

The obligations of Member Countries of the OIE (World organisation for animal health) in the organisation of Veterinary Services

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Summary

The authors discuss the mission, organisation and resources of Veterinary Services in the new international trading environment and examine how the standards for Veterinary Services, contained in the OIE (World Organisation for Animal Health) *International Animal Health Code* (the *Code*), help provide the necessary support for Veterinary Services to meet their rights and obligations under the provisions of the Sanitary and Phytosanitary (SPS) Agreement of the World Trade Organization (WTO). The authors describe the challenges of gaining access to international trading markets through surveillance and control of OIE listed diseases. Finally, the approach in the *Code* to the principles underpinning the quality of Veterinary Services and to guidelines for evaluating Veterinary Services, is discussed.

Keywords

Evaluation – International Animal Health Code – Obligation – Quality of Veterinary Service – SPS Agreement – World organisation for animal health.

Introduction

The importation of animals and animal products involves a degree of disease risk to the importing country, but countries have the right to implement import health measures to protect their human, animal and plant life and health from pests and diseases. This right is balanced by corresponding obligations and it is the relationship between rights and obligations which forms the basis of the World Trade Organization (WTO) rules for international trade in agricultural products.

International standards

The underlying objective of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) of the World Trade Organization (WTO) is to ensure that governments do not use import health measures as unjustified

trade barriers to protect their domestic agricultural industries from competitive imports (3). For the purposes of this paper, the key provisions of the SPS Agreement are as follows:

- an importing country has the right to adopt health measures to protect its human, animal or plant life or health using an ‘appropriate level of protection’ but such a level of protection must be consistently applied to imports and between imports and domestic products
- a health measure must be based on scientific principles
- a health measure must be based on an international standard unless a country decides that a higher level of protection is needed, in which case it must be based on a scientific risk analysis
- where there is insufficient scientific evidence to complete a risk analysis, a provisional measure may be adopted, but additional information must be sought to allow a more objective analysis.

The *International Animal Health Code* (the *Code*) of the OIE (World Organization for Animal Health) is one of the international standards which countries may utilise in setting their import measures (1). It is used by veterinary authorities to establish health regulations for the safe importation of animals and animal products, while avoiding unjustified health barriers. The *Code* covers mammals, birds and bees, and a sister publication, the *Aquatic Animal Health Code*, covers fish, crustaceans and molluscs (2).

It is important to recognise, however, that an import measure must be supported by structures and procedures in place in both importing and exporting countries in order for it to be an effective instrument for protection. The OIE standards for Veterinary Services contained in the *Code* help to provide this support through standards, guidelines and recommendations to protect against the introduction of pests and diseases during trade in animals and animal products, and which address the quality of Veterinary Services.

The section of the *Code* dealing with the quality of Veterinary Services was developed over some years by various working groups with broad membership to reflect the range of circumstances prevailing in Member Countries. Initial versions were considered by OIE Member Countries to be overly prescriptive and were modified so that provisions were applicable across all Member Countries and formulated in the form of objectives rather than as mandatory conditions.

The principles incorporated in the *Code* include the following:

- a scientific basis for all recommendations
- risk analysis underlying decision-making: assessment of relevant risk factors; evaluation of Veterinary Services; zoning and regionalisation; disease surveillance
- accurate health certification
- conformance with WTO obligations (if they are WTO Members).

The *Code* is divided into generic chapters and disease-specific chapters, with the first group relating to the structure and operations of Veterinary Services and the second providing the basis for the detailed recommendations covering the major animal diseases and zoonoses. *Inter alia*, the generic chapters address disease notification procedures, obligations and ethics in international trade, responsibilities of importing and exporting countries, import risk analysis methodology, zoning and regionalisation and import/export procedures.

Challenges for Veterinary Services

The implementation of the rights and obligations of a country under the SPS Agreement requires considerable technical, administrative and financial resources.

The SPS Agreement contains some provisions to facilitate implementation by developing countries, while ensuring that the health of the importing country is not compromised. For example, it requires that importing countries should phase in new requirements, to the extent possible without compromising health, on products of particular interest to developing countries. Importing countries are expected to provide technical assistance to developing countries to enable them to meet any new import measures applicable to their products.

The largest challenge facing countries with OIE List A diseases lies in meeting the demands of potential importing countries for information on which to base their import measures. The information may be required to determine which articles in the *Code* are applicable to an import proposal or to conduct an import risk analysis. The information requested may include the following:

- structure, roles and responsibilities of Veterinary Services, including field services
- disease investigation and surveillance systems
- animal health status
- import/export history.

The recommendations in the *Code* regarding Veterinary Services are designed to assist countries to meet such requests.

Safe international trade is in the interests of both importing and exporting countries. An importing country needs to ensure that its requests meet genuine information needs and that at the same time it is meeting its obligations with regard to the consistent application of its appropriate level of protection, its national situation regarding freedom from certain pests and diseases and its disease control programmes, and timeliness. An exporting country is obliged to provide accurate and up-to-date information in a timely manner.

