

**MULTILATERAL TRADE  
NEGOTIATIONS  
THE URUGUAY ROUND**

RESTRICTED  
MTN.GNG/NG5/W/54  
20 April 1988  
Special Distribution

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Group of Negotiations on Goods (GATT)  
Negotiating Group on Agriculture

SANITARY AND PHYTOSANITARY REGULATIONS

ROLE AND STATUS OF WORK OF SELECTED ORGANIZATIONS

Note by the Secretariat

At its meeting in February 1988, the Negotiating Group on Agriculture requested the secretariat to prepare a note on the role and status of work of selected organizations in the field of health and sanitary regulations (MTN.GNG/NG5/W/6/Rev.1, paragraph 6). The present note has been prepared in response to that request.

This note contains information on the following:

- (i) the CODEX ALIMENTARIUS (Codex);
- (ii) the UN/ECE Working Party on Standardization of Perishable Produce;
- (iii) the International Plant Protection Convention;
- (iv) Office international des Epizooties/the International Office of Epizootics.

Some concluding remarks are found in paragraphs 77 to 85.

There is a great deal of inter-organizational co-operation about the administration of the relevant instruments, and a number of international organizations are maintaining various activities in that connection, notably the FAO, the WHO, the UN/ECE, the IOE, the IAEA, the IDF and the ISO.

An OECD scheme for the application of international standards for fruit and vegetables and various OECD schemes relating to seeds and forest reproductive material as well as some regional arrangements have not been dealt with in this note. Some further detailed information with regard to particular standards and codes might be circulated in addenda to the present note, if delegations should want to have more such information, for instance, for reference purposes during subsequent negotiations.

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## The CODEX ALIMENTARIUS (Codex)

### General

1. The Codex was established in 1963 to implement the Joint FAO/WHO Food Standards Programme with the stated purpose of protecting the health of consumers and to ensure fair practices in the food trade; to promote co-ordination of all food standards work undertaken by international governmental and non-governmental organizations; to determine priorities and initiate and guide the preparation of, through and with the aid of, appropriate organizations and to finalize recommended standards. These recommended standards, which are sent to all Member States and Associate Members of the FAO and/or WHO for acceptance, together with notifications received from governments with respect to the acceptance or otherwise of the standards and other relevant information, constitute the Codex.

### Purpose

2. The Codex is a collection of internationally adopted food standards presented in a uniform manner. These food standards aim at protecting consumers' health and ensuring fair practices in the food trade. The Codex also includes provisions of an advisory nature in the form of codes of practice, guidelines and other recommended measures to assist in achieving the purposes of the Codex. The publication of the Codex is intended to guide and promote the elaboration and establishment of definitions and requirements for foods, to assist in their harmonization and, in doing so, to facilitate international trade.

### Scope

3. The Codex includes standards for all the principal foods, whether processed, semi-processed or raw, for distribution to the consumer. Materials for further processing into foods are included to the extent necessary to achieve the purposes of the Codex as defined. The Codex includes provisions in respect of the hygienic and nutritional quality of food, including microbiological norms, provisions for food additives, pesticide residues, contaminants, labelling and presentation, and methods of analysis and sampling. It also includes provisions of an advisory nature in the form of codes of practice, guidelines and other recommended measures.

### Nature of Codex Standards

4. Codex standards contain requirements for food aimed at ensuring for the consumer a sound, wholesome food product free from adulteration, correctly labelled and presented. A Codex standard for any food or foods should be drawn up in accordance with the Format for Codex Commodity Standards and contain, as appropriate, the criteria listed therein.

### Participation

5. At the end of 1987 some 130 countries were Codex members. Membership of the Codex Alimentarius Commission is open to all Member Nations and Associate Members of FAO and/or WHO. All that a country need do to become a Member of the Commission is to notify the Director-General of FAO or of WHO of its desire to be considered a Member of the Commission. Membership of the Commission confers certain rights on a country, including the right to present a candidate for election as an officer of the Commission, the right to vote in elections and on any matter pertaining to the programme of work of the Commission, and the right to receive Codex documentation.

### The Codex Alimentarius Commission and the Committees

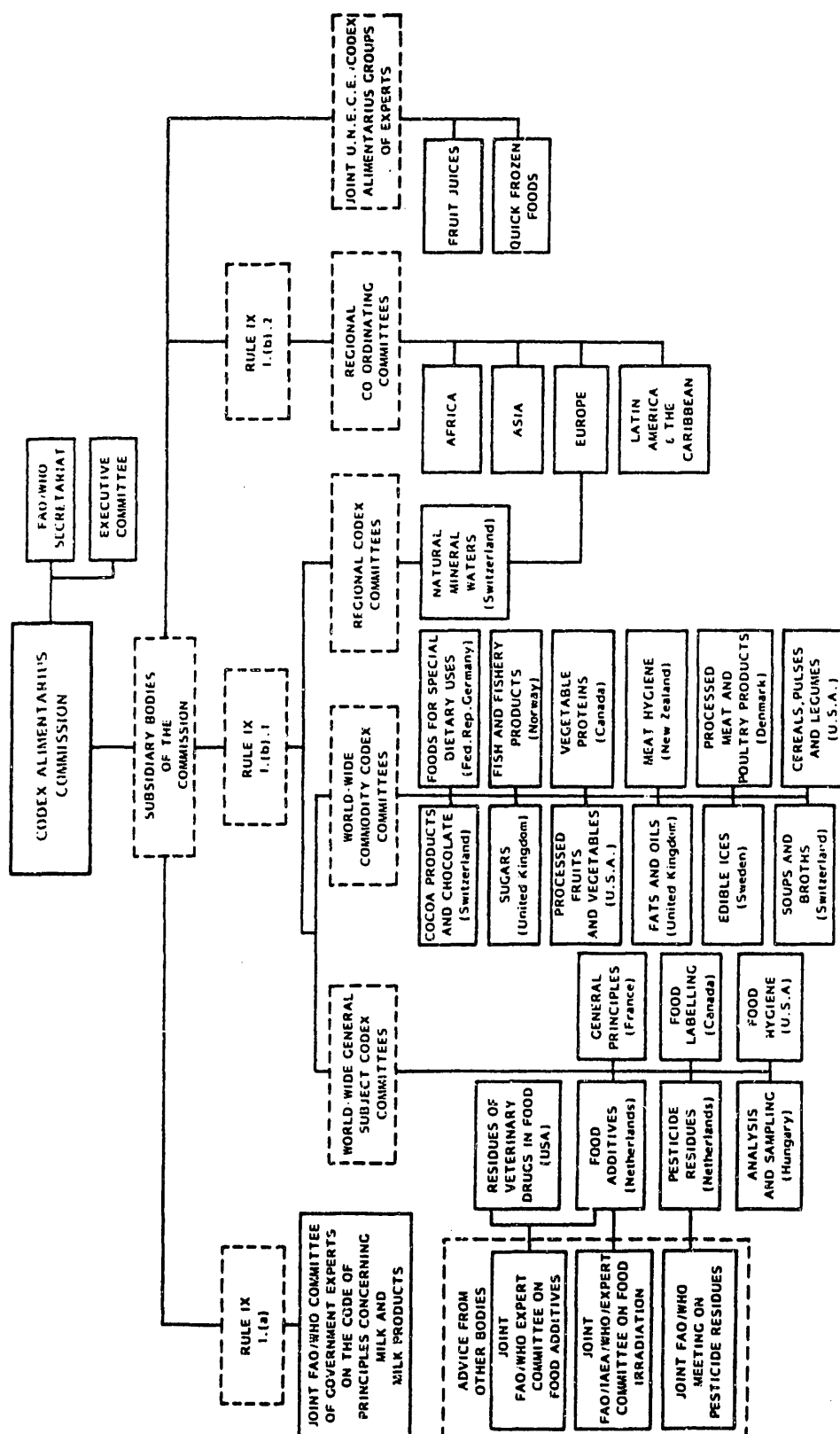
6. The Commission is responsible for making proposals to, and shall be consulted by, the Director-General of the FAO and the WHO on all matters pertaining to the implementation of the Joint FAO/WHO Food Standards Programme. Codex work is divided between Committees dealing with vertical and horizontal measures; i.e., Committees on commodities and those dealing with general subjects such as food labelling. Each standard is considered in each kind of Committee as necessary. There are also regional coordinating committees. The Commission and the Executive Committee coordinate the work. All decisions are taken by the Commissions. Graph I gives an illustration of the subsidiary bodies established by the Commission under Rule IX of the Rules of Procedure.

