



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.2.2005  
SEC(2005) 243

**COMMISSION STAFF WORKING DOCUMENT**

**Community response to an OIE questionnaire**

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### **Community response to an OIE questionnaire**

#### **MEMORANDUM TO THE COMMISSION**

The OIE on behalf of the bureau of the OIE Terrestrial Animal Health Standards Commission (Code Commission) has sent out a questionnaire to its members in order to prepare a technical discussion paper for the next annual General Session to be held in Paris in May 2005. As this questionnaire concerns mainly WTO/SPS matters which is under the competence of the European Commission it is necessary for the Commission to reply. However, it is necessary to arrange for a co-ordinated Community response as some of the responses need to be addressed directly by the Member States.

The Commission therefore proposes to the Council to arrange for a co-ordination with Member States on this questionnaire so the Commission can present the attached response in the Annex to the OIE as soon as possible. This is in order to allow the OIE to take the responses into account before the final version is submitted to the OIE General Session.

The cover letter to be sent with our response is attached at Annex A (Doc D(2005)520217).

## ANNEX A



UNION EUROPEENNE

Bruxelles, le  
D(2005)520217 HLB/vb

**Subject : Commission response to an OIE questionnaire concerning SPS matters.**

Dear Director General,

Please find attached as an Annex the Commission responses to the SPS questionnaire concerning the preparation for the Annual General Session to be held in May 2005.

I would like to point out that as the Commission has full competence in the area of the WTO/SPS agreement the questionnaire has been completed on behalf of all 25 Member States.

It has been difficult in some areas to ensure that the questionnaire has been properly completed due to different interpretations of certain questions. Firstly in point 7 the outcome would be completely different if one was looking at the response from either an importing or from an exporting point of view. In this section it has been assumed that the answers should relate to the situation in the Community and the individual Member States. Secondly the SPS agreement already constitutes international trade regulations hence its status as part of WTO law. In our view the question relating to renegotiations will not be relevant for some time. The SPS agreement is not on the agenda of the ongoing WTO negotiations. We believe that only after the implementation of this round can the SPS agreement be renegotiated. Therefore at the moment these questions are rather theoretical. However, as the SPS agreement already explicitly refers to the OIE standards these standards play an important part in facilitating trader and resolving trade disputes.

Thirdly some of the questions may not have been fully completed as in sections 5, 6 and 7 two answers should have been given therefore we would like to point out that some countries may have failed to appreciate this.

Lastly we support the introduction of international welfare standards but in our understanding standards will not be created within SPS agreement or in the framework of WTO. These standards are being developed by the relevant international bodies as the OIE. The SPS agreement in referring to the standards in a legally binding way allows WTO members to use them in trade relations however in this sense the word "introduction" might be misleading.

We apologise for the delay but I trust you will find our response useful and hope that you will be able to incorporate it into the technical presentation for the annual General Session.

Kind regards

Dr. Jaana Husu-Kallio

*Deputy DirectorGeneral*

Annex: 2

Copies: All Directors/Chief Veterinary Officers of the Community, Andorra, Bulgaria, Iceland, Norway, Romania and Switzerland.

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## ANNEX

# Implementation of OIE standards in the framework of the SPS Agreement

### 1.1.1. Introduction

Member Countries are increasingly under pressure to improve delivery of veterinary services as a prerequisite for entering the competitive arena of international trade in animals and animal products. The demands for compliance to international sanitary standards have also put increasing pressure on the financial, human and technological resources of Member Countries to either work towards compliance with standards or maintaining compliance. The minimum requirements in terms of the Agreement on the Application of Sanitary and Phytosanitary Standards (SPS Agreement) of the World Trade Organization (WTO), the guidelines and recommendations of international standard-setting organisations such as the OIE, have a direct linkage with the eventual acceptance or refusal of animals or products of animal origin by importing countries.

The underlying intent and sentiment in the formulation of the SPS Agreement is to facilitate unhindered international trade in animals and plants as well as their products without endangering human, animal or plant life. An important concept embedded within the Agreement is to ensure that governments of countries do not use sanitary measures related to the import of animals and animal products as unjustified trade barriers to protect their own domestic livestock industries from competitive imports. To enable a scientifically justifiable baseline for consistency in decision-making, Member Countries are encouraged to base their decisions on international standards where they exist or otherwise to justify their decision on scientific principles if an international standard does not exist or if the sanitary standard set by the importing country is higher than an international standard. The SPS Agreement acknowledges the OIE *Terrestrial Animal Health Code (Terrestrial Code)* as an international reference for sanitary standards for the trade in animals and animal products. The primary focus of the *Terrestrial Code* is on *animal health matters including zoonosis* related to international trade i.e. to set guidelines and recommendations to minimise the risk for the spread or introduction of disease to animals and humans through the trade in animals and animal products.

