



Organisation
Mondiale
de la Santé
Animale

World
Organisation
for Animal
Health

Organización
Mundial
de Sanidad
Animal

International Trade: Rights and Obligations of OIE Members

Workshop for OIE National Focal Points for
Veterinary Products

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- Introduction
- Rights and obligations
- Dispute mediation procedure



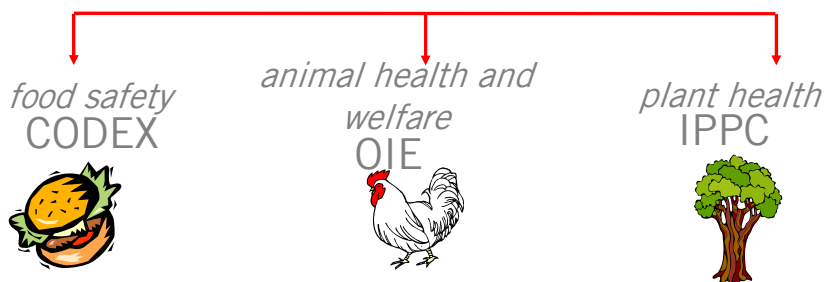
Introduction (1) WTO SPS agreement (1995)

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



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



Codex = Codex Alimentarius Commission (FAO/WHO)
OIE = World Organisation for Animal Health
IPPC = International Plant Protection Convention (FAO)

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Introduction (3) OIE International Standards

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

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



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Rights and obligations (1) Obligations of importing countries

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



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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) Official procedures



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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

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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 standards are not available or the 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 (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



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Dispute mediation procedure (2) The WTO Framework

Both 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 Dispute settlement Mechanism

WTO Dispute 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

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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)

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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

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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

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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

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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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Thank you for your attention



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