### Working Procedures

7. The Commission has embarked right from its inception on an extensive programme of work covering the compositional, nutritional, labelling, additive, contaminant, pesticide residue, hygiene, sampling and analytical aspects of foods. It has set out to secure international agreement on the substance of food standards and then to invite governments to accept them in various specified ways for implementation in national legislation. A complete working procedure has been built up designed to ensure, inter alia, that governments have the fullest opportunity to comment on standards while they are still in draft and to enable the Commission to satisfy itself that the standards are being prepared along the right lines. These procedures also apply to the elaboration of codes of hygienic and/or technological practice and certain other texts. Similar procedures exist for the elaboration of maximum limits for pesticide residues and for the elaboration of specifications of identity and purity of food additives.

8. There are also separate procedures for the elaboration of (i) milk product standards; and (ii) individual cheese standards. These separate procedures derive from the fact that the body which develops these standards - the Joint FAO/WHO Committee of Government Experts on the Code of Principles concerning Milk and Milk Products (which was established some years before the Codex Alimentarius Commission) - is empowered not only to elaborate its own standards but also to adopt them for issue to governments for acceptance. In the case of standards for all other products, it is the Commission which adopts them for issue to governments for acceptance.

## ORGANIGRAM FOR THE CODEX



9. FAO is the administering agency of the Codex and all documentation is issued from Rome. No data base has been established yet by the FAO for Codex standards, maximum limits, maximum levels, codes, guidelines or methods of analysis and sampling, but there is a data base in the WHO for health and sanitary legislation.

#### Commodity Standards

10. Close on 200 international commodity standards have been developed and adopted for the following categories of foods: processed fruits and vegetables and edible fungi; sugars (including honey); processed meat and poultry products and soups and broths; fish and fishery products; cocoa products and chocolate; quick frozen fruits and vegetables; foods for special dietary uses including foods for infants and children; fruit juices, concentrated fruit juices and fruit nectars; edible fats and oils; cereals and cereal products; natural mineral waters (European Regional Standard); gari (processed cassava product) (African Regional Standard); edible ices and ice mixes; irradiated foods (General Standard); and milk products including cheeses. More standards are in the course of being developed, including standards for further food products falling in some of the above food categories, as well as standards for pulses and vegetable protein products. In addition, at the regional level, African regional standards are being developed for such products as millet grains and millet flour, cassava flour and dessicated coconut. European regional standards are being developed for vinegar and mayonnaise.

#### General Standards

11. General Standards dealing with subject matters, as distinct from commodities, have been developed as follows: General Standard for the Labelling of Prepackaged Foods, and General Standard for the Labelling of Food Additives when sold as such. A revised General Standard for the Labelling of Prepackaged Foods was adopted by the Commission in July 1985, which takes account of trends and developments concerning the labelling of foods since the time a General Standard for the Labelling of Prepackaged Foods was first adopted by the Commission in 1969.

#### Maximum Limits for Pesticide Residues in Foods

12. Maximum limits for pesticide residues in foods have been developed for a wide range of chemical compounds in many food commodities. An up-to-date compilation of all maximum residue limits adopted by the Commission is published. These maximum residue limits are submitted to governments for acceptance.

#### Maximum Levels for Contaminants in Foods and for Food Additives

13. Maximum levels for chemical contaminants - principally heavy metals - have been established by the Commission in Codex standards for various foods. Provisions regarding maximum levels for food additives in a wide variety of foods have also been adopted by the Commission, which appear in the many standards. The lists of maximum levels are not exhaustive and will be supplemented as further Codex standards are elaborated and as work

on environmental contaminants progresses. The food additive provisions and provisions concerning chemical contaminants form integral parts of individual Codex commodity standards and are not per se subject to the formal acceptance procedure of the Commission. The Commission has also developed general principles for the use of food additives, principles relating to the carry-over of food additives into food, guidelines for the establishment of food additive provisions in commodity standards and specifications of identity and purity for food additives.

#### Codes of Hygienic/Technological Practice/Food Irradiation

14. A Code of General Principles of Food Hygiene, a Code of Practice for the Operation of Radiation Facilities used for the Treatment of Foods and codes of hygienic/technological practice have been developed and adopted for a wide range of food commodities. Codex codes of practice are not subject to the acceptance procedure, but are sent to governments as recommendations. The codes are advisory in nature and it is for individual governments to decide what use they wish to make of them.

#### Code of Ethics for International Trade in Food

15. A Code of Ethics for International Trade in Food has been adopted by the Codex Commission and sent to governments for implementation. The Code was developed in the light of the consideration that many countries - particularly developing countries - do not yet have adequate food control infrastructures to protect consumers against health risks in food and against fraud. The objective is to establish standards of ethical conduct for all those engaged in international trade in food, or responsible for regulating it, and thereby to protect the health of the consumers and promote fair trade practices. Under the Code, governments are being requested, from time to time, to inform the Secretariat of the Codex Alimentarius Commission of progress on the implementation of the Code. The Directors-General of FAO and WHO have urged that the Code be implemented by governments - especially governments of exporting countries - and by all those concerned in the international trade in food. So far thirty-two countries have informed the FAO secretariat of their position concerning implementation of the Code.

#### Methods of Analysis and Sampling

16. The Codex Commission has developed General Principles for the Establishment of Codex Methods of Analysis and Sampling. A very extensive list of methods of analysis for various criteria relating to the safety and quality of foods has been established by the Codex Commission. With respect to products other than milk products, the methods are published in the relevant volumes of the Codex pertaining to the food products concerned. Methods of analysis for milk products are developed through the co-operation of the International Dairy Federation (IDF), the International Organization for Standardization (ISO) and the Association of Official Analytical Chemists (AOAC) and adopted by the Joint FAO/WHO Committee of Government Experts on the Code of Principles concerning Milk and Milk Products. These methods are in the process of being up-dated and will be published in due course in a single publication.

Various Guidelines and General Principles

17. The Commission has adopted (i) General Guidelines on Claims; (ii) Guidelines for Date-Marking of Prepackaged Foods for the Use of Codex Committees; (iii) Guidelines on Nutrition Labelling; and (iv) Guidelines on Labelling Provisions in Codex Standards. Currently in the course of development are guidelines for the use of vegetable protein products in foods, guidelines for the use of vegetable protein products and milk protein products in processed meat and poultry products and guidelines for the use of Codex Committees on the inclusion of provisions on nutritional quality in food standards and other Codex texts. The Commission has developed General Principles for the Establishment and Application of Microbiological Criteria for Foods.

Acceptance of Commodity Standards, General Standards and Maximum Limits for Pesticide Residues

18.A. A commodity standard may be accepted by a country in accordance with its established legal and administrative procedures with respect to distribution of the product concerned, whether imported or home-produced, within its territorial jurisdiction in the following ways:

(i) Full Acceptance

- (a) Full acceptance means that the country concerned will ensure that a product to which the standard applies will be permitted to be distributed freely, in accordance with (c) below, within its territorial jurisdiction under the name and description laid down in the standard, provided that it complies with all the relevant requirements of the standard.
- (b) The country will also ensure that products not complying with the standard will not be permitted to be distributed under the name and description laid down in the standard.
- (c) The distribution of any sound products conforming with the standard will not be hindered by any legal or administrative provisions in the country concerned relating to the health of the consumer or to other food standard matters except for considerations of human, plant or animal health which are not specifically dealt with in the standard.

(ii) Target Acceptance

Target acceptance means that the country concerned indicates its intention to accept the standard after a stated number of years and will meanwhile not hinder within its territorial jurisdiction the distribution of any sound products conforming with the standard by any legal or administrative provisions relating to the health of the consumer or to other food standard matters except for considerations of human, plant or animal health which are not specifically dealt with in the standard.

(iii) Acceptance with Specified Deviations

Acceptance with specified deviations means that the country concerned gives acceptance, as defined in paragraph A(i) above, to the standard with the exception of such deviations as are specified in detail in its declaration of acceptance; it being understood that a product complying with the standard as qualified by these deviations will be permitted to be distributed freely within the territorial jurisdiction of the country concerned. The country concerned will further include in its declaration of acceptance a statement of the reasons for these deviations, and also indicate:

- (a) whether products fully conforming to the standard may be distributed freely within its territorial jurisdiction in accordance with paragraph A(i);
- (b) whether it expects to be able to give full acceptance to the standard and, if so, when.