If a potential exporting country is dissatisfied with the import measures applied, several avenues for redress are available. It may seek the mediation of the Director General of the OIE in settling the disagreement or it may raise its concerns in a meeting of the SPS Committee. The use of the good offices of the OIE requires the agreement of the importing country. The OIE dispute settlement process is technically based and is not binding on the parties unless this is agreed before the mediation. If the concerns of the exporting country cannot be satisfactorily addressed through the OIE process or through discussion in meetings of the SPS Committee, it may decide to take the matter to formal dispute. The WTO dispute settlement system is legally based, places significant financial and human resource demands on both parties, and may not produce a satisfactory and practical result.

Responsibilities of importing and exporting countries

The *Code* addresses the responsibilities of Member Countries in the light of their SPS rights and obligations (for countries which are WTO Members).

The *Code* notes that import requirements included in the international veterinary certificate should comply with the national level of protection that the importing country has chosen for animal and human health. It recommends that an international veterinary certificate not include requirements for the exclusion of pathogens or animal diseases which are present within the importing country and are not subject to any official control programme in that country. In addition, the requirements should not provide a higher level of protection on imports than that provided for the same pathogens or diseases by the measures applied within that country.

The *Code* describes the obligations of each Member Country to provide, regularly and promptly, accurate and current information on its health status for the major animal diseases, and on the structure and operations of its Veterinary Services and other relevant competent authorities.

The *Code* also addresses practical and ethical issues regarding animal health certification. It states that certification should be based on the highest possible ethical standards, the most important of which is that the professional integrity of the certifying veterinarian must be respected and safeguarded. It warns against inclusion in the certification of matters which cannot be accurately and honestly signed by a veterinarian, for example, matters outside their knowledge, and matters which would take place after the document is signed. It also lists principles covering the drawing up of certificates to minimise the opportunity for mistakes and fraud.

Quality of Veterinary Services

The quality of the Veterinary Services of a country depends on a range of factors, which include fundamental principles of an ethical, organisational and technical nature, and Veterinary Services should conform to these minimum fundamental principles, regardless of the political, economic or social situation in the country. Compliance with these fundamental principles by the Veterinary Services of a Member Country is important for the establishment and maintenance of confidence in its veterinary certificates.

Should the responsibility for establishing or applying animal health measures, or issuing international veterinary certificates be exercised by an organisation other than the Veterinary Services (in particular in the field of aquatic animal diseases), or

by an authority or agency on behalf of the Veterinary Services, the same fundamental principles should apply.

The quality of Veterinary Services can be measured through an evaluation, the general principles of which are described in the *Code*.

The *Code* recommends that Veterinary Services comply with the following fundamental principles to ensure the quality of their activities:

Professional judgement

The officials of Veterinary Services should have the relevant qualifications, scientific expertise and experience to give them the competence to make sound professional judgements.

Independence

The staff of Veterinary Services should be free from any commercial, financial, hierarchical, political or other pressures which might affect their judgement or decisions.

Impartiality

The Veterinary Services should be impartial. All parties affected by their activities have a right to expect their services to be delivered under reasonable and non-discriminatory conditions.

Integrity

The Veterinary Services should guarantee the integrity of the work of each of their officials. Any fraud, corruption or falsification should be identified and corrected.

Objectivity

The Veterinary Services should at all times act in an objective, transparent and non-discriminatory manner.

Sound general organisation

The Veterinary Services should be able to demonstrate, by means of appropriate legislation and organisation, that they control the development and application of animal health measures and international veterinary certification activities. A similar demonstration should be made by Veterinary Services when they are in charge of veterinary public health activities.

The Veterinary Services should have at their disposal effective systems for animal disease surveillance and for notification of disease problems wherever they occur, in accordance with the provisions of the *Code*. Adequate knowledge of the animal populations in the country should also be demonstrated.

Quality policy

The Veterinary Services should define and document their policy and objectives for, and commitment to, quality, and should ensure that this policy is understood and implemented at all levels in the organisation.

Appropriate procedures and standards

The Veterinary Services should have appropriate procedures and standards for all their activities.

Communication

The Veterinary Services should have effective internal and external systems of communication covering administrative and technical staff levels, and parties affected by their activities (e.g. industry and consumers).

Self-evaluation

The Veterinary Services should undertake periodical self-evaluation by documenting achievements against goals and demonstrating the efficiency of their organisational components and resource adequacy. The OIE can assist in the process.

Evaluation of Veterinary Services

General considerations

The OIE recommends that any evaluation of Veterinary Services be based on the OIE Guidelines for the evaluation of Veterinary Services contained in the *Code*. The Guidelines, which were adopted by all Member Countries in May 2002, are applicable to the evaluation of the Veterinary Services of another country and to the evaluation of a country's own Veterinary Services. In the case of evaluation for the purposes of international trade, the authorities of an importing country should attempt to acquire information according to the model questionnaire presented in the *Code*. The relative ranking in the evaluation of the criteria described in this chapter may vary according to political, economic, social and epidemiological circumstances.

The purpose of evaluation may be one of the following:

- to assist a national authority in the decision-making process regarding resources and priorities to be given to its own Veterinary Services (within a self evaluation process)
- a part of a risk analysis process to determine the health measures which an importing country will use to protect human or animal life or health from disease threats posed by imports.

