markets with frequent sailing's, fast transit times, reliable departure and arrival times, modern reefer plant and genuine competition between shipping lines for exporters' business resulting in world competitive freight rates.

Further, under the current arrangements of negotiated shipping rates for Liner cargo services, Shipping Conferences can collectively negotiate with designated Peak Shipper bodies, under Part X of the TPA.

Aspects of the legislation needs strengthening or clarifying to prevent the imposition of certain terms and conditions that are not agreed to by both parties, to the detriment of the citrus export industry. Eg: US\$ rates.

# **Commercially realistic AQIS charges:**

Australian citrus exports, to phytosanitary markets in particular, incur AQIS charges to meet importing country requirements. Often these charges place Australian citrus exports at a competitive disadvantage to citrus from other country suppliers, (subject to similar phytosanitary constraints), bound for the same market. The AHEA contends that the AQIS charge often exceeds the real cost of service provision and is commercially unsustainable.

In addition, not only are foreign country suppliers competing directly with Australian citrus exporters, but their cost structures are often substantially lower than those of Australia, and /or are often subsidised by their Governments, and therefore incur lower or zero quarantine inspection charges upon exiting their respective country.

The result is Australian citrus sells alongside competitor citrus at as much as twice the price.

# Government assistance for "established" exporters:

"New" exporters may qualify for assistance through the Federal Government's Export Market Development Grant scheme. Eligible exporters can receive grants each year for up to a maximum of seven years. Established Australian citrus exporters, (who have received the maximum seven years of EMDG assistance), are at a significant competitive disadvantage to citrus exporters from other countries who are provided with a wide range of financial support and benefits.

The AHEA acknowledges the special needs of new exporters and commends the government for the support afforded to new exporters through the EMDG scheme but argues that rather than terminating eligibility after seven years of grant payments, the scheme should continue to support exporters at a rate that phases out progressively over the ten years following the seventh year of EMDG payment.

# REQUEST FOR FURTHER INFORMATION

The commission invites participants to provide further information and comment on the following matters:

The processing of market access requests by Bio security Australia, including by way of specific examples (chapter 7):

The Australian Horticultural Exporters Association on behalf of the horticultural export industry has been involved in protracted discussions and consultation over the last 2 to 3 years with Biosecurity and AQIS over Industry's desire to change the protocol for the export of citrus to Japan. In particular the export industry wanted to include the option of cold disinfestation of citrus while the shipment was in transit to Japan. (Intransit cold disinfestation). This was considered a desirable option to current practises of land based cold disinfestation (of fruit fly), as it potentially gives the shipper 12 to 16 days arrival of fruit earlier than traditional practises, thereby improving shelf life and product quality.

This amendment to the protocol was not seen as a major change as it simply brought the Australian protocol into line with practices of other foreign countries exporting to Japan such as South Africa, Spain and Israel.

While mastering the logistics and technology is demanding, it is considered achievable, and commercially viable to date, except for one area where AQIS have failed to achieve a workable and inexpensive outcome. That is, Japan insists on an AQIS officer inspecting the landed shipment of citrus in Japan to verify that the cold treatment has been performed. AQIS are unable to supply officers resident or working at the Australian Embassy in Japan, to undertake inspections even on a one year trial basis, and Industry must bear the cost of flying an AQIS officer to Japan to meet each intransit (cold disinfestation treated) shipment. This will make the exercise excessively expensive for exporters prepared to undertake the risks of trial shipments with intransit cold disinfestation treated citrus.

While Biosecurity in conjunction with AQIS have taken this prolonged period to hold discussions with Japan to agree to these amendments, Australian exports of citrus to Japan have declined from a high of approximately 825,000 18 kg equivalent cartons in 1999 to 370,000 18 kg equivalent cartons in 2001, in part contributed to by the Australia's inability to supply citrus with an increased shelf life as would be the case if intransit cold sterilisation was approved by Japan and could be adopted by the Australian industry