B. A country which considers that it cannot accept the standard in any of the ways mentioned above should indicate:

- (i) whether products conforming to the standard may be distributed freely within its territorial jurisdiction;
- (ii) in what ways its present or proposed requirements differ from the standard, and, if possible the reasons for these differences.

C.

- (i) A country which accepts a Codex standard according to one of the provisions of A is responsible for the uniform and impartial application of the provision of the standard as accepted, in respect of all home-produced and imported products distributed within its territorial jurisdiction. In addition, the country should be prepared to offer advice and guidance to exporters and processors of products for export to promote understanding of and compliance with the requirements of importing countries which have accepted a Codex standard according to one of the provisions of A.

- (ii) Where, in an importing country, a product claimed to be in compliance with a Codex standard is found not to be in compliance with that standard, whether in respect of the label accompanying the product or otherwise, the importing country should inform the competent authorities in the exporting country of all the relevant facts and in particular the details of the origin of the product in question (name and address of the exporter), if it is thought that a person in the exporting country is responsible for such non-compliance.

19. The methods of acceptance of general standards are similar, but not identical to those indicated above for commodity standards; and a country may choose between full acceptance, target acceptance, acceptance with specified deviations or non-acceptance.



20.A. A Codex maximum limit for pesticide residues (Codex Tolerance or Practical Residue Limit) may be accepted by a country in accordance with its established legal and administrative procedures in respect of the distribution within its territorial jurisdiction of (a) home-produced and imported food or (b) imported food only, to which the Codex maximum limit applies in the ways set forth below. In addition, where a Codex maximum limit for pesticide residues applies to a group of foods not individually named, a country accepting such Codex maximum limit in respect of other than the group of foods, shall specify the foods in respect of which the Codex maximum limit is accepted.

(i) Full Acceptance

Full acceptance of a Codex maximum limit for pesticide residues means that the country concerned will ensure, within its territorial jurisdiction, that a food, whether home-produced or imported, to which the Codex maximum limit applies, will comply with that limit. It also means that the distribution of a food conforming with the Codex maximum limit will not be hindered by any legal or administrative provisions in the country concerned which relate to matters covered by the Codex maximum limit for pesticide residues.

(ii) Limited Acceptance

Limited acceptance of a Codex maximum limit for pesticide residues means that the country concerned undertakes not to hinder the importation of a food which complies with the Codex maximum limit for pesticide residues on that food by any legal or administrative provisions in the country concerned which relate to matters covered by the Codex maximum limit for pesticide residues, it being understood that in so undertaking the country concerned does not impose by the Codex maximum limit a more stringent maximum limit than is applied domestically.

(iii) Target acceptance

Target acceptance means that the country concerned indicates its intention to give Full Acceptance or Limited Acceptance to the Codex maximum limit for a pesticide residue after a stated number of years.

B. A country which considers that it cannot accept the Codex maximum limit for pesticide residues in any of the ways mentioned above should indicate:

- (i) in what ways its present or proposed requirements differ from the Codex maximum limit for a pesticide residue, and, if possible, the reasons for these differences;
- (ii) whether products conforming to the Codex maximum limit may be distributed freely, or may be distributed under certain specified conditions, within its territorial jurisdiction insofar as matters covered by the Codex maximum limit are concerned.

C. A country which accepts a Codex maximum limit for pesticide residues according to one of the provisions of paragraph A should be prepared to offer advice and guidance to exporters and processors of food for export to promote understanding of and compliance with the requirements of importing countries which have accepted a Codex maximum limit according to one of the provisions of paragraph A.

D. Where, in an importing country, a food claimed to be in compliance with a Codex maximum limit for pesticide residues is found not to be in compliance with the Codex maximum limit, the importing country should inform the competent authorities in the exporting country of all the relevant facts and, in particular, the details of the origin of the food in question (name and address of the exporter), if it is thought that a person in the exporting country is responsible for such non-compliance.

#### Advisory Instruments

21. The Codex Commission recommends the standards and codes to governments of the Member States inviting them to accept those and to embody them in national law. Government replies to these invitations are subsequently becoming an integral part of the Codex. In spite of the acceptance by governments in one way or another, standards and maximum limits for pesticide residues in foods remain, however, merely advisory instruments and it is not foreseen that they will become mandatory for all international trade by some international statute.

#### Claims and Disputes

22. The statutes, rules and general principles for the Codex do not provide rules or procedures for consultation, conciliation, arbitration or other forms of settlement of disputes between governments concerning the adoption, administration or application of standards and codes. It could be mentioned that, according to its terms of reference, the Codex Committee on Food Labelling should study specific labelling problems and problems associated with the advertisement of food with particular reference to claims and misleading descriptions. Codex Committees can recommend that the labelling requirements be modified for particular foods. There are also Codex Guidelines on Claims which aim to prevent consumers from being misled by meaningless claims.

#### Withdrawal or Amendment of Acceptance

23. The withdrawal or amendment of acceptance of a Codex standard or a Codex maximum limit for pesticide residues by a country shall be notified in writing to the Codex Commission's Secretariat who will inform all Member States and Associate Members of FAO and WHO of the notification and its date of receipt. The country concerned should provide the information required under the rules of acceptance and should also give as long a notice of the withdrawal or amendment as is practicable.

#### Some Economic Aspects of the Codex

24. There are many kinds of fraud ranging from short weight to direct adulteration. The need for protection against adulteration and deception is recognized in the General Principles of the Codex where it is stated that "Codex standards contain requirements for food aimed at ensuring for the consumer a sound, wholesome food product free from adulteration, correctly labelled and presented". All of the Codex Standards contain provisions designed to guard against fraud and particular mention should be made of the General Standard for the Labelling of Prepackaged Foods. The need for protection against fraud was stressed by the World Food Conference in 1974 in Resolution V. The relevant section of the Resolution reads as follows: "That Governments take action to strengthen and modernize consumer education services, food legislation and food control programmes aiming at the protection of the consumer (avoiding false information from mass media and commercial fraud), and that they increase their support of the Codex Alimentarius Commission".

25. Countries which do not have modern food laws, standards and regulations and a food control service to implement them are particularly open to the possibility of commercial fraud and health hazards, both as regards imports and domestically produced foods. Food products which would not be permitted to be imported into countries which have modern food standards and regulations and the means of enforcing them might well gain entry into countries which are not equipped to protect themselves in this field. The Codex Regional Coordinating Committees for Africa, Asia, Latin America and the Caribbean provide useful fora for exchanging views and developing strategies and recommendations for strengthening food control infrastructures. Pending the establishment of adequate food control services, where needed, throughout the world, it is hoped that the Codex Code of Ethics for International Trade in Food will prove to be a useful instrument in assisting in the protection of the consumer.

#### Facilitation of International Trade

26. The provisions of national food standards and regulations differ from one another in a wide variety of ways, from composition to labelling. These differences often constitute an obstacle to the flow of international trade and this is particularly important for food exporting countries. Clearly, if these national differences in import requirements could be harmonized to the point where exporters had to comply with only one set of common requirements, it would be very much to their advantage. If market conditions in one country were more favourable than in another they could transfer their exports quickly to that country without first having to ensure whether their products would meet the import requirements. Also re-formulation of products, different labels and other matters, involve extra costs which could be avoided.

27. Furthermore, food standards and regulations can be drawn up in such a way that third parties might regard them as unreasonably severe and placing unduly onerous obstacles in the way of their exports. Codex standards aim at reaching, through technical discussions and negotiations, a compromise which will be acceptable to importers and exporters.

28. The Commission goes about its task of facilitating international trade in foods by providing a truly international forum - the only world-wide one of its kind in the field of food standards and related matters - whereby government representatives have an opportunity, on a continuing basis, of explaining the reasons for their different national requirements, of noting difficulties which their national requirements may present for other countries, of considering the views and experience of other countries in the same field, and also of considering important technical data and assessments provided by panels of independent experts within the Codex System. Codex standards and maximum limits for pesticide residues are the end-product of detailed technical discussions in the light of technical comments from governments and may be taken to represent a large degree of international agreement on the content of the standards. Thus, at the stage when the international standards are adopted by the Codex Commission for issue to governments for acceptance, they should by then have a wide measure of general acceptability.

29. The acceptance by governments of international Codex standards and maximum limits for pesticide residues is, therefore, part of the business of removing technical or non-tariff barriers to international trade. In order to avoid any duplication of effort between the work under the GATT Agreement and that of governments in other technical bodies, such as the Codex Alimentarius Commission, to which specific reference is made in the GATT Standard Code (Article 13.3), suitable arrangements have been made to this end, as a result of consultations between the GATT and Codex Secretariats.

