

**IMPLEMENTATION OF OIE STANDARDS BY OIE MEMBER COUNTRIES:
STATE OF PLAY AND SPECIFIC CAPACITY BUILDING NEEDS**

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***Summary:** This Technical Item addressed the implementation by Member Countries of the OIE standards for international trade in live animals and animal products. The purpose of the study was to identify and analyse factors that limit implementation of the standards and make recommendations on how the OIE could help Member Countries to overcome these difficulties. The high response rate (80%) shows that the importance of the OIE standards is generally understood and provides confidence regarding the analysis and recommendations in this report. In general, Member Countries expressed a high level of support for the implementation of OIE standards and this is very encouraging. However, some newer and more complex concepts are not well understood and opportunities to implement safe trade are being missed. Key challenges that were reported by a significant number of countries included a lack of technical expertise, outdated veterinary legislation, lack of confidence in applying risk management, lack of transparency, and failure on the part of both importing and exporting countries to respect the OIE standards. Inevitably, political and commercial considerations have an effect on trade policies. It is, therefore, important that OIE Delegates and their staff base their advice on scientific evidence and OIE recommendations to the extent possible, having regard to national legislative and policy frameworks within which they must operate.*

To support the national Veterinary Services and Aquatic Animal Health Services, the OIE should continue to promote its normative role and to provide communications material that can influence decision-makers in Member Countries. This is particularly important to avoid non-scientific responses to disease events at the national and global level. The OIE should also continue its role as advocate for Veterinary Services and Aquatic Animal Health Services, and the provision of the PVS Pathway, which provides important support to developing countries and is increasingly finding application to developed countries.

Turning specifically to the uptake of the international standards, nearly all countries saw a need for more training on the OIE standards, including their relationship with the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization. The current arrangements for provision of technical advice, training and networking opportunities should be maintained or increased, with more focus on specific needs of regions. Expansion of training opportunities through the use of 'distance learning' should be considered. OIE Member Countries are strongly encouraged to consider the application of good regulatory practices as a means to improve the efficiency of their regulatory processes and build sustainable alliances with the private sector. Finally, the OIE initiative to establish an Observatory on the implementation of standards is particularly welcomed. This should provide for identification and analysis of the impediments to use of the standards and, importantly, the recommendation of practical solutions.

Key words: Trade; Standards; Harmonisation; Equivalence; Regionalisation; Transparency.

1. Introduction

At the 84th General Session of the OIE, held in Paris on 21–26 May 2016, the World Assembly of Delegates confirmed the topic “*Implementation of OIE standards by OIE Member Countries – state of play and specific capacity-building needs*” as the Technical Item with questionnaire to be presented at the 86th General Session in May 2018.

The OIE’s international standards are based on science and adopted by its 181 Member Countries. OIE standards in the *Terrestrial* and *Aquatic Codes* should be used by the Veterinary Authorities of importing and exporting countries for early detection, reporting and control of animal diseases, including zoonoses, and to prevent their transfer via international trade in animals and their products while avoiding unjustified sanitary barriers to trade.

The World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) recognises the OIE as the international standard setting body for matters relevant to animal health and zoonotic diseases. If countries apply OIE standards, they are complying with their WTO obligations.

The international standard-setting process of the OIE is transparent and fully participatory. While the OIE works to ensure that Member Countries are aware of their international obligations, there are still significant problems in the consistent application of these standards by many countries, particularly when making decisions on the importation of animals and animal products. Concerns about the non-application of OIE standards are regularly raised at the WTO SPS Committee. OIE recommendations on fish diseases, foot and mouth disease, bovine spongiform encephalopathy, african swine fever and avian influenza have all been the subject of the formal dispute settlement process in the 20 years since the creation of the WTO.

This Technical Item addressed the implementation by Member Countries of the OIE standards for international trade in live animals and animal products (including food of animal origin). The purpose of the study was to identify and analyse factors that limit implementation of the standards and make recommendations on how the OIE could help Member Countries to overcome these difficulties.

2. Questionnaire

A questionnaire was designed with four sections:

- Section 1: General information about national systems for sanitary measures;
- Section 2: Use of OIE standards when setting sanitary measures for the importation of commodities;
- Section 3: Use of OIE standards when negotiating access to export markets;
- Section 4: Challenges to the use of OIE standards and capacity building needs.

The questionnaire was sent to all OIE Delegates through an online survey tool. The data were collected between December 2017 and February 2018. The descriptive analysis was performed using Excel and is detailed in the document ‘Descriptive Analysis’ (86 SG/9 B).

3. Responses from OIE Member Countries

Of the 181 Member Countries that were sent the questionnaire, 145 responded, giving an overall response rate of 80%. Figure 1 shows the geographical distribution of the countries that responded to the questionnaire. The complete list of responding countries is given in Annex 1. Some countries are members of more than one OIE region. To carry out the analysis of regional specificities, membership was attributed as shown in Annex 2. In this report, reference to the status of Member Countries as ‘developed’, ‘developing’ or ‘least developed’ was based on the United Nations classification shown in Annex 3.

