

NECESSARY COMPONENTS OF NATIONAL ANIMAL HEALTH SERVICES UNDER THE SPS-AGREEMENT

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INTRODUCTION

The creation of WTO and the subsequent signing of the Agreement on the application of sanitary and phytosanitary measures (SPS Agreement) have laid the foundation for the reduction of tariff barriers to trade. As a result, sanitary barriers will now be the only legitimate non-tariff barrier to trade in livestock and livestock products. To avoid abuse of sanitary arguments as a means to protect the domestic livestock industry from external competition, countries wishing to restrict importation of livestock and/or livestock products from a specific country or region may be requested to justify their decision by providing a science-based risk analysis. On the other hand, countries wishing to export livestock and livestock products will be requested to substantiate claims of being free from specific livestock diseases. Both will require animal health data of a quality and quantity, which is currently not available in a large number of countries, particularly developing ones.

The OIE has been designated by WTO as the international standard-setting organization for animal health matters while the official (public) Veterinary Services of a country are the relevant authority with ultimate responsibility for veterinary matters involving its international trade. National authorities alone speak for the country as far as official international dialogue is concerned. Traditionally, official animal health policies were generally aimed at preventing catastrophic disease losses through specific disease eradication programs and restrictive import policies following a 'zero-risk' approach. Given the above mentioned changes in the international trade environment, many official veterinary services will have to adjust if they want to play a role as 'trade facilitators' in addition to safeguarding the health status of the national herd.

This presentation focuses on the necessary components of national veterinary services to adequately deal with animal health matters following the SPS-Agreement.

NATIONAL VETERINARY SERVICES

In order to fulfil their expected roles, national veterinary services will have to be able to demonstrate that they have the capability to effectively control the sanitary and zoonosanitary status of livestock and livestock products. Consumers in the higher income countries are increasingly concerned about food contaminated by chemical residues and additives as well as products manufactured in manners defined as environmentally unsound. Thus, infrastructures which not only monitor animal health, but also residues and additives as well as the production process will have to be put in place if export into the high income countries is aimed for.

The control of the sanitary and zoo-sanitary status of livestock and livestock products and monitoring of residues and production processes is a complex and resource intensive task, which, depending on the country, involves the official veterinary services and, to varying degrees, elements of private veterinary services and producers. Irrespective of the actual distribution of functional tasks and responsibilities, key elements of a credible national veterinary service are:

- Legislation
- Disease surveillance and control/prevention programmes
- Resources (human and material)
- Management capability and administrative infrastructure
- Independence in the exercise of official functions and integrity

Mutual confidence between official veterinary services of trading partner countries is a prerequisite of stability in international trade in livestock and livestock products. Importing countries have the right of assurance that the information on the sanitary and zoo-sanitary situation provided by the veterinary services of the exporting country is correct and that the veterinary certification for exportation is valid. Thus, correct and timely disease recording and reporting and reliable product certification are essential outputs to be provided by official veterinary services for countries wishing to export. Comprehensive, coherent and enforceable legislation coupled with efficient administrative procedures and a good veterinary infrastructure are required to enable veterinary services to fulfil the above role.

LEGISLATION

Animal health legislation should give the necessary powers to the official veterinary services to perform its duties and to state the responsibility of other groups involved in the livestock sector. Legislation should provide for the rapid introduction of new measures through subordinate legislation when new situations arise.

The official veterinary services must have the legal powers to exercise inspection over:

- Animals, domestic and wild, for purposes of health control
- Animal products
- Products destined for animal feeding
- Products destined for the prevention, treatment or diagnosis of animal diseases
- Animate and inanimate vectors of animal diseases
- Premises, equipment, facilities and means of transportation used for rearing animals or deriving animal products
- Related documentation, as specified by pertinent laws, rules and regulations

Veterinary inspection should be governed by rules and regulations designed to be consistent with the technical and sanitary processes intended and with the means of implementation available. Owners, managers and employees of the inspected premises must be obliged to cooperate while veterinary inspectors should be bound by confidentiality.

Furthermore, official veterinary services must have the power, on a temporary or permanent basis, to:

- Issue or withdraw official certificates or licenses
- Prohibit, limit, restrict or regulate the import, export and movement within the country of animals, animal products or other products subject to veterinary inspection
- Confiscate or destroy animals and products or have such confiscation or destruction be effected
- Order and implement the isolation, examination and testing of animals or premises
- Approve, register and supervise the management of specified establishments and persons exercising specified activities and withdraw this approval

For the exercise of these official functions and legal powers, the responsible veterinary officers and other authorized personnel should have, on a permanent basis, immediate and full support from law enforcement authorities, local administrations and customs authorities.