#### Improvement of the Economic Position of the Developing Countries

30. Whilst both the developed and the developing countries are very interested in improving their food export possibilities through the adoption of common international food standards in export markets, many of the developing countries have an additional problem - a general problem of inadequate development of their food industries and food control infrastructure. Easier access to foreign markets, through internationally negotiated and accepted food standards, is necessary to enable the developing countries to earn the foreign exchange required for their general economic development and more specifically for the development of their food industries and food control infrastructure. The general acceptance of internationally agreed food standards would, in itself, be a significant achievement in terms of facilitating international trade, but quite a number of developing countries are not in a position to take full advantage of this, because they lack the necessary infrastructure of modern food legislation and the means of enforcing it.

31. The Codex Commission is fully conscious of this problem and so also are FAO and WHO. The Commission has tackled the problem by establishing, at the request of Members of the Commission from the developing countries, Codex Coordinating Committees for the various regions. These regional inter-governmental committees have concerned themselves with the establishment of a modern basic food law, and also with the question of standards for food commodities of particular importance to them in

intra-regional and extra-regional trade. The regional committees also have an important role to play in formulating proposals aimed at remedying deficiencies in food control infrastructures and agricultural practices. In short, the regional committees can be regarded as a means for advancing the interests of the countries of the region concerned through intra-regional technical co-operation, and for influencing the direction of the work of the Commission, by providing a forum where a common approach to regional problems can be developed.

#### Benefits to be Derived from the Work of the Codex Commission

32. The benefits to be derived from the work of the Codex Alimentarius Commission may be summarized as follows:

- The Codex Standards, maximum limits for pesticide residues and other contaminants, codes of hygienic/technological practice, and other recommendations in the field of food safety, including general principles for the use of food additives, and general principles for the establishment and application of microbiological criteria for foods, constitute internationally negotiated and generally acceptable criteria for consumer protection against health risks in food and against fraud and serve as a sound basis for national legislation. Implementation of Codex standards, maximum limits for pesticide residues and other contaminants and other recommendations of the Commission will assist in the facilitation of international trade in foods by the harmonization of national requirements.
- The Codex codes of practice can be particularly useful for upgrading industry practices to internationally acceptable standards. Both governments and industries can use Codex fora with the aim of developing common approaches to problems related to new developments in food technology.
- The Commission and its institutional arrangements provide unique fora where government representatives have an opportunity, at both a world-wide and regional level and on a continuing basis, of presenting the reasons for their different national requirements, of noting difficulties which these might present for other countries, of considering the views and experience of other countries, and of gradually arriving, through negotiation, at broadly acceptable international requirements, which serve to facilitate international trade, as well as to protect the interests of consumers. An opportunity is provided for the consumer to be heard and the International Organization of Consumers Unions (IOCU) is represented in Codex fora. The food industry and the food chemical industry benefit from being represented in Codex fora in an observer capacity and the Codex fora, in turn, benefit from the technical knowledge and expertise which these industries make available. A considerable amount of technical expertise in a wide range of fields, much of which is made available by highly specialized international organization, is brought together in Codex fora.

- Participation in the work of the Commission and its subsidiary bodies by most of the trading countries tends to result in a greater measure of thinking alike and to this extent a lessening of technical barriers to trade.
- The recommendations of the Commission, issued as FAO/WHO publications, represent the end-product of a considerable investment of scientific, technical and legal knowledge; inter-governmental negotiation; consultation among the representatives of governments, consumers and industries. Account is taken of the independent opinion of internationally selected experts, especially in the field of food safety. The results of expensive and highly specialized scientific investigations are made freely available to all countries, and this should be of particular benefit to those countries which do not have the means to carry out such investigations or evaluations.
- Agriculture and the food and food chemical industries benefit from international rules and guidelines which, if adhered to, should ensure fair trading practices and the protection of the consumer against health risks and fraud. Internationally agreed approaches to food safety, if applied by food producing countries, should ensure acceptability in foreign markets. Consumers benefit from the work on food safety, prevention of fraud and deception, assured composition and quality of the standardized products and full labelling information.
- The Codex Commission is being increasingly looked to by governments as the recognized forum for guidance on matters of public health and trade interest, including comparatively new topics such as residues of veterinary drugs in foods, environmental contaminants such as polychlorinated biphenyls (PCBs) in certain foods and the migration of chemicals from packaging materials into food.

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#### The UN/Economic Commission for Europe

33. In 1949, the UN/ECE Committee on Agricultural Problems established the Working Party on Standardization of Perishable Foodstuff. In order to take into account the work on non-edible agricultural products, the name was changed to the Working Party on Standardization of Perishable Produce in 1974. Recognizing the benefits to trade deriving from the adoption of internationally agreed quality standards, the Working Party was entrusted with the task of determining common standards for perishable produce and of studying steps to be taken at the international level in order to secure the general adoption of standards and control systems.

34. The Geneva Protocol on the Standardization of Fruit and Vegetables, initially adopted in 1954 and subsequently revised in 1964 and 1985, constitutes a basic document and framework for the work of the Working Party. The Protocol contains general provisions to be applied in Europe for the commercial standardization and quality control of fresh fruit and vegetables moving in international traffic, and applies to bulk-produced fruit and vegetables only. It also contains general provisions regarding definition of produce, minimum quality requirements, quality classification, size grading, presentation and marketing. There are supplementary provisions concerning consignment and official control in the exporting country. Each government accepting said Protocol undertakes to take the necessary steps under its domestic law to adapt its commodity standards to the general provisions.

35. With regard to acceptances of UN/ECE standards for perishable produce, it might be noted that there are four methods being used:

- "accepted" means that the government concerned has undertaken to take the necessary steps under its domestic legislation to adapt its corresponding commodity standards to the provisions of the UN/ECE standard (Geneva Protocol; Chapter VII). Acceptances by member governments of the European Economic Community refer to the corresponding EEC standards where they exist. These standards occasionally differ from UN/ECE standards by the provision for Class III produce;
- "accepted in principle" means that the government is in agreement with the provisions of the standard but does not undertake to adapt its corresponding domestic standard to the provisions of the UN/ECE standard;
- "qualified acceptance": in each case refer to the comment of the government;
- "national (or other) standard applied": - this indicates that the national, or other, standard varies slightly from the UN/ECE standard.

36. The Protocol (second revision 1985) has been accepted by Belgium, Denmark, France, Hungary, Ireland, Poland, Romania, Spain, Turkey and Israel. Switzerland and the United States have notified that they have accepted it in principle, while Finland, the Federal Republic of Germany and Sweden have notified a qualified acceptance. Twenty other countries participating in the Working Party have not made a notification yet.

37. While the Working Party has primarily focused its attention on the standardization of fruit and vegetables, it is also engaged in the standardization of dry and dried produce, horticultural produce, eggs and egg products and poultry and poultry meat. It has also established the UN/ECE Arbitration Rules, as a necessary complement to the UN/ECE General Conditions of Sale. General Conditions of Sale have been established for

fresh fruit and vegetables, including citrus fruit, dry fruit (shelled and unshelled), dried fruit and potatoes. These General Conditions contain standardized terms and conditions in respect of matters normally dealt with in a commercial contract of sale such as the obligation of the parties to a contract in respect of delivery, quality, quantity, payments, etc., and matters relating to non-performance of a contract such as breach of contract, valuation, compensation, force majeure and arbitration. The General Conditions are of an optional nature and are not applied unless expressly incorporated in a contract, with or without amendment, by the parties thereto. General Conditions thus elaborated are sent to Member Governments of the ECE with the request that they be brought to the attention of traders.

38. The General Conditions also provide that when the parties have expressly so stipulated, they are to use the Arbitration Rules for the settlement of their disputes. A UN/ECE Arbitral Chamber has been established to which contracting parties can apply when certain difficulties arise during the arbitration process. The arbitration process and instruments are merely designed to provide arbitration facilities for the settlement of disputes between traders, and do not provide an opportunity for consultation, conciliation or arbitration between governments.