The underlying sentiment of the *Terrestrial Code* is to guide decision-making for international trade by;

- Allowing *importing countries* to request adherence and compliance to certain requirements in respect of sanitary standards by the exporting country. The main purpose being to protect their own industries i.e. by setting an “appropriate level of protection” (ALOP) to safeguard the health of the animal population in their country and thereby not endangering their own export status.
- Allowing *exporting countries* to use the guidelines and recommendations of the *Terrestrial Code* to set standards for national sanitary measures to enable acceptance for their animals and animal products in the export market.

The purpose of this questionnaire is to assess the perception and experiences of Member Countries in applying the underlying principles, guidelines and recommendations of both the *Terrestrial Code* and the SPS Agreement in the trade of animals and animal products. A particular focus is on the application of the rights and obligations embedded in both the *Terrestrial Code* and SPS Agreement and to what extent Member Countries experience the application thereof as facilitating or hindering the trade in animals and animal products.

OIE standards, guidelines and recommendations also cover aquatic animals in the *Aquatic Animal Health Code*. Diagnostic methods and vaccine quality related to aquatic animal diseases are covered in the *Diagnostic Manual for Aquatic Animal Diseases*. However, the present questionnaire is focused only on the *Terrestrial Code*.

## 1. Application and usage of the *Terrestrial Code* and SPS Agreement

	Yes	Uncertain	No
Do you find the <i>Terrestrial Code</i> useful in trade negotiations?	X		
Do you find the SPS Agreement useful in trade negotiations?	X		
Do you find the guidelines, standards and recommendations of the <i>Terrestrial Code</i> user friendly in general?	X		
Do you find the requirements of the SPS Agreement user friendly?	X		
Do you/have you incorporated the principles of the SPS Agreement into national animal health and veterinary public health legislation?	X		
Do you/have you incorporated the principles of the <i>Terrestrial Code</i> into national animal health and veterinary public health legislation?	X		
Do you think harmonisation of sanitary standards will facilitate trade?	X		
Do you think equivalency is a prerequisite for trade in animals and animal products?			X
Do you think the scientific justification of an SPS measure is always possible if not covered by a precautionary principle?	X		
Does your country have any sanitary measures that are stricter than those recommended in the <i>Terrestrial Code</i> ?	X		
Does your country have sanitary measures that are lower than those recommended in the <i>Terrestrial Code</i> ?	X		
Do you think that the requirements of the <i>Terrestrial Code</i> favour industrialised countries?		X	

## 2. Guidelines and recommendations of the *Terrestrial Code*

Please indicate the acceptability for application of the guidelines and recommendations in the *Terrestrial Code* for the following by marking (✓) one option only:

	Too trade restrictive	Not sufficient to protect sanitary status	Acceptable	Uncertain
Delivery of Veterinary Services			X	
Ethics of certification			X	
Zoning			X	
Compartmentalisation		X		
Foot and mouth disease			X	
Bovine spongiform encephalopathy				X
Avian influenza		X		
Rinderpest			X	
Contagious bovine pleuropneumonia			X	

African horse sickness			X	
Newcastle disease		X		
Bluetongue				X
Classical swine fever			X	
Lumpy skin disease			X	
African swine fever			X	
Rift Valley fever			X	
Peste des petits ruminants			X	
Guidelines for surveillance and risk assessment for BSE		X		
Inactivation for pathogens and vectors		X		

### 3. Frequency of use

How often do you consult the *Terrestrial Code* to compile health certificates, consult in trade negotiations, and for the development of national standards?

Daily	X		Monthly			Infrequent			Never		
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How often do you consult the SPS Agreement in trade negotiations, and for the development of national standards?

Daily	X		Monthly			Infrequent			Never		
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How many copies of the *Terrestrial Code* do you have available for use in your department?

One			Two	X		<3-10			>10		
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How many copies of the SPS Agreement do you have available for use in your department?

One			Two			<3-10	X		>10		
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Do you use:

Only the hard copy of the *Terrestrial Code*

Only the web version

Both

#### 4. Participation in standards-setting

Does your country have a delegate present at each General Session of the OIE International Committee?

Yes	<input checked="" type="checkbox"/>		No	
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If the answer is “No”, how many sessions have your country not attended in last 5 years? \_\_\_\_\_

Does your country have a delegate present at each meeting of the SPS Committee of the WTO?

Yes	<input checked="" type="checkbox"/>		No	
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If the answer is “No”, how many meetings have your country not attended in last 5 years? \_\_\_\_\_

If the answer is “No”, which of the following would be applicable to your situation for not attending the SPS Committee meetings?

Lack of funds	<input type="checkbox"/>	<input type="checkbox"/>	Attendance not regarded as relevant	<input type="checkbox"/>	<input type="checkbox"/>
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No available expertise	<input type="checkbox"/>	<input type="checkbox"/>	Attendance not regarded as important	<input type="checkbox"/>	<input type="checkbox"/>
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Is the delegation of your country at SPS Committee meetings?

