





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



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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



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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

importing country wants a higher

level of protection, the importing

country should carry out a scientific risk analysis



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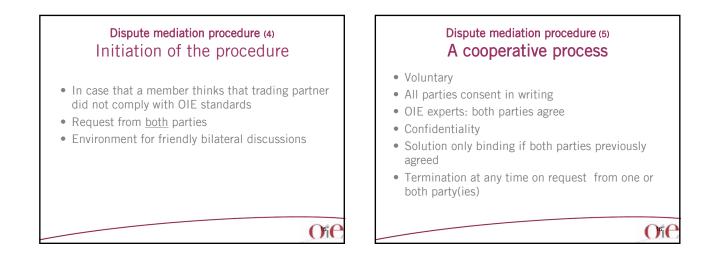
Dispute mediation procedure (2) The WTO Framework	
Formal and informal dispute settlement procedures:	Vo
 Discussion at meetings of the SPS committee Good Offices by the chair of the SPS committee 	dif
3) WTO settlement Mechanism	1)
WTO settlement Mechanism	2)
Phase 1) Compulsory preliminary stage (consultation process of 60	3)
days to try to find a mutually agreed solution)	4)
If no solution:	5)
Phase 2) Panel established by the Dipute Settlement Body (DSB) proposes a solution to the DSB	6)

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Dispute mediation procedure (3) The OIE Framework

Voluntary, science based approach to resolve differences between members:

- 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 (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 seperate meetings with parties

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Dispute mediation procedure (8) Developing a consensus and conclusion

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

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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

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