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#### The International Plant Protection Convention

39. The International Plant Protection Convention was established in 1951 within the framework of the FAO replacing an old Convention of 1929. The 1951 Convention was revised in 1979. Its purpose is to secure common and effective action to prevent the spread and introduction of pests of plants and plant products and to promote measures for pest control. Recognizing the usefulness of international co-operation in controlling pests of plants and preventing their spread, especially across national boundaries and desiring to ensure close coordination of measures to that end, contracting parties have undertaken to adopt legislative, technical and administrative measures specified in the Convention and supplementary agreements. The Convention applies mainly to quarantine pest involved with international trade.

40. There are supplementary agreements applicable to specific regions, to specific pests, to specific plants and plant products, to specific methods of international transportation of plants and plant products supplementing the Convention. The important ones are the eight regional plant protection organizations: the Asia and Pacific Plant Protection Commission, the Caribbean Plant Protection Commission, the European and Mediterranean Plant Protection Organization, the Inter-African Phytosanitary Council, Junta del Acuerdo de Cartagena, North American Plant Protection Organization and Organismo internacional regional de sanidad agropecuaria. A Near East Plant Protection Commission ceased to exist in 1985, but its functions were



taken over by the FAO Regional Office for the Near East. The regional plant protection organizations shall function as the coordinating bodies in the areas covered, shall participate in various activities to achieve the objectives of this Convention and, where appropriate, shall gather and disseminate information. Some countries are members of as many as three regional organizations.

41. Members undertake to make provisions, to the best of their ability, for an official plant protection organization responsible for the inspection of plants, growing areas, storage, transportation and of consignments moving in international trade. Such organizations shall also take care of disinfestation and disinfection of consignments, containers, storage places and transportation facilities, distribution of information regarding pests and the means of their prevention and control and carry out research and investigation in the field of plant protection. It is also the function of such organizations to issue phytosanitary certificates relating to the phytosanitary condition and the origin of consignments of plants and plant products. Such certificates shall not be inconsistent with agreed market certificates.

42. Contracting parties shall have full authority to regulate the entry of plants and plant products into their territories, and may prescribe restrictions or requirements concerning imports; prohibit the importation of plants and products; inspect or detain particular consignments; treat, destroy or refuse entry to particular consignments and list pests whose introduction is prohibited. However, in order to minimize interference with international trade, contracting parties shall not take such measures unless they are made necessary by phytosanitary consideration, and all restrictions and requirements concerning the importation of plants and plant products shall be published and communicated immediately to the FAO, any regional plant protection organization of which the contracting party is a member and all other contracting parties directly concerned. When a prohibition is applied, the reason for it shall also be published. If a contracting party requires consignments of particular plants or plant products to be imported only through specified points of entry, such points shall be so selected as not to unnecessarily impede international trade, and a list of such points of entry must be published and communicated to the FAO, regional organizations and other contracting parties.

43. The FAO Secretariat shall disseminate information received on importation restrictions, requirements, prohibitions and regulations at frequent intervals to all contracting parties and regional plant protection organizations. For this purpose a Plant Quarantine Data Base has been established in Rome. Actually, the data base contains phytosanitary regulations for about fifty countries and may soon be expanded to cover a hundred countries. The aim is to have a data base providing rapidly any information requested on phytosanitary regulations and plant quarantine matters.

44. The Convention has a dispute settlement procedure of its own, covered by its Article IX, which reads as follows:

"1. If there is any dispute regarding the interpretation or application of this Convention, or if a contracting party considers that any action by another contracting party is in conflict with the obligations of the latter under Articles V and VI of this Convention, especially regarding the basis of prohibiting or restricting the imports of plants or plant products coming from its territories, the government or governments concerned may request the Director-General of FAO to appoint a committee to consider the question in dispute.

2. The Director-General of FAO shall thereupon, after consultation with the governments concerned, appoint a committee of experts which shall include representatives of those governments. This committee shall consider the question in dispute, taking into account all documents and other forms of evidence submitted by the governments concerned. This committee shall submit a report to the Director-General of FAO, who shall transmit it to the governments concerned and to the governments of other contracting parties.

3. The contracting parties agree that the recommendations of such a committee, while not binding in character, will become the basis for renewed consideration by the governments concerned of the matter out of which the disagreement arose.

4. The governments concerned shall share equally the expenses of the experts."

45. This procedure applies to the issuance of and use of phytosanitary certificates (Article V) and requirements in relation to imports (Article VI). Any conclusions arrived at will mainly be of merely an advisory character. So far, the procedure has not been used. Problems are apparently handled bilaterally, or discussed and more or less solved at informal consultations or within regional plant protection organizations of which a first one was held in 1986. It is intended to hold such consultations once a year, if possible.

46. The Convention is open to participation for all countries. By March 1987, 91 were signatories and 45 had accepted the amendments adopted by the FAO Conference in 1979. It was hoped that 16 more would accept the 1979 amendments shortly in order to make the revised Convention truly operative. Signatory countries are listed below; the country names underlined are those which have accepted the 1979 amendments.

<u>Algeria</u>	<u>Ethiopia</u>	<u>Lebanon</u>	<u>Sierra Leone</u>
<u>Argentina</u>	<u>Finland</u>	<u>Liberia</u>	<u>Solomon Islands</u>
<u>Australia</u>	<u>France</u>	<u>Libya</u>	<u>South Africa</u>
<u>Austria</u>	<u>German Dem. Rep. of</u>	<u>Luxembourg</u>	<u>Soviet Union</u>
<u>Bahrain</u>	<u>Germany, Fed. Rep. of</u>	<u>Mali</u>	<u>Spain</u>
<u>Bangladesh</u>	<u>Greece</u>	<u>Malawi</u>	<u>Sri Lanka</u>
<u>Barbados</u>	<u>Grenada</u>	<u>Malta</u>	<u>Sudan</u>
<u>Belgium</u>	<u>Guatemala</u>	<u>Mauritius</u>	<u>Suriname</u>
<u>Belize</u>	<u>Guyana</u>	<u>Mexico</u>	<u>Sweden</u>
<u>Bolivia</u>	<u>Haiti</u>	<u>Morocco</u>	<u>Thailand</u>
<u>Brazil</u>	<u>Hungary</u>	<u>Netherlands</u>	<u>Togo</u>
<u>Canada</u>	<u>India</u>	<u>New Zealand</u>	<u>Trinidad and</u>
<u>Cape Verde</u>	<u>Indonesia</u>	<u>Nicaragua</u>	<u>Tobago</u>
<u>Chile</u>	<u>Iran</u>	<u>Niger</u>	<u>Tunisia</u>
<u>Colombia</u>	<u>Iraq</u>	<u>Norway</u>	<u>United Kingdom</u>
<u>Costa Rica</u>	<u>Ireland</u>	<u>Pakistan</u>	<u>United States</u>
<u>Cuba</u>	<u>Israel</u>	<u>Panama</u>	<u>of America</u>
<u>Czechoslovakia</u>	<u>Italy</u>	<u>Papua New Guinea</u>	<u>Uruguay</u>
<u>Democratic Kampuchea</u>	<u>Jamaica</u>	<u>Paraguay</u>	<u>Venezuela</u>
<u>Denmark</u>	<u>Japan</u>	<u>Peru</u>	<u>Yugoslavia</u>
<u>Dominican Republic</u>	<u>Jordan</u>	<u>Philippines</u>	<u>Zambia</u>
<u>Ecuador</u>	<u>Kenya</u>	<u>Portugal</u>	
<u>Egypt</u>	<u>Korea, Republic of</u>	<u>Romania</u>	
<u>El Salvador</u>	<u>Laos</u>	<u>Senegal</u>	

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Office international des Epizooties/International Office of Epizootics

47. Following the appearance of rinderpest in Belgium in 1920, after the transit through the port of Antwerp of zebu-cattle coming from Pakistan, the French authorities convened a diplomatic conference in Paris which unanimously advocated the creation of an international office of epizootics (the Office). On 25 January 1924, an International Agreement on Epizootics was signed by 28 States, thus creating the Office. Today it has 111 member countries.

48. The rôle of the Office, as defined by its Statutes, is based on the following three objectives:

- (a) "to promote and co-ordinate experimental or other research work concerning the pathology or prophylaxis of contagious diseases of livestock which international collaboration has deemed desirable;
- (b) to collect and bring to the attention of the governments and of their sanitary services, all facts and documents of general interest concerning the course of epizootic diseases and the means used to control them;
- (c) to examine international draft agreements regarding animal sanitary measures and to provide signatory governments with the means of supervising their enforcement."

