The relationship between the World Trade
Organisation and the Office International des
Epizooties

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Summary
The provisions of the World Trade Organisation Agreement on the Application of Sanitary and Phytosanitary Measures are designed to extend the liberalisation of trade, without increasing the risk to public, animal or plant health. The international standards set by the Office International des Epizooties (OIE) will be used as a benchmark by World Trade Organisation panels and committees when evaluating national sanitary-based regulations. For a significant liberalisation of trade to be achieved, Member Countries are faced with a dual mandate: a) each country must put these concepts into practice when making import/export decisions; and b) each country must make the commitment to support the OIE in its efforts to develop and review sanitary standards.

Of equal importance to the application of standards is the cultural change that trade and regulatory communities must undergo. The author examines the role of Member Countries and the OIE in the implementation of this important agreement.

Keywords

During the Uruguay Round negotiations of the General Agreement on Tariffs and Trade, agreement was reached on measures to reduce tariff and non-tariff barriers to agricultural trade. The final outcome of these negotiations included the Agreement on the Application of Sanitary and Phytosanitary Measures ('SPS Agreement') of the World Trade Organisation (WTO) (1). The provisions of this agreement are designed to extend trade liberalisation, without increasing the risk to public, animal or plant health as a consequence.

The main objective of the SPS Agreement was to establish the science-based principles that would promote a transparent and safe system for international agricultural trade. To achieve this objective, the WTO recognised three international organisations as the relevant bodies for the setting of standards. The Office International des Epizooties (OIE) has been recognised as the relevant organisation for setting animal health standards and guidelines. The Codex Alimentarius was identified as the body to set standards on food safety and public health. The International Plant Protection Convention (IPPC) and its regional plant protection organisations were identified to set plant health standards. This constitutes a significant challenge for these organisations, as they are expected to establish new, and review existing scientifically based standards for the facilitation of trade and the prevention of disputes.

It should be emphasised that while these relevant international organisations possess no legal authority to compel compliance with their standards, scientifically based justification will be required for deviations from those standards. However, this does not mean that standards cannot be enforced. The international standards set by the OIE, the Codex and the IPPC will be used as a benchmark by the WTO panels and committees when evaluating national regulations in sanitary-based trade disputes (2).

For this significant trade liberalisation goal to be reached, Member Countries are faced with a dual mandate. First, each country must put these SPS concepts into practice when making import/export decisions. Secondly, these countries...
must make the commitment to support the OIE in its efforts to develop and review the required health standards. In order to expedite the process of harmonisation of animal health control measures, Member Countries should actively support the establishment of animal health control standards within the OIE. The most effective and easiest way to achieve global harmonisation is to have updated international standards, upon which all countries should base their own import and export measures.

In support of the principles of minimal interference, the SPS Agreement establishes several disciplines under which the specific standards should be applied. Among the more important are: risk analysis, equivalence, transparency and regionalisation. These disciplines and animal health control standards should serve to create a clear separation between scientific and political factors affecting agricultural trade decisions.

The WTO-SPS principles are so significant that they will not only 'change the rules of the game', they will revolutionise the game itself. It is difficult to predict which commodity markets and countries will gain most benefit from this new trade environment. Exports of those commodities which have been globally competitive without government assistance (often the products which have faced the greatest number of unjustified trade barriers) will probably increase. In the short term, countries with reliable animal and plant health infrastructures will benefit from added trade advantages.

In the new trade arena, successfully implementing the SPS Agreement will depend on abiding by the 'golden rule of trade' (treat your imports as you would like your exports to be treated); increased awareness of the SPS measures by industry, consumers and trading partners; the development of international standards; and continuous communication between regulatory officials and their stakeholders, their foreign counterparts, and their trade ministries.

To comply with the principles of this Agreement, all countries – developed as well as developing – must review their regulatory system and make the necessary changes. Equally important is the need for a change in culture in both the trade and regulatory communities, which will permit the honest re-evaluation of existing measures and practices.

Certain countries, and certain agencies within each country, will be more willing than others to make the necessary concessions and adjustments. Such differences are caused by two conflicting approaches. The first, which is aimed at protecting domestic agriculture, is characterised by a conservative zero-risk approach towards imports, while strongly promoting exports. The second approach, which concentrates on facilitating trade, is typified by a focus on scientifically based and transparent trade rules, while at the same time protecting agriculture and consumers. These differences in trade culture are found throughout industry, among the general public and high-level decision-makers. All parties should strive towards a shift from the former to the latter approach.