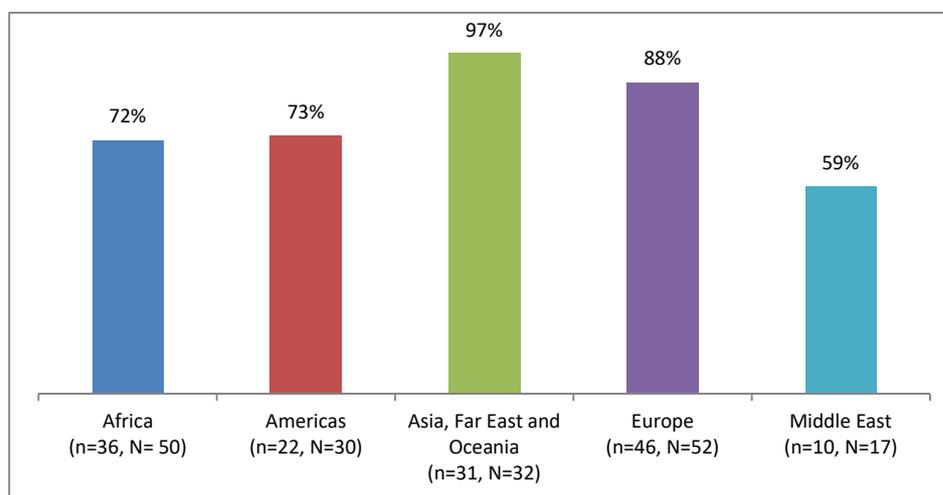


Figure 1: Regional distribution of Member Countries that replied to the questionnaire

4. Challenges to the implementation of OIE standards

4.1. The OIE standards in the context of the SPS Agreement

The rules for international trade are set out in a number of WTO Agreements, including the SPS Agreement and the Agreement on Technical Barriers to Trade (the TBT Agreement). The OIE standards have a direct relationship with the central SPS principles of harmonisation; equivalence; scientific evidence/risk assessment; transparency, and regionalisation (covered by the OIE concepts of zoning and compartmentalisation). In terms of the SPS Agreement, measures relating to animal welfare are not defined as sanitary measures but are within scope of the TBT Agreement. Of the 145 countries that responded to the questionnaire, 129 (89%) are WTO members.

The SPS Agreement sets out detailed rules on how governments can apply trade-restricting measures for objectives relating to animal health and food safety (sanitary measures) and phytosanitary issues. The Agreement calls for the use of relevant international standards - which are those of the OIE, for animal health and zoonoses, and the Codex Alimentarius Commission, for food safety and labelling. For consistency with the SPS Agreement, countries should base their sanitary measures on OIE standards, unless they have a justification for more restrictive measures, which should be based on scientific evidence and risk analysis. Although this requirement is clearly stated, 55% of respondents reported that they do not systematically provide scientific justification to trading partners when imposing import measures that are stricter than OIE recommendations.

When countries impose sanitary measures that are not consistent with SPS principles, there is a risk of trade disruption, which can lead to disputes between countries. In recent years, several disputes relating to the non-application of OIE standards have been adjudicated under the WTO Dispute Settlement Agreement. The extent to which countries have respected OIE recommendations on measures to prevent the spread of diseases, including regionalisation, has been discussed by dispute settlement panels and the WTO Appellate Body. If not *based on* the OIE standards, sanitary measures should at least be *consistent with* them, to comply with the SPS Agreement. The outcomes of SPS disputes have consistently highlighted the importance of respecting the OIE standards for compliance with the SPS principles.

4.2. Harmonisation

The harmonisation of national SPS measures with international standards is a fundamental principle of the WTO rules-based system: relevant provisions are in Article 3 of the SPS Agreement. Under a procedure for monitoring harmonisation, WTO Member Countries are encouraged to identify trade issues related to the use / non-use of international standards. The SPS Committee monitors the application of harmonisation and other SPS principles through at least two mechanisms: standing agenda items on harmonisation and specific trade concerns.

The question of which OIE recommendations constitute standards has been discussed by WTO dispute settlement panels. Decisions of such panels, along with rulings of the WTO Appellate Body, are the source of legal interpretation of the WTO Agreements. Formally adopted texts, including the published *Codes* and *Manuals*, are generally recognized as standards for WTO purposes. OIE Resolutions on the official disease status of countries and zones are also the subject of formal adoption by Member Countries at the General Session in accordance with standards set out in the *Terrestrial Animal Health Code (Terrestrial Code)* and through formal adoption by Resolution of the World Assembly.

Nearly all (144) countries indicated that international standards were considered when developing sanitary requirements, based on legal requirements (39%) or policy (60%) and a majority (72%) identified national laws as the basis for sanitary requirements that apply to imports. Policies for systematic review and evaluation of sanitary measures, as reported by 52% of countries, are another indicator of harmonisation.

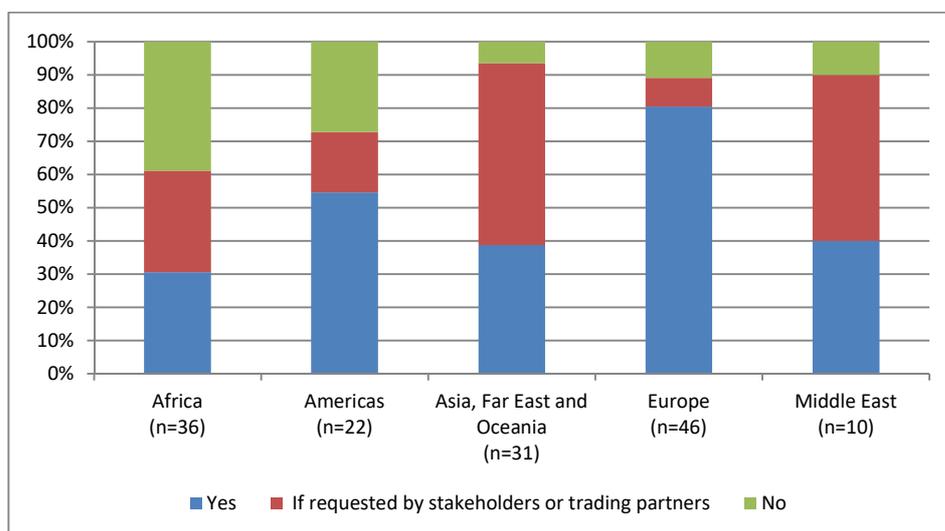


Figure 2: Does your country have a proactive policy to evaluate and revise sanitary measures periodically (e.g. to take into account amendments to the OIE Codes)?

