

Committee on Sanitary and Phytosanitary Measures

DRAFT AGREEMENT BETWEEN
THE WORLD TRADE ORGANIZATION AND THE
OFFICE INTERNATIONAL DES EPIZOOTIES

Note by the Secretariat

In March 1994, the Director-General of the Office International des Epizooties (OIE) met with the Director-General of the WTO for discussions regarding the possible implications of the SPS Agreement for the OIE. In view of the recognition, in the SPS Agreement, of the OIE as the standard-setting international organization regarding animal health, the Director-General of the OIE expressed his interest in a formal institutional arrangement between the two organizations. It was agreed to revert to the matter after the entry into force of the SPS Agreement.

At a meeting in October 1995 between Mr. Hoda, Deputy Director-General of the WTO, and the Director-General of the OIE, Mr. Hoda suggested to formalize the cooperation between the two institutions by way of an exchange of letters.

Members will find attached the proposed Draft Agreement between the WTO and the OIE. The Draft Agreement will be submitted to the SPS Committee at its next 28-29 May 1996 meeting for approval and subsequent submission to the General Council.

DRAFT AGREEMENT BETWEEN
THE WORLD TRADE ORGANIZATION AND THE
OFFICE INTERNATIONAL DES EPIZOOTIES

Draft Letter from the Director-General of the Office
international des épizooties to the Director-General
of the World Trade Organization

I have the honour to refer to the provisions of the Marrakesh Agreement Establishing the World Trade Organization, and in particular to the Agreement on the Application of Sanitary and Phytosanitary Measures, annexed as an integral part thereof, particularly the provisions which concern the Office international des épizooties.

I refer notably to Article V, paragraph 1, of the Marrakesh Agreement and Article 6.k of the Organic Rules of the Office international des épizooties.

Bearing in mind these provisions and taking into account the conversations held between representatives of the World Trade Organization and the Office international des épizooties, it seems to me that official relations need to be established between our two organizations. They should be established on the following basis:

Cooperation and Consultation

1. The World Trade Organization, hereinafter the WTO, and the Office international des épizooties, hereinafter the OIE, agree, in order to facilitate the accomplishment of their respective missions as set out in the texts relating to the WTO, notably the Agreement on the Application of Sanitary and Phytosanitary Measures, hereinafter the SPS Agreement, and the International Agreement for the creation of the OIE, to act in collaboration and to consult each other on questions of mutual interest, in particular those concerning the sanitary aspect of international trade in animals and products of animal origin and zoonoses.

Participation

2. Representatives of the WTO shall be invited to attend the Annual General Sessions of the International Committee of the OIE and to participate, without voting rights, in deliberations on items of the agenda in which the WTO has an interest, with the exception of meetings limited to the delegates of OIE Members.

3. Representatives of the OIE shall be invited to attend meetings of the Committee on Sanitary and Phytosanitary Measures of the WTO and to participate, without voting rights, in deliberations on items of the agenda in which the OIE has an interest, with the exception of meetings limited to the delegates of WTO Members.

4. Appropriate arrangements shall be made to ensure the participation of the WTO and the OIE in other meetings of a non-confidential nature convened under the auspices of either organization, during which questions in which the other organization has an interest are to be examined.

Exchange of Information and Documents

5. The WTO and the OIE agree to keep each other informed of all projects and work programmes which may be of interest to the two organizations.

6. Subject to any arrangements which may be necessary to safeguard the confidential nature of certain documents, the WTO and the OIE shall undertake the exchange of technical documents.

Actions

7. The Secretariats of the WTO and the OIE may agree on the procedure to be followed when the SPS Committee submits specific questions to the OIE concerning the standards, guidelines or recommendations of the OIE within the meaning of Article 12, paragraph 6, of the SPS Agreement.

8. In order to promote the proper application of the provisions of the SPS Agreement, particularly Article 9, paragraph 1, the Secretariat of the WTO and that of the OIE may agree on joint actions, such as seminars and interventions during conferences, as well as other actions considered necessary, particularly as regards the granting of technical assistance for the benefit of developing countries.

9. The Secretariats of the WTO and the OIE may also agree on other joint or separate actions concerning the spheres of activity of their respective organizations, when they consider such actions to be necessary.

10. They may also agree on administrative arrangements for designating scientific and technical experts with a view to the application of the provisions of the SPS Agreement, notably as provided for in Article 11, paragraph 2, in respect of dispute settlement.

Denunciation

11. Either of the two organizations may denounce the present Agreement. Denunciation by one of the organizations shall take effect on the expiry of a period of 60 days from the date on which the Director-General of the other organization receives written notification thereof. The denunciation shall have no effect on current actions agreed upon in implementation of paragraphs 8, 9 and 10.

Amendments

12. The provisions contained in the present letter may, by agreement between the two organizations, be the subject of amendments.

If these provisions seem to you to be acceptable from the point of view of your Organization, I propose that this letter dated ... and your reply, drafted in similar terms, should be considered as establishing the basis for relations between the World Trade Organization and the Office international des épizooties.

Draft Letter from the Director-General of the
World Trade Organization to the Director-General
of the Office international des épizooties

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