



REGIONALIZATION: CONSIDERATIONS RELATED TO ANIMAL HEALTH IN THE FIFTH REVIEW

SUBMISSION FROM THE UNITED STATES OF AMERICA

The following communication, received on 25 June 2018, is being circulated at the request of the Delegation of the United States of America.

1 INTRODUCTION

1.1. The United States appreciate the Committee's work on regionalization related to animal health, including its thematic session on this topic held in July 2017. The thematic session provided practical information to Members about the relevant OIE standards for regionalization and greater clarity on the implications of recent WTO dispute settlement on how Members implement these standards. In addition, the experiences regarding regionalization shared at the thematic session by Members, including developed and developing countries, highlighted both challenges and opportunities in the implementation and operation of Article 6 of the SPS Agreement.

1.2. Further, the Secretariat's recent Note on Specific Trade Concerns (STCs), G/SPS/GEN/204/Rev.18, states that STCs related to animal health and zoonoses continue to feature predominately in the Committee's discussions. Indeed, 37% of the STCs raised in the Committee since 1995 relate to animal health measures, more than any other type of SPS measure. The Secretariat's Note also cites the active role of developing countries and least-developed countries in both raising STCs and in maintaining measures of concern related to animal health. The statistics contained in the Secretariat's Note lay credence to the recognition by Members in the 7th recital of the preamble to the SPS Agreement that developing countries may encounter special difficulties in complying with the SPS measures of importing Members, as well as in the formulation and application of SPS measures in their own territories. It is our sense that Members of the Committee would want to continue to assist developing countries in their endeavours in this regard. Therefore, we believe this topic should be discussed under the Fifth Review.

1.3. To this end, we invite the Committee to consider concrete activities and focused areas of discussion that could contribute to Members' ability and preparedness to strengthen implementation and operation of Article 6 of the SPS Agreement. In this paper, we outline suggestions for Members and the Committee to address several challenges related to regionalization for animal health that may realize increased opportunities to facilitate safe trade in animals and animal products. We are hopeful that these suggested activities and discussions could generate consensus recommendations for strengthening the implementation and operation of Article 6 for adoption in the Fifth Review.

2 ACTIVITIES TO PROMOTE GREATER UNDERSTANDING OF REGIONALIZATION

2.1 Strengthen engagement in regional venues

2.1. Annex A of the SPS Agreement provides that standards, guidelines and recommendations developed under the auspices of the World Organization for Animal Health (OIE) are international standards, guidelines, and recommendations for purposes of the Agreement. Key concepts covered

in the OIE Terrestrial Animal Health Code (or Code) include zoning and compartmentalization. We believe efforts to promote a greater shared understanding among Members of the specific meaning and practical application of these concepts would be beneficial. Members should encourage greater discussion of the meaning and practical application of these concepts at venues where the appropriate animal health officials (including the Chief Veterinary Officers or CVOs) are present. Regional venues are particularly appropriate for such discussions, since neighbouring countries often face similar animal health challenges and neighbouring countries often trade with one another. Further, the use of regional venues can also make the most of limited resources. Such venues include regional OIE meetings and other meetings where regional animal health issues are discussed in detail, including Standards and Trade Development Facility (STDF) events on animal health. We would welcome reports of such discussions to the Committee by Members, as well as by the OIE, the STDF and observers representing regional economic groups, under the relevant agenda items of the Committee's meetings.

2.2 Increase information exchange on national regulatory frameworks, procedures and processes

2.2. As noted at the thematic session, the practical application of the concept of regionalization occurs within a general regulatory framework or a set of processes and procedures at the national level, which in some cases are also linked to frameworks, processes and procedures at the regional level. Efforts to enable greater understanding of how Members have applied zoning and compartmentalization through their national regulatory frameworks and processes can have many benefits. As Members continue to share experiences in these areas in the Committee, they are providing concrete examples of frameworks and procedures that address common problems. Such examples can help advance Members' understanding of how the application of regionalization can bring benefits to both exporting and importing countries, while providing practical solutions to common issues that may arise. Therefore, we invite Members of the Committee to consider ways to increase information exchange on these concepts.

2.3 Develop case studies that document successes

2.3. Concrete examples of successes can advance Members' understanding of how the application of regionalization can bring benefits to both exporting and importing countries. In this regard, therefore, we invite the Committee to consider holding another thematic session devoted to a detailed case study on how a Member or Members successfully applied regionalization for a specific animal disease from the perspective of both the exporting and importing countries. In our view, there are various examples of regionalization that could be good candidates for such a case study. A case study documenting the processes and procedures employed in a successful application of regionalization, as well as a description of the challenges and benefits experienced, could be useful for Members seeking to access other markets for their exports through regionalization.

3 ACTIVITIES TO ASSIST MEMBERS OVERCOME CHALLENGES IN IMPLEMENTING REGIONALIZATION

3.1. Members have expressed concerns regarding the challenges they have encountered related to implementation of Article 6 of the SPS Agreement. Such challenges include insufficiently developed national institutional and procedural frameworks for conducting regionalization activities; lack of sufficient information, staff or other resources to assess the SPS characteristics of a region, either domestically or abroad; high staff turnover that makes it hard to retain qualified staff; and, political or other influences that impede science-based decision making. In addition, some Members may also lack the animal health infrastructure and resources required to generate data and other information necessary to ensure their measures are adapted to the specific SPS characteristics of a region at home or abroad.

3.2. We would like to offer several ideas for consideration that could help Members overcome these challenges, while helping ensure that other Members are not unfairly penalized by another Member's unjustified reluctance to meet their obligations under Article 6.

3.1 Develop training materials

3.3. OIE and interested Members could work together to develop training materials in either print form or online aimed at helping staff of Member governments inform high-level decision makers about the importance of fulfilling their obligations under Article 6, along with the benefits of doing so. The materials could be used to help justify requests by technical level staff for sufficient staff and other resources to successfully carry out regionalization.

3.2 Expand peer-to-peer engagement among experts

3.4. Members with well-established animal health infrastructure and significant regionalization arrangements with their trading partners could consider making their experts available to train experts in other countries on the principles of regionalization, risk assessment as well as more practical "hands on" exercises to help countries build their own capacity to carry out regionalization.

3.3 Reiterate the call for Members to provide information on their experiences

3.5. As in the Fourth Review, the Committee could again encourage Members to share their experiences in the Committee under relevant agenda items on regionalizing and being regionalized themselves, including what worked, what did not, and why.