Experience with the OIE Veterinary Legislation Support Programme has shown that the legal framework can limit the capacity of countries to harmonise their sanitary requirements. Forty-two countries (29%) reported that the legal framework presented challenges, including regulatory processes that were complex or lengthy.

Laws that predate the formation of the WTO (1995) may not allow the adoption of key SPS principles, such as equivalence and regionalisation (e.g. laws that only allow importation of meat from countries that are free from foot and mouth disease). With the passage of time, as laws are updated, this type of legal impediment should gradually disappear. Nonetheless, the OIE may wish to provide more detailed guidance on addressing key SPS principles in national veterinary laws.

In terms of top training priorities, veterinary legislation was rated higher by the Middle East and the Americas than by the other three regions.

Membership of regional economic groups supports the process of harmonisation, with the European Union's legislative framework providing a good example of supra-national legislation that facilitates the implementation of SPS principles. A total of 60 countries (41%) identified supra-national legislation as comprising part of the legal framework.

4.3. Equivalence

Equivalence is a key principle of the WTO SPS Agreement, with relevant provisions set out in Article 4. Equivalence exists when the sanitary measures applied in an exporting country, although different from the measures applied in an importing country, achieve the importing country's appropriate level of sanitary protection. It does not require duplication or identical measures and can be applied between all WTO Members, regardless of their level of development. The concept 'appropriate level of protection' (ALOP) is not easy to define but is central to the SPS Agreement. Equivalence is determined with reference to the health safeguards required by the importing country having regard to measures used to manage risk both domestically and in relation to comparable imported products. Equivalence is potentially a powerful tool to facilitate safe trade but, in the author's experience, is not as well understood as some other SPS principles, such as risk assessment and regionalization.

While most countries (92%) reported that they use equivalence as a basis for setting sanitary requirements either by law (52%) or policy (40%), it was evident that the approach is not well standardized: only half the respondents stated that they had formal policies or procedures and a similar number indicated that their processes conform to OIE recommendations.

Equivalence decisions take several forms. For many years, countries based their import protocols on 'sets of measures', such as obtaining the commodity from a disease-free source, treatment and confirmatory testing. This approach to equivalence was reported by 75% of countries. A more contemporary approach to equivalence is to consider whether the sanitary systems of an exporting country provide outcomes equivalent to the requirements of an importing country. Equivalence decisions based on management of animal health in a country or zone were reported by 62% of countries and on food production systems by 55%.

The most commonly reported obstacle to decisions on equivalence was lack of transparency or failure to provide information by the exporting country (60%). It was interesting to note that 43 countries (30%) reported a lack of OIE guidance as a challenge to establishing equivalence. This compares with 12% of countries who identified as a challenge the lack of OIE guidance on regionalisation. In the identification of priority topics for training, the negotiation of equivalence agreements and zoning/compartimentalisation were rated similarly and were lower in priority than the topics 'import risk analysis' and 'safe trade/safe commodities'.

4.4. Risk assessment

Risk assessment is addressed in Article 5 of the SPS Agreement. It is closely aligned with the requirement to use scientific evidence as a basis for sanitary measures.

Respondents indicated that, when setting sanitary requirements, they systematically consulted the World Animal Health Information System (WAHIS) (90%); the OIE official disease status lists (90%); the *Terrestrial Animal Health Code* and *Manual* (86% and 77%, respectively); and the *Aquatic Animal Health Code* and *Manual* (63% and 59%, respectively). In addition to provisions in the *Terrestrial and Aquatic Codes*, the OIE has published guidance in the *Handbook on Import Risk Analysis for Animals and Animal Products*. Risk assessment is well accepted as a scientific method and has wide application in disease prevention and control.

Most countries (93%) advised that they used risk assessment as the basis for sanitary measures, as a matter of legal requirements or policy. Standards or systematic procedures were reported by 86% of countries. The Handbook (Volume I) is consulted systematically or occasionally by 75% of countries. Reports of risk assessments are made available to stakeholders by 73% of countries, either as a routine matter or upon request.

These results suggest that risk assessment is relatively well understood and widely practiced by Member Countries. Even so, 67% of countries reported insufficient human resources (including technical capacity and capability) and 46% reported a lack of staff that are competent to carry out risk analysis. These were the most common reported challenges to the use of import risk analysis. Not surprisingly, in responses to the questions on training needs, 'import risk analysis' was a topic of high priority for 74% of countries and 'high or medium' priority for 92% of countries, just behind the top priority of training on OIE standards and the SPS Agreement (74% - high; 95% - high or medium).