A list of 'notifiable' diseases must be specified by national law or regulation. This list should include:

- All the OIE List A diseases
- Other diseases officially controlled in the same manner as may be provided by the national legislation

Legislation should include effective enforcement provisions to ensure that every suspected case of a notifiable disease is reported by the general public to the official veterinary service without delay. In particular, effective measures should be applied to ensure that this compulsory notification is complied with by veterinarians, livestock owners and attendants and other persons, who by trade or profession, are directly concerned with animals or carcasses.

Veterinary legislation should contain provisions to control the registration, manufacture, importation, distribution and use of veterinary drugs and biologicals and all drugs and biologicals used in a country should be registered. Legislation should also govern the manufacture and sale of animal feeds and the manufacture of foodstuffs of animal origin, consistent with relevant Codex or OIE standards.

The WTO maintains a Trade and Development Center (TDC) for assistance to Members on institutional capacity to draft national legislation in compliance with the WTO. Both the WTO and World Bank support this activity (<http://www.wto.org/wto/develop/develop.htm>). Activities are demand-driven, i.e. countries need to request assistance for the TDC. To date, WTO experiences a very low usage of the services offered by the TDC.

DISEASE SURVEILLANCE AND CONTROL/PREVENTION PROGRAMMES

National animal disease reporting system: Knowledge of the health status of the national livestock population is essential for trade in livestock and livestock products and should form the basis for any decision on disease control efforts. The national disease reporting system draws on a number of sources (abattoir findings, field reports, laboratory diagnoses, product inspection, etc.) and should be designed to keep the official veterinary services adequately informed on:

- The state of notifiable diseases
- Progress made by disease control or eradication programmes

The disease reporting system should cover all regions of the country, or, when the country has opted to use the principle of zoning (areas of different animal health status), the reporting system should cover each of the zones. (In many countries burdened with considerable livestock diseases, special disease-free zones requiring special infrastructure, legislation and personnel, may be required to allow and promote trade in specific livestock or livestock products, e.g. Zimbabwe, Namibia, Zambia, and Kenya in former times.) In addition to disease-free zones, the SPS-Agreement recognizes areas of 'low' prevalence.

Border inspections and import regulation: Protection of the national territory from the introduction of diseases is an essential task of the official veterinary services. This requires control facilities along the borders, at seaports and airports, including the provision of quarantine stations and the implementation of border inspection following defined import protocols. Countries should base their import policy on a sound understanding of the disease situation and livestock systems in their country and have to clearly define and publicise their import requirements. Strict import control protocols not only serve to protect the national herd, but also reassure trading partners that animals and animal products originating from third countries will have to conform with specified criteria.

Disease control programmes: These include official, government administered or officially endorsed, industry-administered control or eradication programmes for specific diseases or disease complexes. The presence of any List A disease is a serious impediment to trade and should be subject to a national control programme if the country intends to export livestock and/or its products. However, many other diseases, particularly zoonotic diseases have been eradicated or are subject to control programmes in various countries. The extent and strategy (e.g. mass vaccination vs. case-detection and stamping out) of national disease control programmes are important determinants for market access. The existence of an officially endorsed control programme against a particular disease is recognized by the SPS-Agreement as a grounds for import restrictions from countries whose livestock is affected by the same disease.

Emergency response plans: The availability of such plans and their regular rehearsal is important in order to effectively limit the spread of exotic diseases once they have been introduced. The rapid elimination of major exotic diseases is not only important in order to avoid direct production losses but also to avoid prolonged export bans.

According to OIE regulations, depending on the circumstances and disease, a country can be considered infected for up to three years after the detection of the last case.

RESOURCES

Personnel: Official veterinary services must have an integral core of full-time civil service employees, which should include veterinarians, other qualified professional officers, administrative officials and technical support staff. This core staff can be complemented by part-time veterinary and para-veterinary staff and private sector veterinarians. All staff must be subject to legal disciplinary provisions.

Staff must have well-defined functions and be qualified to carry out their assigned tasks. In-service training and development of staff is essential for meeting the needs and challenges of the changing international role of veterinary services. Scientific risk assessments will become the cornerstone of trade disputes, which will be costly to both parties if they go to the WTO's disputes panel. Thus, there is a strong need for training in Risk Analysis of veterinary staff dealing with import requests.

One of the main activities of the veterinary services in the US, Australia and European countries currently is the development of transparent and flexible risk assessment systems which the industries understand and support and which are compatible with those of the foreign veterinary counterparts.

Financial: Financial resources are a prerequisite for meeting personnel and operational costs. The level of official staff remuneration should be comparable with the private sector and provide incentives. The ratio of staff to operational expenditure should normally not exceed 1 (i.e. not more than 50% personnel costs), if the veterinary services are to keep close contact with the field required for disease surveillance and control.