The OIE has already adopted the concepts of risk analysis, surveillance and monitoring, and regionalisation. However, in order for Member Countries to apply these new disciplines, such countries must work within the OIE framework to develop the practical guidelines necessary for their implementation.

Educational and training programmes explaining WTO-SPS principles and measures are crucial during this transition stage. The number of countries which actively participated in the negotiation of this agreement was small. Many countries, especially less developed countries, are unsure of their basic rights and obligations. Those Member Countries which were more actively involved in the SPS negotiations should assist the OIE in undertaking such educational programmes.

In addition, many domestic producer and exporter groups are unaware of the implications of this agreement. A basic lack of understanding, combined with a recent wave of unjustified trade restrictions world-wide, may lead some to believe that there are advantages to be gained by not reporting pest and disease conditions. Individualistic actions would seriously undermine the credibility of reputable trading countries. Educational programmes employing seminars and workshops should accelerate the process of understanding and commitment to these new, scientifically based rules of trade.

The OIE has been actively participating in technical workshops with the WTO. The importance of developing credible animal health infrastructures has been conveyed to government officials as well as to industry representatives. The need to strengthen animal health infrastructures must be brought to the attention of international development and funding organisations. Instead of funding control programmes for single, fashionable diseases, these organisations should focus rather on basic investments in animal health control infrastructures of countries and regions. Ultimately, the purpose of these new WTO trade rules is to liberalise agricultural trade safely, providing direct benefits to consumers and producers who abide by the rules. Rather than waiting for the WTO to resolve disputes resulting from unjustified trade barriers, Member Countries should focus their efforts on the enforcement of preventive measures. Strengthening animal health control infrastructures, the establishment of and adherence to international animal health standards, and transparent notification of regulatory changes will all lead to increased trust among trade partners and prevention of costly disputes.

The role of the OIE and of the other bodies which will set the necessary standards is very important in this process. However, without the understanding, the will and the commitment of trading countries, the successful implementation of this WTO-SPS Agreement will not be achieved.
Relations entre l’Organisation mondiale du commerce et l’Office international des épizooties

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Résumé
Les dispositions de l’Accord de l’Organisation mondiale du commerce sur l’application des mesures sanitaires et phytosanitaires visent à renforcer la libéralisation des échanges sans accroître les risques pour la santé de l’homme, des animaux ou des plantes. Les normes internationales fixées par l’Office international des épizooties (OIE) serviront de référence aux groupes d’experts et aux comités de l’Organisation mondiale du commerce lors de l’évaluation des réglementations nationales portant sur des questions sanitaires. Une libéralisation sensible des échanges suppose deux obligations de la part des Pays membres :

a) chacun d’eux doit mettre ces concepts en pratique lors des prises de décision liées à l’importation ou à l’exportation ;

b) chaque pays doit prendre l’engagement de soutenir les efforts de l’OIE visant à développer et réviser les normes sanitaires.

Une autre nécessité, tout aussi importante que l’application des normes, est celle de la mutation culturelle qui doit s’opérer chez les partenaires commerciaux comme chez les législateurs. L’auteur examine le rôle des Pays membres et de l’OIE dans la mise en œuvre de cet important accord.

Mots-clés

Las relaciones entre la Organización Mundial del Comercio y la Oficina Internacional de Epizootias

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Resumen
Las disposiciones del Acuerdo de la Organización Mundial del Comercio sobre la Aplicación de Medidas Sanitarias y Fitosanitarias persiguen ampliar el grado de liberalización del comercio sin por ello acrecentar los riesgos para la salud pública, animal o vegetal asociados a aquél. Las normas internacionales dictadas por la Oficina Internacional de Epizootias (OIE) servirán de referencia para los grupos de expertos o comités de la Organización Mundial del Comercio cuando dichas instancias tengan que examinar los distintos reglamentos sanitarios nacionales. La consecución de una significativa liberalización del comercio exige de los Países Miembros un esfuerzo doble :

a) cada país deberá llevar estos conceptos a la práctica en la toma de decisiones en materia de importación/exportación, y

b) cada país debe comprometerse a apoyar los esfuerzos de la OIE por desarrollar y actualizar las normas sanitarias.

Tan importante como la aplicación de las normas es el cambio de mentalidad que debe producirse en el seno de comunidades comerciales y reglamentarias. El
autor examina el papel que los Países Miembros y la OIE deben desempeñar en la aplicación de este importante acuerdo.

Palabras clave

References