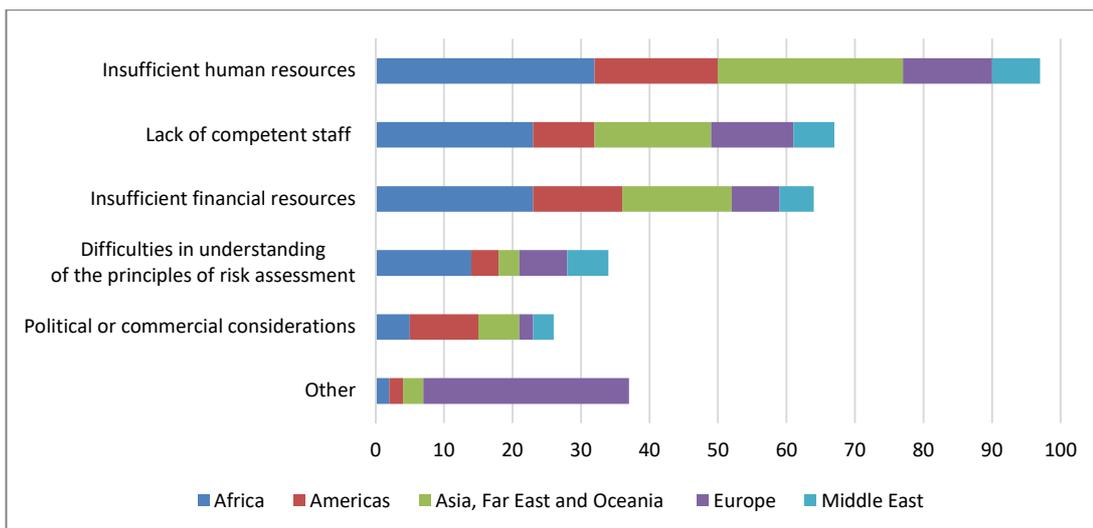


Figure 3: Challenges to the conduct of import risk analysis

‘Safe trade’ and ‘safe commodities’ are concepts that were adopted by the OIE as tools to facilitate trade. They are related to risk assessment – the idea being that trade in certain commodities or under certain conditions presents a negligible risk. The concept of safe commodities has to date been addressed more comprehensively by the Aquatic Animal Health Standards Commission, which has set out to identify safe commodities in relation to all listed diseases of aquatic animals. More than half the respondents reported that they follow OIE recommendations on safe trade and on safe commodities fully (63% and 55% respectively) and nearly all countries reported that they consider these recommendations at least part of the time.

In commenting on the priority topics for training, the issue of ‘safe trade and safe commodities’ was identified as a high priority by 90 countries (62%), and as a high or medium priority by 133 countries (92%), placing it in the top four topics for training.

‘Official recognition of disease status by the OIE’ is very important to export market access (92% of responses) but it is not sufficient in and of itself, as importing countries regularly request dossiers and/or make on-site visits to verify the status (53% of respondents). Similarly, 51 countries stated that when setting import requirements, they do additional checks to confirm OIE official status. This is consistent with the SPS Agreement, providing that requests for additional information are handled transparently and without undue delay.

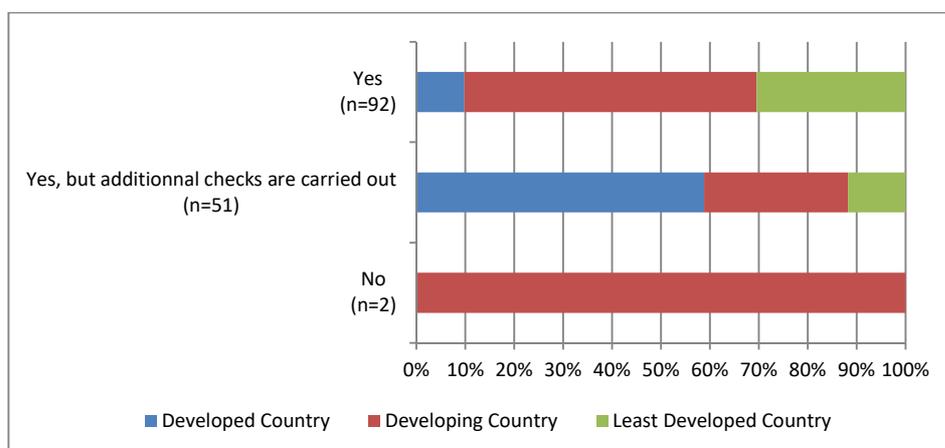


Figure 4: Consideration of OIE official status when setting import requirements

4.5. Regionalisation (zoning and compartmentalisation)

The OIE has a long history of processes to identify regions or areas of low disease prevalence, with the first recognition of foot and mouth disease-free zones in 1996. The regionalisation principle in Article 6 of the SPS Agreement was initially addressed by the OIE in terms of ‘zoning’ and, since 2006, ‘compartmentalisation’. More recently the ‘high health status’ horse population was introduced in the *Terrestrial Code* as a new form of compartmentalization. Equine Disease Free Zones are for a specialised form of regionalisation that is used to facilitate the conduct of international equestrian events. Official status for countries and in some cases zones (but not compartments) is currently available for 6 diseases of terrestrial animals that are important to international trade.

The zoning and compartmentalisation concepts are based on the definition of sub-populations in which animals have a lower disease prevalence and lower risk of exposure for specified diseases than the general population. Zones are usually defined according to geographical and physical features, while compartmentalisation depends on management controls. However, all types of measure may be used in the implementation of both these concepts.

The definition of disease-free populations of aquatic animals appears to be more amenable to compartmentalisation than to zoning, for reasons relating to disease epidemiology and characteristics of production systems.

The scientific and technical requirements for successful application of these concepts are established and there are contemporary examples of zones and compartments in all OIE regions. However, responses to the questionnaire indicated that the implementation of these concepts still presents some challenges to Member Countries, which can be grouped as follows:

- **Technical or operational challenges:** lack of capacity to implement; high cost; difficulty controlling animal movements; incompatibility with transhumance systems; deficiencies in disease control by exporting country.
- **Private sector challenges:** lack of understanding of concept; failure to make required investment.
- **Public sector challenges:** difficulty in gaining acceptance by decision-makers; political and commercial considerations; legal impediments; importing country lacks capacity to visit and check controls in exporting country; lack of transparency and failure to provide information by exporting country.

Lack of OIE guidance was reported by approximately 12% of countries.