An official veterinarian       A legal person       A plant health specialist

A trade specialist       A food specialist       A combination of the former

None of the former



## 5. Ability to comply with the requirements of the SPS Agreement

Which of the following aspects in the SPS Agreement have you encountered in trade negotiations for the trade in animals and animal products and how important do you regard the factor?

	Never	Always	Sometimes	Important	Not important
Inconsistency of sanitary measures with SPS Agreement			X	X	
Sanitary measures not based on scientific principles			X	X	
Inconsistency of import requirements compared with other trade partners with similar animal disease status			X	X	
Sanitary guarantees required not consistent or in accordance with the <i>Terrestrial Code</i>			X	X	
Appropriate level of protection required by importing country higher than international standard recommended in <i>Terrestrial Code</i>			X	X	
Importing country not accepting equivalence of sanitary measures applied in exporting country			X		X
Inconsistency of national standards with standards for trade			X	X	
Importing country insisting on risk assessment for a sanitary measure that complies with an international standard			X	X	
Importing country not willing to submit scientific justification for a sanitary measure required from exporting country			X	X	
Unwillingness of the importing country to allow longer time for compliance			X		X

## 6. Ease of understanding and possible changes to the *Terrestrial Code* to align and ease the application of the SPS Agreement

Please indicate for each of the following factors the preferred option relevant to your country:

	No significant changes needed	Change could facilitate trade	Important to change	Not important to change
Guidelines for evaluation of veterinary services	X			X
Guidelines for import risk analysis		X	X	
Format of guidelines in animal disease chapters for the import and export of animals and animal products		X	X	
General principles for recognising a country or zone free from a given disease/infection	X			X
Guidelines for reaching a judgement of equivalence of sanitary measures	X			X
Zoning, regionalisation and compartmentalisation		X	X	
Guidelines for surveillance for specific diseases		X	X	

### Relating sanitary standards for different but relevant diseases to a specific commodity (live animal or animal product):

Do you find the *Terrestrial Code* user friendly to relate certification requirements for a single commodity (e.g. meat, milk) where more than one disease in the exporting country poses a risk?

Yes			No	X		Uncertain	
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Would you recommend a separate chapter in the *Terrestrial Code* to indicate the safety for trade of specific products regardless of the presence of certain diseases (such as for example indicated in the *Terrestrial Code* chapter for the BSE listing products such as milk, etc. which could be imported without restrictions regardless of the BSE status of a country)?

Yes	X		No			Uncertain	
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Would you recommend a separate chapter in the *Terrestrial Code* to indicate the risk mitigating procedures that could be applied on specific products (e.g. meat, milk) to render it safe for trade?

Yes	X		No			Uncertain	
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**7. Limiting factors to fully apply the requirements of the *Terrestrial Code* in accordance with the requirements of the SPS Agreement**

Which of the following aspects **relevant to your country** would you regard as limiting factors to fully utilize the *Terrestrial Code* and apply the requirements of the SPS Agreement and how important do you regard the factor?

	Yes	No	Important	Not important
Lack of financial resources for the delivery of veterinary services		X	X	
Lack of human resources for the delivery of veterinary services	X		X	
Insufficient infrastructure for disease surveillance and diagnostics		X	X	
Lack of sufficient expertise		X	X	
Lack of technical assistance		X	X	
Lack of understanding the application of the SPS Agreement		X	X	
Lack of expertise to conduct import risk analysis	X		X	
Privatisation of Veterinary Services		X	X	
Non-participation in international standards-setting meetings		X	X	
Inability to achieve and maintain disease-free status		X	X	
Inability to comply with and maintain international standards		X	X	
Inappropriate legislative mandate		X	X	
Insufficient supportive structures (trade facilitation, export facilitation)		X		X
Threat of transboundary animal diseases	X		X	

## 8. Miscellaneous

Do you think that the national implementation of the *Terrestrial Code* standards for export purposes could have benefits on the national animal disease and veterinary public health situation?

Important benefits	X		Small benefits			No			Uncertain		
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Do you think that the quality and reliability of certification by the *Veterinary Services* of exporting countries would benefit from a voluntary international accreditation system facilitated by the OIE?

Important benefits	X		Small benefits			No			Uncertain		
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Do you think that the SPS Agreement could be renegotiated to provide for international trade regulations:

- more weight on OIE standards? (*Only one response please*)

Yes			No	X		Uncertain	
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- more weight on risk analysis? (*Only one response please*)

Yes			No	X		Uncertain	
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Do you think that animal welfare standards should be introduced in the SPS Agreement?

Yes	X		No			Uncertain	
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Kindly return this questionnaire, if possible by fax or E-mail,  
(if E-mail is used, please also mail paper copy)  
to the OIE Scientific and Technical Department (E-mail: [scientific.dept@oie.int](mailto:scientific.dept@oie.int))  
before **30 January 2005**