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15<sup>th</sup> March 2002

# MARKET ACCESS STATUS REPORT

6 March 2002 Sydney Agenda Item:

7.1

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APHIS to complete Rule making process and include the Rule in US Federal Register. Biosecurity Australia's work component completed.	BA to prepare response.	quarantine pests.  Hot water treatment trial in QHI for fruit flies is not complete. Expected to finish around 2001/2002.  BA has advised the Mango steering committee to determine other disinfstation options for fruit flies.	
Submission seeking extension to Riverland area APHIS to complete Rule making process and freedom status forwarded to USA on 3 July include the Rule in US Federal Register.  1998. Ongoing provision of additional Biosecurity Australia's work component information made. APHIS inspected the area in completed.  April 2000. May 2000 APHIS advised AQIS that technical assessment is complete and that APHIS Rule making process may take 2 years to complete.	Technical market access submission forwarded BA to prepare response. to APHIS. APHIS has requested additional information Dec 2001.	ess. BA am. am. ing ted	In August 2001 China informed BA that the mango PRA is nearing completion. China did not provide any new information during a Vice-Ministerial delegation visit on 1 Nov. 2001
Plant: Fruitfly - Area Freedom (Riverland)	Fruit: Mangoes		
United States of America (USA)	United States of America (USA)	of)	
		NORTH ASIA	

Await results of PRA from China.			Await response from China to BA submission and respond as necessary.
A pest list was provided to China on 31 August 2000 requesting a risk assessment by China.	BA presented a detailed submission containing production statistics and an updated pest list to China on 5 March 2001 for consideration. The submission included information on disinfestation treatments for fruit flies in citrus. Industry's preferred treatment was a cold treatment (as for Taiwan) and this was included in the submission as the preferred treatment of industry.	At the March 2001 bilateral meeting, China indicated that it has initiated a PRA on Australian citrus and BA advised the Australian citrus industry of progress.	Access for Tasmanian apples gained in 1998. Import protocol to be reviewed after the first year of trade which is yet to begin. Submission seeking recognition of freedom from fireblight and Nectria galligena in Tasmania sent to ClQ in August 2000. Requested ClQ to consider removing the annual requirement for orchard inspection for the two diseases by providing supporting information. The issue was again raised at the bilateral discussions in China in March 2001. Further information on fireblight and papaya fruit fly freedom for Australia provided to ClQ in July 2001.
Fruit: Citrus - Generic			Fruit: Apples
China (Peoples Republic of)			China (Peoples Republic of)
-			NOKIH ASIA

WA and SA have responded to request for technical details.  Awaiting further technical details from NSW and Vic regarding MAFF request for additional technical information.	Submission being drafted.	MAFF to inspect quarantine and production procedures.  MAFF to accept /reject procedures.
Final fruit fly area freedom submission completed. Submission approved by Senior managers. Worked into new AFFA format. Forwarded to MAFF Japan in August 2000 for consideration.	January 2001, MAFF request additional technical information from Plant Biosecurity. During Tristate Fruit Fly Committee meeting in March 2001, PB inform state agricultural officers of MAFF requirements and request assistance in collating technical information regarding outbreaks and eradication procedures (including sterile insect technique) for seasons 1999-2000 and 2000-2001.  Most states have provided information on Sterile Insect Technique and number of outbreak during the 1999-2000 and 2000-2001	Access for Lilies and tulip bulbs from Tasmania. MAFF to inspect quarantine and production Relevant information provided to Japan in 1999, procedures.  Japan has accepted production methods in principle. Tulips second in priority.  Trial on lily bulbs tested for viruses and planted for Japanese quarantine inspection commenced winter 2001. MAFF invited to inspect lily trial early 2002.
Plant: Fruitfly - Area Freedom		Flowers - Cut & Dried
Japan	NORTH ASIA	Japan

Japan	Fruit: Stonefruit - Cherries	Tasmanian cherry access into Japan endorsed Japan to assess data and advise BA of its by HMAC as priority. Pest list developed and decision. Sent to Tasmania for validation before sending to Japan.	
		rasmania conducted memyr bromide rumigation tests using Japanese cherry varieties. Trial reports provided to Japan in August 2001.	
South Korea	Fruit: Citrus - Lemons	Gained access for oranges and lemons into Korea under a cold disinfestation treatment in April 2000. First exports commenced 2000 harvest season. Leaf and fruit testing for diseases is currently mandatory but not diseases is currently mandatory but not profeered by industry. Reqested in Oct 2000 for Korea to consider a review of the leaf and fruit testing. These tests are already in progress in export orchards for 2001 harvest. Review requested again in January 2002. Korea did not agree to remove the requirement for leaf and fruit testing because of pest interceptions (scales) at on arrival inspection in 2001.  BA provided a draft protocol for intransit treatment in 2001 for Korea's consideration. Korea indicated that intransit proposal by BA for Australian citrus is being reviewed favorably. Korea responded in December 2001 with a draft protocol.	>