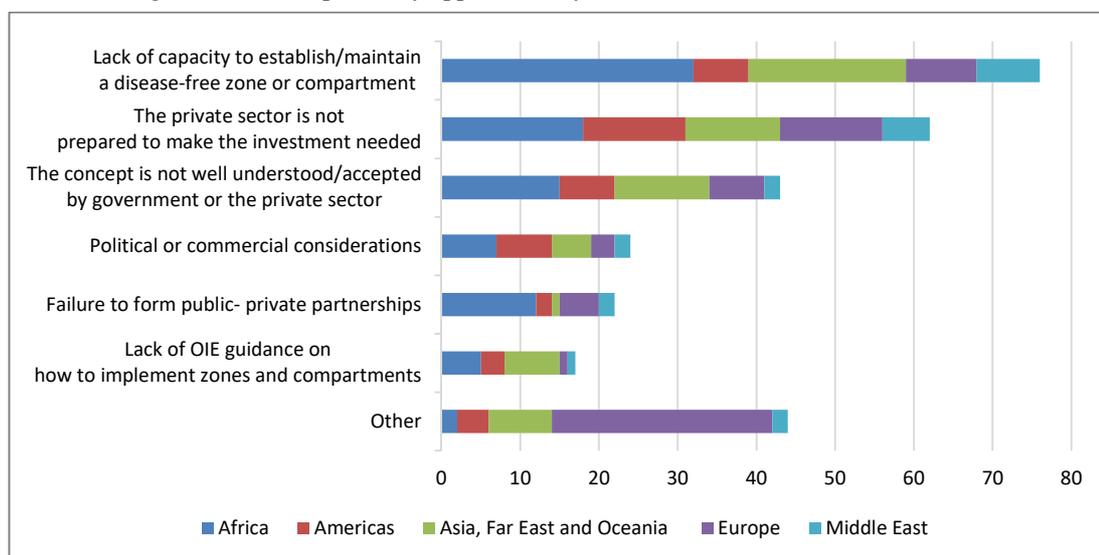


Figure 5: Challenges to the use of zoning and compartmentalisation

The questions on challenges did not separate zoning from compartmentalisation. The use of zoning with terrestrial animals and the use of compartmentalisation (to date, mainly with aquatic animals) presents distinct technical issues and solutions. Hence, these results must be interpreted carefully.

‘Zoning and compartmentalisation’ was relatively low on the list of topics identified as training priorities. Nonetheless, 69 countries (48%) considered zoning and compartmentalisation to be a high priority.

4.6. Transparency

Ensuring transparency in the world animal health situation is part of the founding mandate of the OIE. As stated in the OIE 6th Strategic Plan: “transparency and communication are part of an overall programme of risk analysis, and they also serve to build relationships and trust between stakeholders, including trading partners and with the public.” The organisation provides information on animal diseases and zoonoses in the world and on the national Veterinary/Aquatic Animal Health Services of the Member Countries. The OIE also publishes official decisions on the health status of Member Countries for specified diseases, as well as ‘self-declarations’, i.e. statements of Member Countries on their situation with respect to other diseases. The *Terrestrial* and *Aquatic Codes* emphasise the need for communication and information-sharing between Member Countries.

Transparency is addressed in Article 7 of the SPS Agreement and, with respect to sanitary and phytosanitary regulations, in Annex B. In the WTO context, transparency is a fundamental principle to improve clarity and predictability and provide information about Members’ policies, rules and regulations affecting trade. Under the SPS Agreement, Members should notify the WTO regarding new or changed regulations, sanitary measures (etc.) that could affect trade.

Several questions aimed to collect information on transparency. Some were couched in terms of communication, but others dealt with the challenges in using OIE standards as a basis for trade.

Notification to the WTO: is commonly practiced (68% positive responses) but 19% of respondents answered ‘don’t know’ to this question.

Consultation of private sector: Although requests from the private sector were recognised amongst the ‘triggers’ for the development and review of sanitary requirements, 60% of countries stated that private sector stakeholders were not consulted systematically when setting sanitary measures. There was a marked difference in the responses of developed countries and other countries.

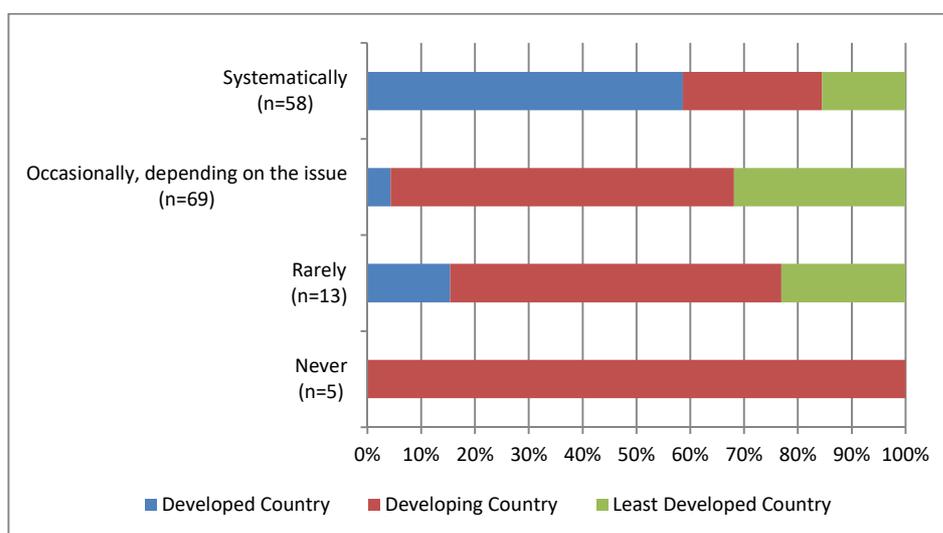


Figure 6: Consultation of the private sector when establishing sanitary measures.