49. The working structures of the OIE are as follows:

A. International Committee (the Committee)

This is the Office's highest body. It consists of delegates from the member countries and meets in General Session once a year (around the middle of May) at the Office's Headquarters in Paris, under the authority of a president elected for three years. The Committee deals with any matter relating to the objectives or working of the OIE, including:

- (a) scientific and technical guidance of the Office;
- (b) recommendations to be addressed to member countries on prophylactic methods for animal diseases;
- (c) creation of the commissions required for the working of the Office;
- (d) establishment of working arrangements with other international organizations.

B. Administrative Commission

The Administrative Commission is elected by the Committee for a three-year period to represent it in the intervals between General Sessions. It meets twice a year to consider technical and administrative matters, in particular the programme of activities and draft budget to be submitted to the Committee.

### C. Regional Commission

There are four Regional Commissions which were set up to study the specific problems of, and organize co-operation among veterinary services for, each of the following regions: Africa, Americas, Europe and Asia, Far East and Oceania. The Regional Commissions report to the Committee and may also submit recommendations to it.

### D. Specialist Commissions

Their rôle is to study particular problems concerning the epizootiology and prophylaxis of certain diseases or groups of diseases. They are set up on an ad-hoc basis whenever the Committee considers it desirable. There are currently four such commissions:

- (1) Foot and Mouth Disease Commission, created in 1946, which contributed to the development of vaccines;
- (2) Commission for the Study of Norms, set up in 1949, which establishes standards relating to diagnostic techniques and manufacture of vaccines;
- (3) International Zoo-Sanitary Code Commission, created in 1960, which prepares sanitary regulations on the importation and exportation of animals and animal products; and
- (4) Fish Diseases Commission, likewise set up in 1960.

### E. Director General and Central Bureau

The Director General, currently Mr. Louis Blajan (France), is appointed by the Committee for a renewable term of five years, and heads the Central Bureau, whose headquarters are in Paris.

The Central Bureau acts as the secretariat of the Office and carries out the activities decided on by the International Committee. It is assisted in its work by the Regional and Specialist Commissions, as well as by experts appointed by the Committee. It is also responsible for the various publications issued by the Office (a monthly, a quarterly and two annual publications, as well as special issues).

### F. Regional Bureau for Asia

Set up in 1971, it supplements the work of the Central Bureau in the field of information, for the Far Eastern countries.

50. Functions of the Office international des Epizooties

A. Information

Information is definitely the priority function of the OIE. The Office has to inform national veterinary services of the appearance and course of epizootics that are a threat to public health or livestock in their countries. Since diseases are not all equally dangerous or contagious, they are classified in two categories (in the latest edition of the Code, and by decision of the Committee, list C, which previously contained the least dangerous diseases, has been eliminated and the diseases in the three lists have been regrouped, taking account of their incidence in international trade).

(a) List A: most contagious diseases (currently numbering sixteen) with the most serious socio-economic consequences as a result in particular of their importance in international trade in animals (Annex 1).

(b) List B: diseases with lesser effects in terms of international trade (currently about eighty) (Annex 2).

51. Any country in which a List A disease (or any other disease with equally serious repercussions) first appears must report it to the Central Bureau of the OIE within 24 hours. The latter immediately communicates the information by telex or telegram to the countries directly threatened, and by mail to other countries. This early warning system is backed up by the information received from member countries and circulated through the periodical publications mentioned in paragraph 3.5 above, in particular, as regards the evolution of, and measures taken to control, List A diseases (and any other disease of epizootiological importance for other countries), in the monthly periodical. The OIE also organizes conferences and symposiums on subjects of current veterinary importance.

52. International Zoo-Sanitary Code

As mentioned above, the International Zoo-Sanitary Code (the Code) was prepared by the Zoo-Sanitary Code Commission, which regularly updates it, and by the Norms Commission, with regard to standards relating to diagnostic techniques and the manufacture of vaccines, drawing on the work of the other Specialist Commissions.

53. The latest (fifth) edition of the Code dates from 1986 and, as stated in its preface, "is the product of work undertaken by the OIE since 1960 to facilitate international trade by harmonizing national animal health regulations".

54. As its sub-title, "Rules recommended for trade in animals and animal products", suggests, the Code is not compulsory and can only be considered a guide aimed inter alia at the harmonization of sanitary rules. Furthermore, Article 2 of the OIE Statutes provides that the Office cannot interfere in any way in the administration of States.

55. The Code is divided into seven parts:

Part 1: definitions; notifications and epizootiological information; sanitary rules for international trade; zoo-sanitary organization.

Part 2: List A diseases

Part 3: List B diseases

Part 4: Appendices: recommended norms: diagnostic techniques and biological products (Lists A and B diseases).

Part 5: Appendices: other recommended norms: diseases not included in Lists A and B: health controls and hygiene; destruction of pathogens and insect vectors; transport of animals.

Part 6: model international certificates approved by the OIE (Annex 3).

Part 7: list of diseases notifiable to the OIE (lists A and B). (Annexes 1 and 2.)

56. As far as GATT is concerned, the most interesting aspects of the Code are basically contained in PART 1.

57. The first section (1.1) of this Part is devoted to DEFINITIONS. These are not definitions of diseases but general definitions used for the application of the Code, beginning with "abattoir" and covering such varied concepts as "animal", "animal for slaughter", "international sanitary certificate", "outbreak of disease", "official veterinarian" and so forth (with a total of about 80 terms).

58. The second section (1.2) covers the procedures for notifications and epizootiological information. Article 1.2.0.1 recognizes the right of the Central Bureau of the OIE to communicate directly with the veterinary administration of each member country. In addition, all notifications and all information sent by or to the veterinary administration are considered as having been sent by or to the country concerned.

59. Articles 1.2.0.2 to 1.2.0.7 establish the notification rules to be followed concerning "whatever information is necessary to minimize the spread of important animal diseases and to assist in achieving better worldwide control of these diseases" (Article 1.2.0.2.(1)). This is the information function described in paragraph 5 above. Article 1.2.0.4.(2) is of particular importance in that it defines in general terms when an

infected zone of a specific disease may be considered free of that disease: when "a period exceeding the classical incubation period has elapsed ... and when full prophylactic and appropriate sanitary measures have been applied to prevent possible reappearance or spread of the disease. These measures will be found in detail in the various chapters of Part 2 of this Code". (List A diseases).

Article 1.2.0.5 stipulates that "Veterinary administrations shall communicate to the OIE the provisions of their quarantine regulations and importation and exportation sanitary regulations. They shall also communicate any amendments to their regulations as soon as they are made and, at the latest, before the annual General Session of the Committee".

60. The third section (1.3) concerns SANITARY RULES FOR INTERNATIONAL TRADE. The first chapter (1.3.1) contains general recommendations, and Article 1.3.1.1 covers veterinary ethics in international trade. It establishes that trade depends, from the sanitary standpoint, on a combination of factors which should be taken into account to ensure unimpeded trade, without incurring any risks to human health, and it lists the types of information necessary for that purpose (health situation of countries, ability to apply prophylactic measures, structure and powers of sanitary services, etc.). The second Article (1.3.1.2) concerns "ethics of certification", and is interesting inasmuch as it recognizes the "likely variations of sanitary situations". The Code therefore proposes "various options ... to importing countries, and only by considering the sanitary situation of the exporting country and transit country or countries can the importing country precisely state the requirements which are to be met for imports". However, the importing country is not left an entirely free hand with respect to these requirements: they are mentioned in the model certificates approved by the OIE (Part 6 of the Code). Moreover, the Article lists certain rules "which importing countries should observe when preparing these requirements". It establishes inter alia that they should restrict their requirements to "conditions which are justified by sanitary reasons and which are necessary to avoid the risk of transfer of one or several diseases or, at least, to reduce such risk to acceptable limits". Furthermore, "these requirements should not include certification of an area as being free from diseases which are not notifiable and of the occurrence of which the signing veterinarian is not necessarily informed". This Article also provides that in the case of visits of veterinary delegations to foreign countries, the country concerned must be notified in advance.

61. The final article of this chapter (Article 1.3.1.3) concerns harmonization of methods, and provides as follows: "Inasmuch as the OIE has approved or agreed norms concerning:

- (a) the preparation, production and control of biological products for use in the diagnosis or prevention of diseases; or
- (b) disinfection and disinsectization; or



- (c) treatments intended to destroy viruses, bacteria or spores in animal products coming from countries considered infected with certain diseases;

these norms (included in this Code as Appendices) should be adopted by Veterinary Administrations with respect to international trade in animals and animal products".

