

Framework for Safe International Trade

Regional Workshop: OIE Standards – Facilitating Safe International Trade
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WORLD ORGANISATION FOR ANIMAL HEALTH
Protecting animals, preserving our future

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- **The WTO SPS Agreement**
- **Link between OIE and SPS Agreement**
- **Take home messages**



Who is the World Trade Organization (WTO)?

- IGO established 1 January 1995 (under Marakesh Agreement)
- Replaced General Agreement on Tariffs and Trade (GATT) of 1948, following the 8th or “Uruguay Round” of GATT talks (1986-1994)
- 164 Member Countries
- primary purpose is to open trade for the benefit of all



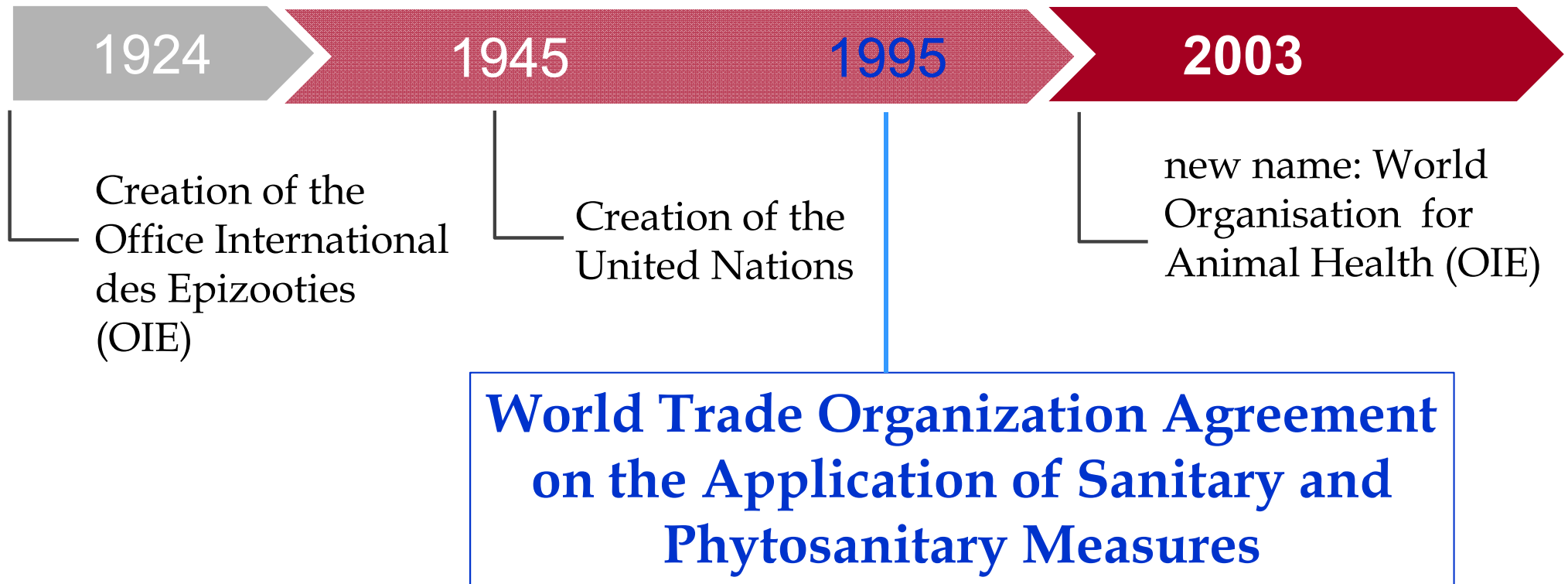


Who is the World Trade Organization (WTO)?

- its roles:
 - operates a global system of trade rules,
 - acts as a **forum** for negotiating trade agreements,
 - **settles trade disputes** between its members, and
 - it **supports** the needs of **developing countries**.