Information provided to the public: Health requirements and certificates for imports were made available to the public ‘systematically’ or ‘sometimes’ by 68% of countries and health conditions relating to exports were provided, on a website or upon request, by 85% of countries. This indicates a generally positive approach to transparency. Most of the countries that gave negative responses (32% in relation to imports and 15% in relation to exports) are developing countries and, in some cases, the lack of transparency may relate to gaps in infrastructure e.g. poor internet coverage. Some developed countries and significant exporters of animal products reported that access to public information on exports is restricted e.g. to registered users or persons domiciled in the country.

Information shared with trading partners: 66% of countries reported that information on equivalence agreements is made available to trading partners. In communicating with trading partners on a disease outbreak or other incident affecting the provision of health safeguards, most countries use personal contact at the senior veterinary level (87%). The OIE is also commonly relied upon to communicate this type of information (70%), followed by communication at political or CEO level (43%). Some countries indicated that various/several communication channels were used in this situation.

Failure of transparency on the part of trading partners: was reported quite frequently as a challenge to the use of OIE standards, as follows:

- in recognizing disease-free zones/compartments – exporting countries are not transparent or do not provide information (74% of responses: this challenge was most frequently reported);
- in negotiating market access – importing countries do not use OIE standards (30%);
- in setting conditions for importation – exporting countries do not use OIE standards (22%);
- about half of all respondents said that the establishment of market access conditions regularly required the collection of additional information, sometimes including on-site visits.

Communication was not generally identified as a top priority for training but was still considered a high priority by nearly half of all respondents and was a top priority for the Asia, Far East and Oceania region. In considering how OIE activities help countries use the standards, the provision of guidelines on the OIE website was rated as very useful by most countries (81%). The recognition of ‘workshop/other training activities’ and focal point seminars as very useful by 71% and 69% of countries, respectively, suggests that countries appreciate the opportunity to network with other countries in their region. Participation in OIE regional seminars is a valuable source of technical information and also facilitates communications.

5. Solutions to facilitate the implementation of OIE standards

Member Countries generally understand the importance of OIE standards, as illustrated by the 80% response rate to the Questionnaire, and it is evident that efforts are being made to implement them. However, some significant challenges to the implementation of OIE standards remain. These partly reflect the inescapable realities facing national Competent Authorities. The expansion of trade, technology and tourism means that animal diseases and zoonoses can emerge and spread rapidly. No government has access to unlimited resources and many Veterinary Services and Aquatic Animal Health Services are seriously under-resourced. In some cases, modernisation of the veterinary legislation is long overdue but not recognised as a high priority by national governments. National decision-makers are often reluctant to establish/maintain trade before being certain that all risk has been ruled out. Political risk can be more important than biological risk in some situations.

It is difficult for the Delegate to apply the OIE standards when decision makers at senior level insist on zero risk policies.

5.1. For consideration by Member Countries

5.1.1. Participating in OIE training and standard setting

With respect to the OIE standard-setting program, 52% of countries reported that standards always meet their needs and 48% reported ‘sometimes’. A little more than half of respondents reported that the OIE addresses the priorities of Member Countries ‘in part’ and 36% reported ‘fully’.

The importance of Member Countries participation in the process of standard-setting cannot be overestimated. The OIE is continually increasing the number of relevant training opportunities it offers to Member Countries. In 2016, there were 20 training sessions for newly appointed Delegates and National Focal Points and 16 regional and sub-regional meetings. In 2017, the OIE held 12 training sessions for newly appointed Delegates and National Focal Points, and 33 regional and sub-regional meetings. As part of a specific initiative to promote understanding and implementation of the standards, regional workshops addressing the standards in the *Terrestrial Code* commenced in 2016.

It is important that Delegates and national Focal Points participate in these activities, which also serve to consolidate regional networks and support communication and transparency. The OIE should continue to develop new opportunities for engagement and Member Countries should prioritise participation, especially for staff developing policies on import and export.

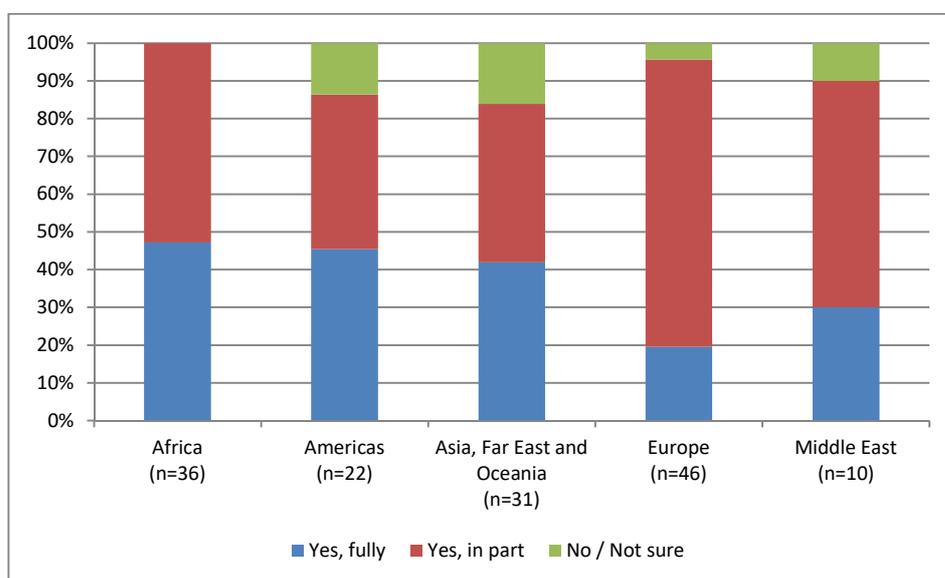


Figure 7: Does the OIE address the priorities of Member Countries when setting standards?

