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International Trade and Public Health Protection: International Standards on Animal-borne Diseases

It is now firmly established that 75% of the diseases that have appeared in the human population in the last two decades are animal-borne.⁽¹⁾ The growth of the world's population and international trade, along with globalization, which encourages interaction and exchanges among industries and populations, have created conditions that allow diseases to spread to new communities, with a significant impact on the public health and economy of the regions affected.

In the interest of protecting their population and agriculture industries, governments are implementing monitoring and protection measures to prevent animal diseases from entering their countries. Often, however, there is a lack of uniformity in the response of importing countries when an animal disease is reported in an exporting country. A single case of bovine spongiform encephalopathy (BSE) or "mad cow disease" in 2003 led to the destabilization of trade between the United States and Canada, which at the time had a highly integrated beef market. Conversely, in spite of the more than 180,000 cases of BSE reported, the United Kingdom has been able to stabilize trade with its partners in the European Union, thanks to its effective methods for ensuring the safety of British beef products.

THE OIE: AN INTERNATIONAL STANDARDS ORGANIZATION

The World Organization for Animal Health (Office international des épizooties – OIE) was established to facilitate trade in animals and animal products, while protecting consumer health and preventing the spread of animal diseases.⁽²⁾ Above all, the OIE is an observatory of animal health whose primary objective is to inform national veterinary services of animal diseases reported around the world. The OIE is not a regulatory agency.

The OIE also has other objectives:

- It collects and analyzes all new scientific information relating to the control of animal

diseases and provides it to member countries to help them improve their methods of controlling and eradicating such diseases. In April 2005, for instance, a joint conference of the OIE, the World Health Organization (WHO) and the United Nations Food and Agriculture Organization (FAO) gave scientists from around the world an opportunity to discuss the latest developments relating to avian flu and to make recommendations to better control this disease.⁽³⁾

- It issues official standards, including the *Terrestrial Animal Health Code*, which sets out the recommended health standards for international trade in animals and animal products.⁽⁴⁾
- It provides technical assistance to interested member countries, including the poorest countries, to support activities aimed at controlling and eradicating animal diseases.

The OIE is an intergovernmental organization, funded by the contributions of its member countries (167 as of May 2004). The International Committee, comprising delegates designated by member country governments, directs the organization; its main office, which is in Paris, is headed by a director general elected by the Committee. The OIE comprises elected commissions (five regional commissions, four technical commissions and one administrative commission), which help disseminate information to member countries; and regional representations, which promote disease control.

HEALTH STANDARDS: RECOGNIZED SCIENTIFIC STANDARDS

The OIE standards set out in the *Terrestrial Animal Health Code* and the *Aquatic Animal Health Code* describe for each disease the measures required to participate in trade without compromising animal and human health. These standards are based on an international consensus developed from the available

scientific information and are reviewed regularly to keep pace with advances in knowledge. For example, the standards on avian influenza and BSE were updated and approved by the OIE General Session in May 2005.

In the *Terrestrial Animal Health Code*, the OIE also defines the conditions and procedures required for an animal subpopulation to be declared disease-free and safe for international trade. Two processes are described:

- *Zoning* – or *regionalization* – applies when a subpopulation is defined based on geography. During the outbreak of avian influenza in British Columbia in 2004, regionalization was used to isolate this province, allowing the rest of the country to continue exporting chicken products.
- *Compartmentalization* applies to a subpopulation when management criteria⁽⁵⁾ are used. For example, there may be compartmentalization of ruminants with a high genetic value which, in a country struck by foot-and-mouth disease, are kept and transported in vehicles and to locations where the disease has not spread thanks to proven biosecurity measures.

A HURDLE TO OVERCOME: COMPLIANCE WITH INTERNATIONAL STANDARDS

The international standards set out in the health codes have no legal force, and the OIE has no way of ensuring compliance. The World Trade Organization (WTO) is the only body able to do so, since it may invoke these standards in its decisions. In the *Sanitary and Phytosanitary Agreement*,⁽⁶⁾ it is recommended that the OIE be consulted during the arbitration of scientific disagreements relating to international disputes. A country is thus free to apply the measures it chooses, even if they do not necessarily meet international standards, provided that the WTO has not handled a dispute or ruled on their validity.

In response to the disruption of trade following the emergence of mad cow disease in Japan, Canada and the United States, the OIE issued a press release in January 2004 stating that there are scientific standards governing the resumption of trade with countries affected by BSE, but that not all countries comply with these standards.⁽⁷⁾ It had become customary for countries, including Canada, to close their borders to beef products from a country that had just discovered a case of BSE, regardless of the real risk, the health

measures in place, or the incidence of the disease in the country. The fact that the trade barriers created as a result of BSE have never been challenged before the WTO nevertheless illustrates the need to improve the rules regarding the resumption of trade with countries where the disease has been identified.

In spite of the limitations of this system, no concrete proposal has been put forward to create another process to quickly resume trade when an animal disease occurs. The prompt updating of international standards is often cited as an essential part of this process, and some see this as a way to reform the OIE in order to give it a more trade-oriented mission.

While exporting countries approve of such a process, some regard it as an infringement on countries' sovereignty and a threat to public health. The fact remains, however, that non-compliance with recognized scientific standards penalizes countries with an effective and transparent monitoring system that have demonstrated their ability to control the risks related to an animal disease. This could lead to reluctance to report cases of disease and an increased risk of spreading these diseases internationally.

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- (1) C. Brown, "Emerging zoonoses and pathogens of public health significance – an overview," in L. King, ed., *Emerging zoonoses and pathogens of public health concern*, OIE, *Scientific and Technical Review*, Vol. 23, No. 2, August 2004, pp. 435-442.
 - (2) The OIE was created by the International Agreement of 25 January 1924, signed by 28 countries, following the spread of rinderpest in Europe, and especially in Belgium in 1920.
 - (3) Joint OIE/FAO international scientific conference on avian influenza, 7-8 April 2005.
 - (4) The other standards are the *Manual of Diagnostic Tests and Vaccines for Terrestrial Animals*, the *Aquatic Animal Health Code* and the *Manual of Diagnostic Tests for Aquatic Animals*.
 - (5) Compartmentalization is a new concept introduced in the *Health Code* in May 2004. There are few concrete examples of its application at present.
 - (6) The Agreement was signed during the Uruguay Round of multilateral trade negotiations and took effect in January 1995 with the creation of the WTO. It pertains to the health of food products, the protection of animal health, and plant preservation. It establishes basic rules for a safe food supply, while ensuring that national health and safety regulations cannot be used as a pretext for protecting national producers.
 - (7) OIE, "The OIE standards on BSE: a guide for understanding and proper implementation," press release, 9 January 2004.