OIE time line



WTO Agreement on the Application of Sanitary and Phytosanitary Measures (WTO SPS Agreement)

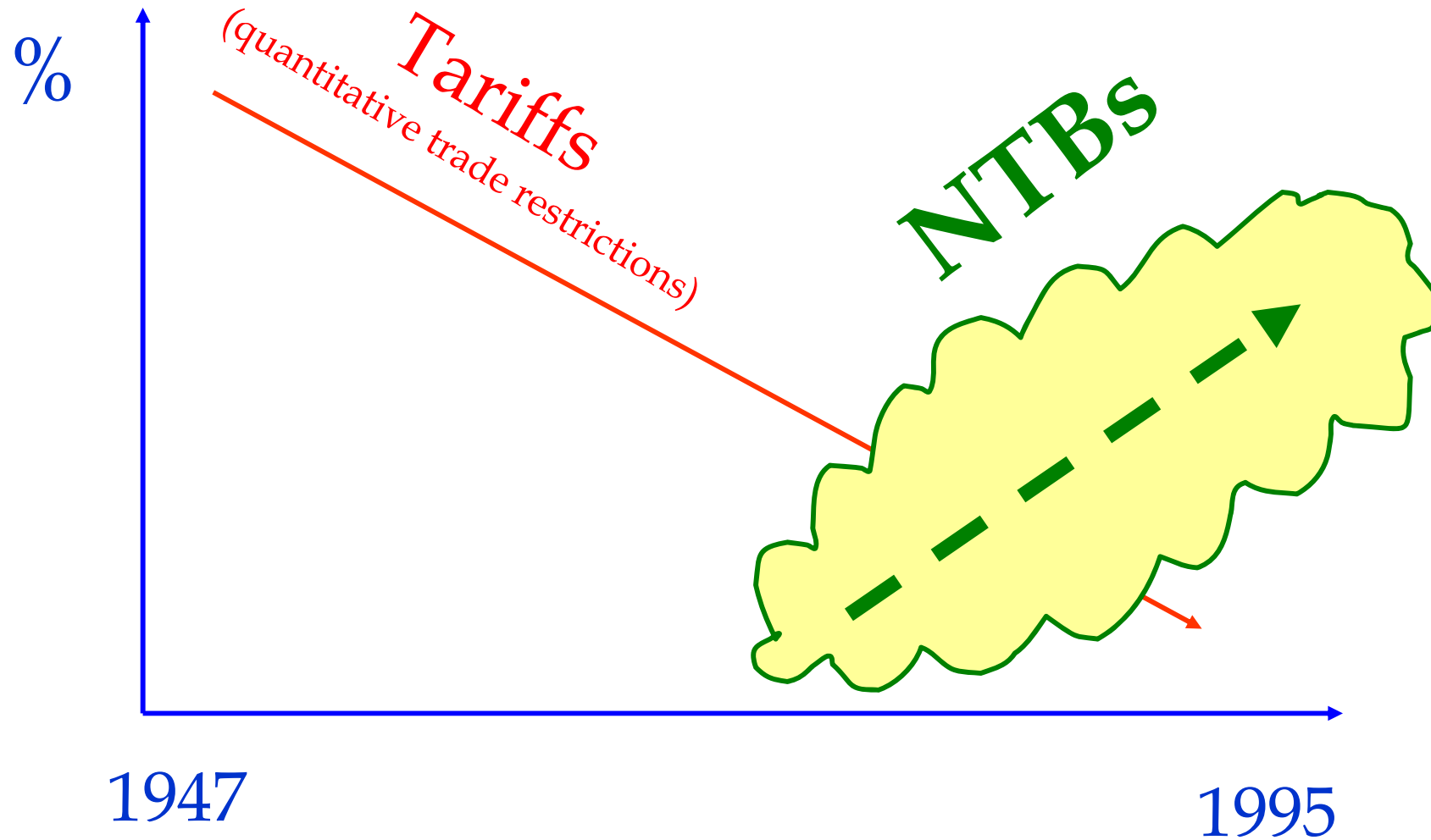
- legal framework for international trade
- legally binding for WTO Members
- includes obligations for importing countries AND exporting countries
- operates through 14 broad Articles & 3 Annexes (A-C)

WTO Agreement on the Application of Sanitary and Phytosanitary Measures (WTO SPS Agreement)

- Recognises OIE as international standard setting organisation for animal health and zoonoses
- If you apply OIE standards you are complying with WTO obligations



Why the WTO SPS Agreement?





What is the objective of the SPS Agreement?