62. The second chapter (1.3.2) of Section 1.3 establishes recommendations for transport, and deals with general arrangements for animal safety and welfare, cleaning and disinfection of vehicles, special provisions for containers, transport by air, and so forth.

63. Chapter 1.3.3 establishes the zoo-sanitary measures applicable before and at departure. Its first article (1.3.3.1), for example, stipulates that "each country should only authorize the exportation from its territory of animals for breeding, rearing or slaughter which are correctly recorded, marked and identified and which come from an establishment free from List A diseases and not situated in an infected zone". It also provides that "observation of the above-mentioned animals before leaving the country should be carried out either in the establishment where they were reared, or in a quarantine station ..." and also that "the transportation of animals ... from the establishment of origin shall be carried out in conformity with the conditions agreed between the importing and exporting countries". The article establishes alternative conditions, as well as the required sanitary conditions. The other articles of this Chapter also establish: the rules for the exportation of semen, embryos/ova and hatching eggs; the obligation for the exporting country to inform the country of destination and when necessary the transit countries in the event of the outbreak of a List A disease within the incubation period of that particular disease in the establishment of origin or collecting centre for the animals; provision of a certificate conforming with the models approved by the OIE; possibility for the veterinary authority at the frontier post to carry out, if it is considered necessary, a new sanitary inspection of the animals prior to departure and to take whatever measures it deems necessary; and finally, that countries should only authorize the exportation from their territory of meat and products of animal origin destined for human consumption recognized as being sound and accompanied by the above-mentioned certificate. Products of animal origin destined for use in animal feeding, or for pharmaceutical or industrial use, should also be accompanied by such certificates. (Oddly enough, and unlike the following two chapters, this chapter does not contain any reference to fish or bees.)

64. The fourth chapter (1.3.4) deals with "Zoo-sanitary measures applicable during the journey between the place of departure in the exporting country and the place of arrival in the importing country and in transit". It establishes certain reservations outside of which a country should not refuse the transit "... of animals, fish and bees ...". In particular, it recognizes in Article 1.3.4.1(2) the right of any country to refuse transit "... if, in the exporting country or transit country which

precedes it on the itinerary, certain diseases exist which are considered by the country in question of capable of being transmitted to its own animals, fish or bees". If a veterinary official of the transit country diagnoses an epizootic disease, the Code provides a number of alternatives, which can even include the slaughter or destruction of the animals.

65. Chapter 1.3.5 concerns "Zoo-sanitary measures on arrival". The first article (1.3.5.1) provides that "any importing country should only accept into its territory, animals, fish or bees which have been subjected to a health examination by an official veterinarian of the exporting country and are accompanied by an international zoo-sanitary certificate provided by the veterinary authority of the exporting country". The Article also lays down the rules concerning the proposed date of entry, description of the shipment, frontier posts and so forth. Paragraph 3 provides that "any importing country may prohibit the introduction into its territory of animals, fish or bees when the exporting country or transit countries which precede it on the itinerary are considered as being infected with certain diseases capable of being transmitted to its own animals, fish or bees". Paragraph 4 provides the same for animals, fish or bees "... suspected of being affected or infected with a disease capable of being transmitted ...". The Article also provides for refusal of entry in the absence of an international zoo-sanitary certificate conforming with the requirements of the importing country, and a number of other measures ranging from quarantine to outright slaughter and destruction where necessary. The Article also establishes the conditions for importation (quarantine, diagnosis, etc.) in the case of animals accompanied by a certificate and found to be healthy at the frontier post. The next article (1.3.5.2) lays down the conditions for admission, in similar terms, for semen, embryos/ova, hatching eggs, fish eggs and brood combs of bees. Article 1.3.5.3 establishes similar conditions of admission for meat and products of animal origin destined for human consumption, and Article 1.3.5.4 for those destined for animal feeding or for pharmaceutical or industrial use. The final five articles of the Chapter concern measures to be taken with regard to vehicles and material transporting infected animals or animals suspected of being affected with any List A disease.

66. Chapter 1.3.6 refers to "Measures concerning international transfer of pathological material and biological products". It establishes in particular that "the importation of pathological material and biological products should require special authorization by the veterinary administration of the importing country describing the conditions of importation" (Article 1.3.6.1). A number of technical requirements are established, as well as the conditions for return by the importing country. It is also provided that "the consignee should notify the consigner of the receipt of each consignment of pathological material or biological products on its arrival" (Article 1.3.6.2).

67. Section 1.4 of the Code concerns "ZOO-SANITARY ORGANIZATION", and provides among other things that "the countries and their veterinary administrations shall, wherever possible, take the necessary action to ensure that the frontier posts and quarantine stations in their territory shall be provided with an adequate organization and sufficient equipment

for the application of the measures provided in this Code" (Article 1.4.1.1), as well as means for detecting and isolating animals affected with or suspected of being affected with an epizootic disease, carrying out disinfection and possibly disinsectization of vehicles, making clinical examinations, etc. Finally, Article 1.4.1.4 provides that each veterinary administration shall keep at the disposal of the Central Bureau of the OIE and any interested country on request a list of frontier posts, quarantine stations, abattoirs and storage depots in its territory which are approved for international traffic; the period of time required for notice to be given concerning the proposed date of entry of animals/products in the country of destination; and a list of airports in its territory which are provided with an area of direct transit.

68. PART 2 of the Code establishes the rules to be followed with regard to List A diseases. The maximum incubation period is fixed for each disease, and also in most cases the definition of "disease-free country", "infected zone", "disease-free zone", and so forth. The rules vary according to the disease but in general establish: measures for the prohibition of importation in case of infection; conditions for importation when freedom from disease can be established; or, in case of infection, measures taken at departure by the exporting country (including quarantine). This is where the full importance of the international zoo-sanitary certificate becomes clear, since these measures must be certified in it.

69. The rules to be followed in the case of List B diseases form PART 3 of the Code, the main lines of which resemble those of Part 2. Here the Code is organized on the basis of multiple-species diseases and diseases specific to each animal species.

70. PART 4, "Appendices: recommended norms: diagnostic techniques and biological products (Lists A and B diseases)", establishes, as its title indicates, the technical standards provided for in Article 1.3.1.3 of Part 1 (see above, paragraph 15) concerning diagnosis and vaccines (these norms are established in co-operation with WHO).

71. PART 5 contains "Appendices: other recommended norms: diseases not included in Lists A and B; health controls and hygiene; destruction of pathogens and insect vectors; transport of animals". Contrary to what its title suggests, "health controls and hygiene" deals only with technical rules concerning artificial insemination centres and collection units for bovine embryos/ova (as well as hygiene for hatching eggs, and hatchery buildings; fish farms; apiaries; and precautions recommended for blood sampling and vaccination). The norms on "transport of animals" here only concern stocking densities for cattle, sheep and pigs in air transport.

72. The Office collaborates with other international organizations, and signed working agreements with FAO in 1953 and with WHO in 1961. (The Animal Health Yearbook published by FAO is prepared jointly with OIE and WHO). Since 1981, the OIE also has a similar agreement with the Inter-American Institute for Agricultural Sciences (IICA). It also has working relations with the Pan-American Health Organization (PAHO) and the World Veterinary Association (WVA).

General Comments

73. The Office international des Epizooties often calls itself the "World Animal Health Organization". Making all due allowances, this title seems to fit its objectives, structures, working and rules quite well. Being an old organization, in whose work a very large number of countries participate, it is probably the foremost organization in the field of veterinary science and animal health, and also in that of the harmonization of national sanitary rules (through its Code). However, a number of features limit the power of the Office and in particular its Code.

74. Thus, Article 2 of its Statute provides (see above, paragraph 8) that the Office cannot interfere in any way in the administration of member States. The Office can therefore only address recommendations to member countries; and for this reason the Code can only be considered a guide. This also deprives the OIE of any claim or power to supervise the application of its recommendations by member countries. Furthermore, and although this does not appear anywhere in the Code, the latter is generally considered as a set of minimum rules on which national sanitary rules can be based. Furthermore, the Code seems to lack precision from the legal or language standpoint in many instances, which appear to be so many loopholes for non-application or at least for diverging interpretations according to individual interests. For example, there is the difference in language between Article 1.3.4.1(2) (paragraph 18 above) which establishes that the transit country may refuse the transit of animals "if, in the exporting country or transit country which precedes it on the itinerary, certain diseases exist which are considered by the country in question [of transit] as capable of being transmitted or not" and Article 1.3.5.1(3) which stipulates that "any country may prohibit the importation into its territory of animals ... when the exporting country or transit country which preceded it on the itinerary are considered as being infected with certain diseases capable of being transmitted ...". This type of imprecision, which apparently could have been avoided relatively easily, for example by referring to the diseases included in Lists A and/or B of the Code, is relatively frequent. The Code does not seem very rigorous from the legal standpoint. This is perhaps the sign that it is the outcome of what could be negotiated, but appears more to stem from the importance given to veterinary ethics and certification (paragraph 14).