In both situations, the evaluation should demonstrate that the Veterinary Services have the capability for effective control of the health status of animals and animal products, either generally or for specific commodity groups. The important issue is how such a process may assist developing countries to comply with the relevant international standards. In this regard, self-evaluation may be used by developing countries to provide arguments for additional funding from governments and, if necessary, international donors.

Key elements to be covered in this evaluation are discussed below.

For the purposes of the *Code*, every Member Country should recognise the right of another Member Country to undertake, or request it to undertake, an evaluation of its Veterinary Services where the initiating Member Country is an actual or prospective importer of commodities and where the evaluation is to be part of an import risk analysis process. Periodic evaluation reviews are also valid following the commencement of trade. Such reviews have an important role to play in maintaining mutual confidence between the Veterinary Services of trading partner countries.

Although quantitative data can be provided on Veterinary Services, the ultimate evaluation will be essentially qualitative. While it is appropriate to evaluate resources and infrastructure (organisational, administrative and legislative), emphasis should be placed on the evaluation of the quality of outputs and performance of Veterinary Services.

Scope

In an evaluation of Veterinary Services, the following criteria may be considered, depending on the purpose of the evaluation:

- organisational structure of the Veterinary Services
- human resources
- material (including financial) resources
- functional capabilities and legislative support
- animal health and veterinary public health controls
- formal quality systems
- performance assessment and audit programmes
- participation in OIE activities and compliance with OIE Member Countries' obligations

Evaluation criteria for the organisational structure of Veterinary Services

Inter alia, the organisational structure should clearly set out the relationships of government ministers and departmental authorities with the Chief Veterinary Officer/Veterinary Director and the Veterinary Services. Formal relationships with statutory authorities and with industry organisations and associations should also be described.

Organisational components of Veterinary Services which have responsibility for key functional capabilities should be identified. These capabilities include animal identification systems, traceability systems, animal movement control systems, import controls, disease surveillance and control, animal disease reporting systems, and inspection and certification. Laboratory and field systems and their organisational relationships should be described.

As some countries have some official veterinary roles vested in autonomous sub-national (state/provincial, municipal) government bodies, it is important to assess the role and function of these services and their relations with central services. Similarly, where the national Veterinary Services have arrangements with other providers of relevant services, such as universities and private laboratories, these arrangements should also be described.

Evaluation criteria for quality systems

The Veterinary Services should demonstrate a commitment to the quality of the processes and outputs of their services. Greater emphasis should be placed on the outcomes of these systems than on the resource and infrastructural components of the services.

Evaluation criteria for human resources

The Veterinary Services should demonstrate that their human resource component includes an integral core of graduate veterinarians and other qualified professional officers, administrative officials and technical support staff. This does not exclude the possibility of employing or establishing official agreements with part-time veterinary and para-veterinary staff and private sector veterinarians.

Evaluation criteria for material resources

These include financial, administrative and technical criteria.

Functional capabilities and legislative support

The Veterinary Services should be able to demonstrate that they have the capacity, supported by appropriate legislation, to exercise control over all relevant animal health matters. These controls should include, where appropriate, import and export controls, notification of prescribed animal diseases, inspection, movement controls, quarantine of infected premises/areas, testing, treatment, destruction of infected animals or contaminated materials, and controls over the use of veterinary medicines.

Arrangements should be made for co-operation with the Veterinary Authorities of the neighbouring countries for the control of animal diseases in border areas.

The Veterinary Services should demonstrate that they are capable of providing secure, accurate and valid certification for exports of animals and animal products.

Animal health controls

The ability of the Veterinary Services to substantiate claims regarding its animal health status, by disease surveillance data, results of monitoring programmes and details of disease history, is highly relevant.

Disease surveillance may involve the clinical or pathological examination of animals, the identification of pathogens, and the detection of immunological or other evidence of previous exposure of animals to pathogens.

Animal health control programmes would include disease surveillance, official government-administered or officially endorsed, including industry-administered control or eradication programmes for specific diseases or disease complexes, and animal disease emergency preparedness.

The presence of a functional national animal disease reporting system which covers all regions with animal production should be demonstrated. It may be acceptable on a bilateral basis for such systems to apply only to specific zones of the country.

Participation in the activities of the OIE

Inter alia, the adherence of a country to its reporting obligations as a Member Country of the OIE is relevant.

Conclusion

The problems faced by countries with List A diseases are not only health related but also have a bearing on resources, organisation and infrastructure. At the 2001 WTO Ministerial Conference in Doha (4), the Directors General of the Food and Agriculture Organization of the United Nations (FAO), the OIE, the World Health Organisation (WHO) and the WTO, and the President of the World Bank confirmed their commitment to strengthen the capacity of developing countries to establish and implement science-based health measures, to meet the requirements of trade partners and to participate fully in the work of standard setting organisations, with the aim of improving formal market access for animals and animal products. This is to be achieved through technical assistance activities, particularly in the fields of continuous education and investment in infrastructure.

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