Recognizing the right to protect human, animal, plant life or health



Avoiding unnecessary barriers to trade

Entered into force with the establishment of the WTO on 1 January, 1995



SPS Agreement - Coverage

Article 2.1

“Members **have the right** to take sanitary and phytosanitary measures **necessary** for the protection of human, animal or plant life or health, provided that such measures are **not inconsistent** with the provisions of this Agreement”



SPS Measures - Examples Annex A

A measure taken to protect:

Animals from diseases



e.g. measures
to prevent
introduction of
Taura syndrome



e.g. measures to
prevent
introduction of
FMD



SPS Measures - Examples Annex A

A measure taken to protect:

Human life

from

animal-carried diseases

requirement that
susceptible animals
be vaccinated
against rabies



BSE-related restrictions





Scientific Justification

Article 2.2

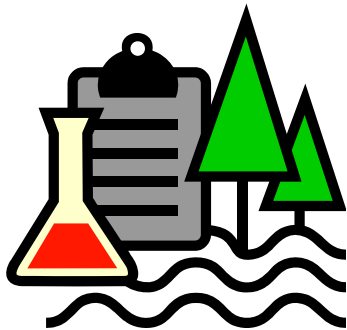
Members shall ensure that any SPS measure is:

based on **scientific principles**

applied only to the **extent necessary to protect** human, animal or plant life or health

not maintained without sufficient scientific evidence

except as provided for in Article 5.7
(in the absence of sufficient scientific evidence, Members may adopt provisional SPS measures based on available information)





Scientific Justification

Article 3.3

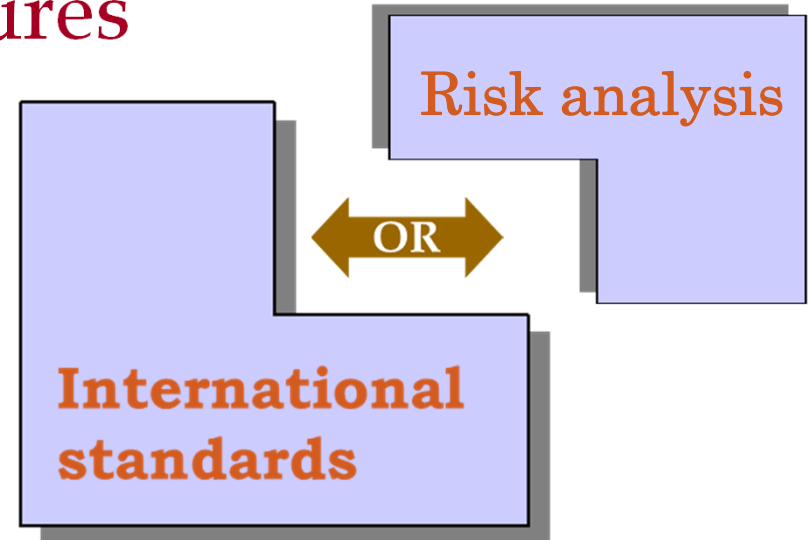
A country's import health measures must be based on an:

➤ International standards(OIE);

OR

➤ Import Risk Analysis:

- in the absence of a relevant standard; or
- when a Member chooses to adopt a higher standard of protection than the international standard provides.





Scientific Justification

Article 3.2

Measures that conform to international standards shall be deemed to be necessary to protect human, animal or plant life or health, and presumed to be consistent with the relevant provisions of this Agreement....

i.e. if you apply OIE standards you meet WTO obligations



Harmonization Article 3, Annex A

International Standard-Setting Organisations (the '3 sisters')



'Harmonisation' - WTO Members shall base their SPS measures on international standards, where they exist



Non-discrimination

Article 2.3

No **unjustifiable** discrimination between Members with similar conditions

i.e. no import requirements for diseases present in the importing country unless subject to any official control programme (*i.e. leading to eventual eradication of disease countrywide or zonal*)



Disease-free areas

Article 6

- Concept of disease-free country, zone and compartment is recognised in the SPS Agreement (Article 6)
- Members must recognize concept of disease-free areas
- “To gain recognition of a disease-free area, an exporting Member has to provide the necessary proof (Article 6.3)” – *i.e. to objectively demonstrate freedom and reasonable access shall be given, upon request to importing Member for inspection, testing, and other procedures - transparency*





Disease-free areas

Article 6

- Members shall ensure SPS measures (for disease-free areas) take into account:
 - prevalence of disease
 - existence of eradication or control programmes
 - guidelines developed by “sisters” (e.g. OIE official recognition of disease status)
- SPS Guidelines on **Regionalization** (G/SPS/48)
- OIE standards and guidance as provided in disease-specific chapters, Chapter 1.4 (surveillance), 4.3 (zoning), 4.4. (compartmentalisation), etc.