5.1.2. Use of good regulatory practices

For developing and least developed countries, the OIE PVS Pathway can provide valuable technical support and advocacy in strengthening capacities to implement standards and participate in international trade. For developed countries, the benefits of using the PVS Tool are becoming clearer, with a number of evaluations being undertaken by national governments wishing to assess the performance of sub-national authorities.

It is recommended that all countries consider requesting a PVS evaluation or follow-up. In addition, where the national legislative framework presents barriers to the implementation of OIE standards, countries are strongly encouraged to request an evaluation of the veterinary legislation through the OIE Veterinary Legislation Support Programme.

Good regulatory practices (GRP) have been defined by the Organisation for Economic Cooperation and Development (OECD) as including consultation, transparency, review and evaluation. Member Countries are encouraged to apply GRP to help achieve an appropriate balance between minimising risk and maximising export market access in national trade policies.

Participation in training offered by the OIE and the WTO/Standards and Trade Development Facility (STDF) can help identify strategies that will improve performance in these areas.

5.1.3. Engagement with the private sector

In the Questionnaire, the lack of capacity of the private sector to comply with importing country requirements was the most commonly reported challenge to the negotiation of export market access (70 countries). Lack of private sector investment was identified as a challenge to the use of zoning /compartmentalisation by 43% and 'failure of public-private partnerships (PPP)' by 15% of respondents. Compartmentalisation cannot succeed in the absence of an effective PPP.

Failure to maintain engagement with the private sector is a challenge to the provision of health safeguards in the context of both national and international expectations. Governments are strongly encouraged to offer the private sector a meaningful partnership in relation to animal health and veterinary public health.

PPP has been actively promoted by the OIE and the WTO/STDF as a means of strengthening government services, improving regulatory outcomes and supporting market access. Effective PPP can take many forms, but the key principles have been agreed by the OIE and its international partners. It is important to achieve a correct balance. The development of PPP is not a mechanism for the private sector to finance the operations of government agencies (this does not rule out appropriate cost-sharing models for services delivery). The possibility of private sector participation in the setting and evaluation of standards and in negotiations with trading partners should not be ruled out. The goal is to establish an inclusive process, which allows for the contribution of relevant knowledge and skills by actors in both the public and private sector. In addition to STDF guidance, the OIE is preparing a publication on the topic of PPP.

5.2. For consideration by the OIE

Responses to the Questionnaire pointed to the importance of the OIE standards in relation to trade and the high level of recognition that the organisation has established in its 94 years of operation. In the period of the current Strategic Plan (2016 – 2020) the OIE will undertake several key initiatives aimed at improving its services to Member Countries, including: evaluation of the system for determining official disease status; improvements in the OIE standard-setting process; fostering the engagement of Member Countries in standard-setting, and ensuring understanding and transparency of the OIE procedures.

5.2.1. Steps to further improve international transparency

Communication

The OIE has already taken steps to familiarise decision-makers in national governments with its role and procedures. This is a very important initiative. The OIE should maintain the existing privileged relationship with national Delegates and should also develop a ‘high level’ communications strategy and profile directed to elected persons and senior decision-makers,

The OIE is raising its profile on social media and should also be more proactive in the issuance of advice and communications in response to incidents that raise health and safety concerns globally.

Transparency and inclusiveness of standard setting process

Member Countries are likely to have continually higher expectations on transparency, given the general increase in availability of information in every aspect of life. To increase confidence in the robustness of its standards, the OIE should continuously monitor its approach to standard-setting and related processes with a view to further strengthening transparency and inclusiveness.

Information sharing

Perhaps the most prized OIE service is its real-time reporting on disease outbreaks and related matters. The organisation has a high standing in this field and has already initiated an update of WAHIS.

Member Countries have shown willingness to share results of risk assessments and there is much information available on national websites. The OIE should consider establishing a repository for risk assessments carried out by Member Countries. The purpose of this repository would be to disseminate information; it may not be appropriate for the OIE to endorse the outcome of specific risk assessments. It is recommended that, in future, the OIE provide more predictive analysis to support risk assessments in relation to animal diseases and zoonoses.

OIE official status

Recognition of the official health status of countries is another important service provided by the OIE. In the past, concerns had been raised about the transparency of the OIE procedures, notably in relation to access to country dossiers. The Standard Operating Procedures, available on OIE website, has addressed these concerns. It is recommended that the OIE continue monitoring transparency in relation to the sharing of information by Member Countries.

5.2.2. Monitoring the implementation of standards

To encourage the implementation of its standards by its Member and fulfill its role as a WTO reference standard setting body, the OIE is designing an Observatory. The OIE Observatory project is intended to monitor the implementation of the standards, to identify difficulties faced by Member Countries and propose solutions.

In developing this project, the OIE should take care to exclude confounding factors when analysing why the standards are not being implemented. As the results to this questionnaire have shown, there are many factors potentially contributing to this. Levels of economic development and regional specificities must also be taken into account. A robust analysis will be needed to identify the key problems and devise effective solutions.

5.2.3. Targeting capacity building activities to the identified needs

National legislation can present impediments to the implementation of SPS principles. The OIE should consider providing more detailed guidelines on how national legislation should address SPS principles.

Many respondents indicated that their import/export staff do not attend OIE seminars for focal points. While maintaining the opportunities on offer, the OIE should consider increasing the availability of its seminars by adopting models for distance learning. The WTO SPS e-learning programme could be considered as a model. It could be feasible for the OIE to collaborate with the SPS Secretariat in the delivery of on-line training on the OIE standards and the SPS Agreement –the topic of priority to the greatest number of respondents.