To request Korea to consider removal of leaf and fruit testing requirements.			Compile a pest list and prepare a submission for Korea.
Access for oranges and lemons gained on 6 May 2000. Requested Korea (Oct 2000) to consider a change to the import protocol particularly the requirement for leaf and fruit testing.	Requested in Oct 2000 for Korea to consider a review of the import protocol. Korea responded in March 2001 disagreeing to a review of the leaf and fruit testing. These tests are already in progress in export orchards for 2001 harvest. Review requested again in January 2002.	Korea did not agree to remove the requirement for leaf and fruit testing because of pest interceptions (scales) at on arrival inspection in the first year of trade and preclearance inspection in 2001.  BA provided a draft protocol for intransit treatment in 2001 for Korea's consideration.  Korea indicated that intransit proposal by BA for Australian citrus is being reviewed favorably.  Korea responded in December 2001 with a draft protocol.	Table grapes have been identified as a priority by HMAC in August 2001.
Fruit: Citrus - Oranges			Fruit: Table Grapes
South Korea			South Korea

NZMAF to assess the information provided by BA in September 2001 and respond.	NZMAF to evaluate pest list and respond. Response from NZMAF not expected before reFebruary 2002.	AQIS to finalise management strategy and g forward to NZMAF. Aiming to have management strategy in place for 2002 season.	NZMAF to evaluate data and respond.
Technical Status: Management strategy for Queensland fruit fly for all varieties provided to NZMAF in June 2001. Discussed during bilateral meeting and more detailed management strategy provided September 2001. NZMAF to assess the proposal and respond.  Consultation Status: Plant Biosecurity had several meetings with stakeholders to progress the market access submission. Minister's office informed of status 17 Sept. 01.	Access for bananas to NZ lost due to PFF NZMAF to eval outbreak and other fruit fly issues. Negotiating Response from to regain market access for sound green mature February 2002, bananas. Full pest list for banana fruit provided in July 2001 and discussed during bilateral meeting in September 2001.	On-going negotiations for market maintenance for capsicums. Management strategy (including in-field controls) for yellow peach moth being negotiated. Interim condition of methyl bromide fumigation of all consignments agreed to in July 2001 following detection of this pest on-arrival. Discussed during bilateral meeting in September 2001.	Maintaining market access for avocados. Technical submission provided at August 2000 bilateral meeting regarding fruit fly host status. NZMAF to evaluate data and discuss with NZ industry.
Fruit: Tomatoes	Fruit: Bananas	Fruit: Capsicum	Fruit: Avocado
OCEANIA, AFRICA AND EUROPE	New Zealand	New Zealand	OCEANIA, AFRICA AND EUROPE

New Zealand	Fruit: Mangoes	Technical market access submission for Australian mangoes to new Zealand given to NZMAF at September 2001 bilateral meeting. Fruit flies of concern to NZ.	Fruit fly issue needs to be resolved. Irradiation could be a possible treatment against fruit flies. ANZFA is currently considering an application for irradiation of tropical fruits, including mango (ANZFA application number A443).
New Zealand	Nursery Stock: Olives	Pest list provided 1999.	Await response from NZ.
New Zealand	Nursery Stock: Xanthorrhoea	Pest list provided 1998.	Await response from NZ.
New Zealand	Nursery Stock: Dracaena	Pest list provided 1998.	Await response from NZ.
New Zealand	Fruit: Papaya	BA finalising the pest list and formal market access request for papaya to New Zealand	BA to finalise formal market access request and forward to NZMAF.
New Zealand	Fruit: Custard Apple	BA preparing the pest list and formal market access request for custard apple to New Zealand.	BA to finalise the formal market access request and forward to NZMAF.
New Zealand	Fruit: Longans	BA preparing a comprehensive pest and disease list for longans. A draft generic submission has also been started.	BA to prepare the formal market access request. BA to send completed pest and disease list to state departments of agriculture for comment.
New Zealand	Fruit: Litchi	BA preparing the comprehensive pest and disease list for litchees to New Zealand.	BA to prepare the formal market access request.
		A draft generic submission has been started also.	BA to send completed pest and disease list to state departments of agriculture for comment.
South Africa	Fruit: Stonefruit - Generic	Submission forwarded to South Africa.	Await response from South Africa.
India	Fruit: Apples	called Horticultural commodities in Action Plan	
Malaysia	Flowers - Cut & Dried	Received list of native flower information from Flower Export Council of Australia (FECA) and list of dried flowers of concern to Malaysia. Malaysia has restricted access for native dried flowers by imposing a very stringent heat devitalisation treatment that affects flower quality. Malaysia refused to exempt species with no viable seeds from the devitalisation requirement.	Biosecurity Australia is writing a comprehensive scientific report that will be submitted to Malaysia in order to address the concerns they have raised.