Equivalence

Article 4.1

If the exporting Member **objectively demonstrates** that its measures achieve the ALOP* of the importing country

↳ Members shall



accept SPS measures of other Members as **equivalent**

**Committee
Guidelines on
Equivalence
(G/SPS/19/Rev.2)**

* Under SPS -A, members are entitled to maintain a level of protection they consider appropriate to protect life of health within their territory



5. Transparency

Article 7 & Annex B

Members shall



establish an Enquiry Point
AND
designate a Notification Authority_

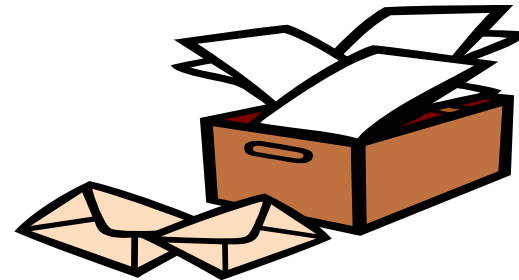


notify other Members of new or changed
SPS measures when



no international standard exists
OR
the new measure is different from
the international standard

AND measure may have
significant effect
on trade





7. Control, Inspection and Approval Procedures

Article 8 and Annex C

Members shall ensure, with respect to any procedure to check and ensure the fulfilment of sanitary or phytosanitary measures, that:

- There are no undue delays
- Information requirements is limited to what is necessary
- No less favourable treatment for imports:
 - Fees: no discrimination, only to cover costs



NOTE: new **Trade Facilitation Agreement:** entered into force Feb 2017; provisions for expediting the movement, release and clearance of goods.



Special & Differential Treatment

Article 10

- “take account of the special needs of developing countries”, esp LDC
- longer time frames for compliance
- Phased application
- specified, time-limited exceptions



Technical Assistance

Article 9

“Members agree to facilitate provision of Technical Assistance to other Members, esp. developing country Members, either bilaterally or through the appropriate international organizations ...”

- help countries comply with SPS measures
 - technology, research, infrastructure**
 - technical expertise, training, equipment****
- help countries maintain and expand market access**



The SPS Committee:

What does it do?

- Implementation of SPS Agreement
- Reviews compliance
- Potential trade impacts
- Co-operation with technical organizations





SPS Committee: **Who is on it?**

- All 164 WTO Members
- Observer governments (acceding members)
- Intergovernmental organisations, including OIE.





SPS Committee Meetings

- **3 regular meetings per year**
 - ❖ often preceded by informal meetings to discuss specific topics (regionalisation, Private Standards, etc...)
- **Special meetings/workshops**
 - ❖ e.g. Technical Assistance, transparency, SPS coordination, etc.



Chapter 5.3. OIE procedures relevant to the WTO SPS Agreement

Article 5.3.1.

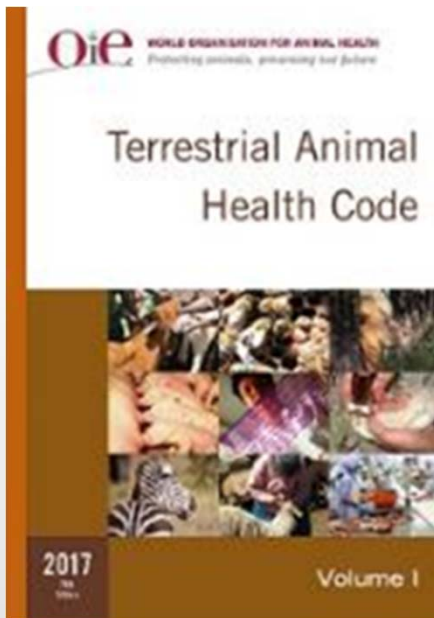
- SPS Agreement in brief

Articles 5.3.2. to 5.3.6.

- General considerations on the judgement of the **equivalence** of sanitary measures

Article 5.3.7.

- Sequence of steps to be taken in establishing a **zone/compartment** and having it recognised for international trade purposes



Summary

- WTO SPS Agreement - legally binding for WTO Members
- Recognises OIE as international standard setting organisation for animal health and zoonoses
- If you apply OIE standards you are complying with WTO obligations
- Details of how to meet WTO obligations are in the SPS Agreement (+Annexes and Guidelines) and OIE



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