The definition of safe trade and safe commodities is potentially a very useful tool to facilitate trade – countries do not need a strong risk analysis capacity to apply these concepts. The OIE should consider whether the existing texts on safe trade/safe commodities could be improved or extended and any other steps that could be taken to improve their uptake.

Equivalence is considered to be a relevant concept, used regularly by 24% of respondents. However, its use is not well standardized and 43 countries (30%) reported a lack of OIE guidance as a challenge. It is recommended that the OIE consider doing more work to define the concept and develop guidance for use by Competent Authorities. Collaboration with the Codex Alimentarius Commission or the SPS Committee could be useful in this area of work.

There is scope to strengthen relationships with the private sector in many Member Countries, especially developing and least developed countries. Consideration could also be given to training of public sector and private sector players in setting up PPP, including the identification of goals and mechanisms.

6. Conclusions

The OIE continues working to facilitate safe trade and to help Member Countries comply with their international obligations. Through the decisions of WTO dispute settlement bodies during the past two decades, the relevance of applying OIE standards to the WTO legal framework is well recognised. There are several processes for resolution of disagreements between trading partners, but they can all be complex, costly and slow. There are obvious benefits to establishing mutually agreeable conditions for trade without having resort to mediation or dispute resolution.

The OIE continues advocating for the Veterinary Services and Aquatic Animal Health Services and provides relevant capacity building opportunities. In addition, there is a need to build trust, increase transparency and encourage Member Countries to implement the OIE standards when making decisions on import and export. The OIE Observatory should play a key role in this process by monitoring the implementation of standards, analysing the impediments and identifying solutions for use by Member Countries. It will be important to separate the many factors contributing to implementation of standards and analyse them thoroughly to identify effective solutions to the problems.

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ANNEX 1

List of the OIE Member Countries that replied to the questionnaire

Afghanistan, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Brunei, Bulgaria, Burkina Faso, Cabo Verde, Cambodia, Cameroon, Canada, Chad, Chile, China (People's Rep. of), Colombia, Comoros, Congo (Dem. Rep. of the), Congo (Rep. of the), Costa Rica, Côte d'Ivoire, Croatia, Cuba, Curaçao, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Fiji, Finland, Former Yug. Rep. of Macedonia, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guinea, Guinea Bissau, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Korea (Rep. of), Kuwait, Kyrgyzstan, Laos, Latvia, Lesotho, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Caledonia, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, San Marino, São Tomé and Príncipe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Taipei (Chinese), Tanzania, Thailand, Timor-Leste, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States of America, Uruguay, Uzbekistan, Vanuatu, Vietnam, Yemen, Zimbabwe.

ANNEX 2

Responding countries classified by OIE region

Africa

Benin, Burkina Faso, Cabo Verde, Cameroon, Chad, Comoros, Congo (Dem. Rep. of the), Congo (Rep. of the), Cote d'Ivoire, Eritrea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Malawi, Mali, Mauritius, Morocco, Mozambique, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, South Africa, Sudan, Swaziland, Tanzania, Tunisia, Uganda, Zimbabwe.

Americas

Argentina, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Curaçao, Dominican (Rep.) Ecuador, El Salvador, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, United States of America, Uruguay.

Asia, Far East and Oceania

Australia, Bangladesh, Bhutan, Brunei, Cambodia, China (People's Rep. of), Fiji, India, Indonesia, Iran, Japan, Korea (Rep. of), Laos, Malaysia, Maldives, Micronesia (Federated States of), Mongolia, Myanmar, Nepal, New Caledonia, New Zealand, Pakistan, Papua New Guinea, Philippines, Singapore, Sri Lanka, Taipei (Chinese), Thailand, Timor-Leste, Vanuatu, Vietnam.

Europe

Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Former Yug. Rep. of), France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Montenegro, Netherlands (The), Norway, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom, Uzbekistan.

Middle East

Afghanistan, Bahrain, Djibouti, Jordan, Kuwait, Libya, Saudi Arabia, Somalia, Turkey, Yemen.

ANNEX 3

Responding countries classified by level of development

Developed countries

Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands (The), New Caledonia, New Zealand, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom, United States of America.

Developing countries

Argentina, Armenia, Azerbaijan, Bahrain, Barbados, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Brunei, Cabo Verde, Cameroon, Chile, China (People's Rep. of), Colombia, Congo (Rep. of The), Costa Rica, Cote d'Ivoire, Cuba, Curaçao, Dominican (Rep.), Ecuador, El Salvador, Fiji, Former Yug. Rep. of Macedonia, Gabon, Georgia, Ghana, Honduras, India, Indonesia, Iran, Israel, Jordan, Kazakhstan, Kenya, Korea (Rep. of), Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Mongolia, Montenegro, Morocco, Nicaragua, Nigeria, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Saudi Arabia, Serbia, Seychelles, Singapore, South Africa, Sri Lanka, Swaziland, Taipei (Chinese), Thailand, Tunisia, Turkey, Ukraine, Uruguay, Uzbekistan, Vietnam, Zimbabwe.

Least developed countries

Afghanistan, Bangladesh, Benin, Bhutan, Burkina Faso, Cambodia, Chad, Comoros, Congo (Dem. Rep. of), Djibouti, Eritrea, Gambia, Guinea, Guinea-Bissau, Haiti, Laos, Lesotho, Malawi, Mali, Mozambique, Myanmar, Nepal, Niger, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Somalia, Sudan, Tanzania, Timor-Leste, Uganda, Vanuatu, Yemen.