Communications: Official veterinary services must have reliable access to effective communication systems, especially for animal health surveillance. A means for rapid international communication must be available to the official veterinary services to permit reporting of changes in national disease status consistent with OIE requirements and to allow rapid contact with counterpart services of trading partners.

Transport systems: The availability of sufficient and reliable transport facilities is essential for the performance of many functions of veterinary services. This applies particularly to the field services components of animal health activities such as disease reporting and control. Veterinary services which cannot demonstrate sufficient outreach to the field will find it difficult to convince counterpart services in other countries that they are in control of the animal health situation in their country.

Laboratory services: Laboratory capabilities, which would include official government laboratories and other laboratories accredited by the veterinary services form an essential component of a functioning official veterinary service. The quality of the laboratory services of a country underpins the entire control and certification processes of the zoo-sanitary status of exported animals and animal products. Therefore, these laboratories should be subject to rigid quality assurance procedures and follow

international standards and guidelines, e.g. those described in the OIE manual for diagnostics and vaccines.

MANAGEMENT AND ADMINISTRATION

Corporate plan: Rational management of veterinary services is greatly assisted by the existence of an approved corporate plan, which defines policies, objectives, strategies, milestones and, preferably quantifiable, targets. Corporate planning is widely practised in the private sector and increasingly demanded in government administration. Plans should be submitted to community and peer review and to regular reassessment. Such plans should increase staff's understanding and commitment to approved programmes. Government approval and community awareness of the administration's aims and objectives facilitate access to resources. Managerial training is essential for top level administrators in order to achieve satisfactory management of all the technical, financial, legal, and human resources that constitute a veterinary programme.

Structure: The structure of the veterinary services needs to be approved at the highest level. The number of hierarchical levels will be determined by current policy but in order to expedite the decision-making and implementation process there is an increasing tendency to shorten the vertical chain of command.

In countries with decentralised administrations, the central administration must ensure a communication structure and operation that allows for a two-way, direct transmission of reporting, policy development and decision-making.

The Chief Veterinary Officer should be the main authority on animal health issues in his country and assume ultimate responsibility for the accuracy of disease reporting and export health certification. International liaison with organisations such as OIE, FAO and WHO should be maintained through a permanent unit of the veterinary service.

Liaison: Beyond government, it is recommendable to foster close relationships with the food processing and livestock industries, with the pharmaceutical industry and with professional organisations concerned with veterinary matters. This requires effective communication skills, not always a strength of veterinary officials.

Effective consultation among government ministries should be facilitated in order to cooperate on devising a trade strategy, agreeing on a division of responsibilities and on sharing of facilities, personnel and expenses.

Documentation: It is important for official veterinary services to keep comprehensive records of all official activities and to provide detailed information upon justified request. Summaries of the official activities, for example in the form of annual reports, should be published for external circulation.

For export, veterinary services must be capable of providing accurate and reliable certification for animals and animal products. Certification procedures must be organized in a way to ensure that sanitary certificates are secure. The documentation control system should be able to correlate reliably the certification details with the

relevant export consignment and with any inspection to which the consignments were subjected.

Evaluation: Veterinary services must develop a regular system of self-analysis and evaluation for individual components and the system as a whole. Furthermore, periodically the service should be subjected to an external audit. Corrective action should be implemented when deficiencies are identified.

INDEPENDENCE IN THE EXERCISE OF OFFICIAL FUNCTIONS AND INTEGRITY

All official functions should be carried out by personnel which is not subjected to conflicts of interest while pursuing their official duties. Thus, certifying veterinarians should not be in direct employment by livestock owners or companies engaged in livestock processing and all cases of fraud, miscertification and corruption should be rigorously sanctioned. Interference by higher political levels undermining the integrity of the entire service will adversely affect the services' international reputation with negative consequences for the export-oriented sector of the national livestock industry.

Veterinary services of exporting countries normally undergo evaluations by their counterparts from the importing trade partner and the OIE has produced guidelines for the evaluation of veterinary services. OIE, however, does not provide for official, international accreditation for veterinary services and trading partners will have to develop mutual confidence in their respective services through transparency and proven track record.

WEB SITES FOR ASSISTANCE:

WTO: <http://www.wto.org>

WTO-SPA: <http://www.wto.org/goods/sps>

OIE: <http://www.oie.int>

FAO-UR: <http://www.fao.org/ur>

FAO-AGA:

<http://www.data.fao.org/WAICENT/FAOInfo/Agricult/AGA/Default.htm>

WHO: <http://www.who.int>

USDA: <http://www.aphis.usda.gov/oa/imex.html>