



 Organisation
Mondiale
de la Santé
Animale

 World
Organisation
for Animal
Health

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International trade: Rights and obligations of OIE Members

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Content


- Introduction
- Rights and obligations
- Dispute mediation procedure






Introduction (1) WTO SPS agreement (1995)

- Legal framework for international trade
- recognises OIE as a reference organisation for international standards (one of the “3 sisters”)






Introduction (2) The “3 sisters” Standard-setting organisations

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      graph TD
      Root[Standard-setting organisations] --> Codex[food safety  
CODEX]
      Root --> OIE[animal health and  
zoonoses  
OIE]
      Root --> IPPC[plant health  
IPPC]
      
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Codex = Codex Alimentarius Commission (FAO/WHO)
 OIE = World Organisation for Animal Health
 IPPC = International Plant Protection Convention (FAO)



Introduction (3) OIE International Standards

available on the
OIE website (www.oie.int)

Terrestrial Animal Health Code – mammals, birds and bees

Aquatic Animal Health Code – fish, molluscs, crustaceans and amphibians

Manual of Diagnostic Tests and Vaccines for Terrestrial Animals

Manual of Diagnostic Tests for Aquatic Animals





Rights and obligations (1) Obligations of importing countries

- 1) Consider sanitary status exporting country
- 2) Choose its appropriate level of protection
- 3) Publish list of their border posts





Rights and obligations (2)
Obligations of exporting countries

- 1) Provide sanitary information (art. 5.1.3. of the Terrestrial Code) at the request of the importing country
- 2) Inspection, certification by official veterinarian
- 3) Veterinary Authority provides means and supervises



Rights and obligations (3)
Use of the OIE PVS tool

- Evaluation of the performance of the Veterinary Services (VS)
- Set priorities for investment and strengthening of VS
- Voluntary and confidential
- Strong support from members



Rights and obligations (4)
Equivalence

- Acceptance by importing country that sanitary measures exporting country are appropriate (but may differ)
- SPS Agreement (article 4) and Code (chapter 5.3) refers to equivalence



Rights and obligations (5)
Zoning and Compartmentalisation

- Concept is recognised in the SPS agreement (article 6)
- OIE standards and guidance (chapter 4.3 and 4.4)
- Exporting country must demonstrate that it complies with the relevant OIE standards



Rights and obligations (6)
Risk analysis

- WTO SPS obliges members to base their import measures on relevant international standards (OIE for animal health and zoonotic diseases)
- In case relevant international standards are not available or the importing country wants a higher level of protection, the importing country should carry out a scientific risk analysis



Dispute mediation procedure (1)

Informal, voluntary procedure for resolving disagreements whereby a third party (a mediator) meets with the parties to help to solve the disagreements

Mediator: propose solutions
neutral and
independent



Dispute mediation procedure (2) The WTO Framework

Formal and informal dispute settlement procedures:

- 1) Discussion at meetings of the SPS committee
- 2) Good Offices by the chair of the SPS committee
- 3) WTO settlement Mechanism

WTO settlement Mechanism

Phase 1) Compulsory preliminary stage (consultation process of 60 days to try to find a mutually agreed solution)

If no solution:

Phase 2) Panel established by the Dispute Settlement Body (DSB) proposes a solution to the DSB



Dispute mediation procedure (3) The OIE Framework

Voluntary, science based approach to resolve differences between members:

- 1) Initiation of the procedure
- 2) Cooperative process
- 3) Designation of the experts
- 4) Conduct of the mediation procedure
- 5) Developing a consensus
- 6) Conclusion of the mediation process



Dispute mediation procedure (4) Initiation of the procedure

- In case that a member thinks that trading partner did not comply with OIE standards
- Request from both parties
- Environment for friendly bilateral discussions



Dispute mediation procedure (5) A cooperative process

- Voluntary
- All parties consent in writing
- OIE experts: both parties agree
- Confidentiality
- Solution only binding if both parties previously agreed
- Termination at any time on request from one or both party(ies)



Dispute mediation procedure (6) Designation of the experts

- DG recommends a number of experts
- Parties agree on proposed experts
- Experts: neutral, independent and impartial
- Experts try to find a science based consensus solution



Dispute mediation procedure (7) Conduct of the mediation procedure

- Parties must cooperate in good faith
- Start: inventory of the problem
- Parties may nominate additional experts
- Experts may hold joint or separate meetings with parties



Dispute mediation procedure (8)
Developing a consensus and conclusion

- Focus on the scientific and technical aspects
- If no complete solution, possibly a reduction of the problem
- Draft report: 1) scientific and technical aspects
2) findings and recommendations
- Draft provided to DG
- OIE transmits report to the parties



Dispute mediation procedure (9)
Confidentiality and Administrative procedures

- All discussions, including final report are confidential, unless otherwise agreed by the parties
- Administrative procedures are decided on at the first meeting: language(s), place, costs



Thank you for your attention



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