75. Finally, the OIE has no mechanism for consultation, supervision or dispute settlement (even if its International Committee (paragraph 3.1) can deal with "any matter") and the Code provides for none. Any problem that arises between member countries - even concerning the application or interpretation of the Code's rules - must be resolved between them or by recourse to normal legal channels.

76. All these features seem to suggest that the powers of the OIE and its Code should be strengthened, inter alia in order to minimize distortions to international trade in this important field. Greater co-operation between GATT and the Office would be desirable, primarily with a view to speeding-up the process of harmonization of sanitary rules and the establishment of machinery for consultation, supervision and dispute settlement.

ANNEX 1

LIST A DISEASES

Foot and mouth disease  
Vesicular stomatitis  
Swine vesicular disease  
Rinderpest  
Peste des petits ruminants  
Contagious bovine pleuropneumonia  
Lumpy skin disease  
Rift Valley fever  
Bluetongue  
Sheep pox and goat pox  
African horse sickness  
African swine fever  
Hog cholera (classical swine fever)  
Teschen disease  
Fowl plague  
Newcastle disease

ANNEX 2LIST B DISEASESMultiple species

Anthrax  
 Aujeszky's disease  
 Echinococcosis/hudatidosis  
 Filariasis  
 Heartwater  
 Leptospirosis  
 Q fever  
 Rabies  
 Johne's disease

Cattle

Anaplasmosis  
 Babesiosis  
 Bovine brucellosis (B. abortus, also  
 to be reported in sheep)  
 Bovine genital campylobacteriosis  
 Bovine tuberculosis  
 Cysticercosis (C. bovis)  
 Dermatophilosis  
 Enzootic bovine leukosis  
 Haemorrhagic septicaemia  
 Infectious bovine  
 rhinotracheitis/infectious pustular  
 vulvovaginitis  
 Theileriasis  
 Trichomoniasis  
 Trypanosomiasis  
 (tsetse-borne)

Horses

Contagious equine metritis  
 Dourine  
 Epizootic lymphangitis  
 Equine encephalomyelitis  
 Equine infectious anaemia  
 Equine influenza  
 (virus type A)  
 Equine piroplasmosis  
 Equine rhinopneumonitis  
 Glanders  
 Horse pox  
 Infectious arteritis of horses  
 Japanese encephalitis  
 Mange  
 Salmonellosis  
 (S. abortus equi)  
 Surra  
 Venezuelan equine  
 encephalomyelitis

Pigs

Atrophic rhinitis of swine  
 Cysticercosis (C. cellulosae)  
 Porcine burcellosis (B. suis, also  
 to be reported in wildlife)  
 Transmissible gastroenteritis  
 Trichinellosis

Sheep and goats

B. ovis infection  
Caprine and ovine brucellosis  
(B. melitensis)  
Caprine arthritis/encephalitis  
Contagious agalactia  
Contagious caprine pleuropneumonia  
Enzootic abortion of ewes  
Nairobi sheep disease  
Pulmonary adenomatosis  
Salmonellosis (S. abortus ovis)  
Scrapie  
Visna/maedi

Fish

Viral haemorrhagic  
  septicaemia of salmonids  
Infectious pancreatic necrosis of  
  trout  
Myxosomiasis of salmonids  
Spring viraemia of carp

Rodents

Myxomatosis  
Tularaemia

Poultry

Avian infectious bronchitis  
Avian infectious laryngotracheitis  
Avian tuberculosis  
Duck virus hepatitis  
Duck virus enteritis  
Fowl cholera  
Fowl pox  
Fowl typhoid (S. gallinarum)  
Infectious bursal disease  
  (Gumboro disease)  
Marek's disease  
Mycoplasmosis  
  (M. gallisepticum)  
Psittacosis/ornithosis  
Pullorum disease (S. pullorum)

Bees

Acariasis of bees  
American foul brood  
European foul brood  
Nosemosis of bees  
Varroasis

Other

Leishmaniasis

ANNEX 3

Model of the Certificate

ZOO-SANITARY CERTIFICATE\* FOR DOMESTIC OR WILD  
ANIMALS OF THE BOVINE, BUBALINE, OVINE,  
CAPRINE OR PORCINE SPECIES

Exporting country: .....  
Ministry of: .....  
Department: .....  
Province or District, etc.: .....

I. Identification of the animals

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Official ear mark	Breed	Sex	Age
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II. Origin of the animals

Name and address of exporter: .....  
.....  
Place of origin of the animals: .....  
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III. Destination of the animals

Country of destination: .....  
Name and address of consignee: .....  
.....  
Nature and identification of means of transport:  
.....



IV. Sanitary information

The undersigned Official Veterinarian certifies that  
the animals described above and examined on this day:

- (a) shows/show no clinical sign of disease;
- (b) satisfies/satisfy the following requirements:\*\*

Official stamp:

Issued at ..... on .....  
Name and address of Veterinarian  
.....  
.....  
.....

Signature: .....

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\* It is recommended that individual certificates be drawn up for  
breeding animals.

\*\* These conditions are agreed between the Veterinary Services of the  
importing and exporting countries in accordance with the options provided  
in this Code.

Some Concluding Remarks

77. A variety of organizations and institutions are active in work concerning sanitary and phytosanitary regulations, and an enormous amount of work has been done and is going on in the FAO, the WHO, the UN/ECE and the IOE. Furthermore, a number of other governmental and non-governmental organizations and institutions are associated with this work.

78. The main purposes are to protect the consumers against adulteration and deception and to protect human, animal and plant health. Another stated purpose is to ensure fair trading practices for food, plants and animals.

79. The matter is technically very complex and extremely difficult, but the various bodies are benefiting from the services of top experts all over the world. The quality of the work is therefore very high, notably from a technical point of view.

80. However, the instruments developed remain merely advisory ones. There are a number of ways in which the instruments are accepted such as full acceptance, limited acceptance and target acceptance, and there is also a possibility of non-acceptance. In spite of the acceptance of various instruments by governments in one way or another, measures and instruments remain merely advisory ones and it is not foreseen that they will become mandatory for international trade by some international statute.

81. Even for those who have proceeded to full acceptance of the measures, the implementation of these may have met with considerable problems. Some reasons may be suggested for this state of affairs: the absence of food legislation in a number of countries, and the inability of the respective countries to implement international standards or any norms for that sake; existing legislation in some countries might not facilitate the application of new standards; there are problems of revision and re-organization and lack of motivation for clearing up old-fashioned legislation; there are also gaps in existing legislation which ought to be filled. Work on completion or revision of national legislation is often delayed as this is not always seen to be in favour of national interests. The major objective of food legislation and control remains of course the protection of consumers at any cost. Protection of human, animal or plant life or health also enjoys a high priority and may not often be subject to any negotiable compromise. There seems to be some sort of natural human reluctance among national bureaucrats to take the trouble and time to change legislation and practices which in their view are meeting national objectives.

82. It might be noted though, that industry and trade in many cases are trying to conform to internationally developed and recommended instruments and are for instance applying Codex standards, codes and guidelines without this necessarily having been imposed upon them by national legislation.

83. There seems to be lack of institutional set-up or procedure for evaluating or assessing the implementation of standards, codes, guidelines and other measures. Although there are cases where an arbitration process and instruments have been established these are designed merely to settle disputes between traders, to the extent they might agree to have recourse to such internationally adopted arbitration facilities. The instruments and institutes mentioned in this paper do not seem to provide sufficient opportunities for consultation, conciliation or arbitration regarding disputes between governments.

84. While it seems to be an aim to achieve greater harmonization of rules and regulations with respect to sanitary and phytosanitary matters, this has met with difficulties in the past. Points of view on any given problem are almost as numerous as the membership and the temptation might be very strong to be happy with only small steps forward in that respect.

85. Some efforts are being made to compile and store in an accessible way information on national legislation regarding health, sanitary and phytosanitary measures, and also information on internationally adopted instruments, such as standards, codes and conventions and on their acceptance and implementation. Further progress might be desirable in that field though.