



ASEAN REGIONAL GUIDELINE FOR THE IMPLEMENTATION OF INTERNATIONAL STANDARDS RELATED TO SPS MEASURES

GUIDELINE 1 INTERNATIONAL FRAMEWORKS

Supported by:



ASEAN-AUSTRALIA-NEW ZEALAND FREE TRADE AREA
AANZFTA ECONOMIC COOPERATION SUPPORT PROGRAMME (AECSP)

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Implementation of International Standards related to Sanitary and Phytosanitary (SPS) Measures

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Introduction

The Sanitary and Phytosanitary Measures Agreement

The World Trade Organisation (WTO) recognises each nation's sovereign right to use sanitary and phytosanitary (SPS) measures to protect animal, plant and human health. The Agreement on the Application of SPS Measures (SPS Agreement) is a WTO Agreement that formalises how these SPS measures should be used so that they do not unduly affect trade. The SPS Agreement is necessarily broad and strategic: it outlines the principles to be followed but provides little detail on how to implement these principles. International standards set by the World Organisation for Animal Health (OIE), the International Plant Protection Convention (IPPC) and the Codex Alimentarius (Codex) Commission provide further guidance, including technical details and recommendations for implementation.

The major features of the SPS Agreement include:

- countries may set their own standards and methods of inspecting products
- regulations must be justifiable and based on science
- regulations should be applied only to the extent necessary to protect human, animal and plant life or health—in other words, measures should restrict trade to the least extent possible
- regulations should not arbitrarily or unjustifiably discriminate between countries where identical or similar conditions prevail
- countries are encouraged to use international standards, guidelines and recommendations where they exist, but may implement higher standards provided these are scientifically justified and based on appropriate risk analysis that is consistently applied.

Members can use two broad approaches in setting SPS measures, consistent with the SPS Agreement:

- implement the normative standards established by the relevant international standards
- implement SPS measures to suit an individual country's risk tolerance based on a defined appropriate level of protection (ALOP), underpinned by a risk analysis and credible scientific justification.

While Members accept that each country can determine its own ALOP, the SPS Agreement seeks to ensure that SPS measures are the minimum required to provide that protection, are consistently applied, are not misused for protectionist purposes and do not result in unnecessary barriers to international trade.

Sanitary and Phytosanitary Measures Agreement in ASEAN

In recent years, the volume of trade in agri-foods has grown rapidly in Southeast Asia. However, despite formally adopting SPS Agreement principles, many ASEAN Member States (AMS) face difficulties putting into effect these principles and the relevant international standards, guidelines and recommendations. Among AMSs, there is a high degree of variability in the maturity of SPS systems and capacity to implement. Looking forward, as agri-food industries continue to expand in the region increasing the capacity for AMSs to implement the SPS agreement is of paramount importance.

ASEAN Regional Guideline for the Implementation of International Standards related to SPS Measures

The ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) Economic Cooperation Support Programme (AECSP) aims to assist ASEAN countries to maximise the benefits of AANZFTA with the aim of enhancing trade within the region and between Australia, New Zealand and AMSs. A crucial

component of improving trade is to enhance implementation of the SPS agreement and international standards by AMSs.

Within this context, AANZFTA developed a project to provide assistance to the AMSs to develop their own national SPS standards based on international standards, guidelines and recommendations, where they exist. The immediate aims of the project are:

- To enhance understanding and recommend solutions about the challenges encountered by AMS in developing national SPS standards based on international standards, guidelines (IPPC, OIE, Codex); and
- To develop a regional guideline to assist AMS in their practical implementation of international standards related to SPS measures

The project is divided into two phases. Phase 1 was a comprehensive study resulting in a report, titled 'Review Report of the Implementation of SPS Agreement and International Standards in ASEAN Member States'

This guideline is the first in a series of guidelines produced as part of Phase 2 of the project. These guidelines are complemented by a collection of e-learning modules. These guidelines are deliberately succinct and written in plain language to facilitate accessibility for a wide audience.

The World Trade Organisation (WTO)

The WTO and its roles

What is the WTO?

The WTO is an international organisation dealing with the global rules of trade for all goods and services. The WTO covers food, animals, plants and their products. However, they are also concerned by any other traded commodity, including virtual goods.

The main aim of the WTO is to facilitate trade between nations and improve the welfare of its members by lowering potential trade barriers. To reach that aim, the WTO has developed a set of rules, agreements and commitments to assist nations with improving trade activities.

WTO schedules

Through the WTO agreements, WTO members commit to operate a non-discriminatory trading system. Like being a signatory to any other convention, being a member of the WTO comes with both rights and obligations. These WTO Agreements and commitments, called schedules, are agreed by consensus by all member nations.

The current set of trading rules are complex and outlined in long legal documents covering a wide range of activities. These have taken a long time to develop and went through a lengthy negotiating process between members to reach completion. Many revisions were undertaken and some are still on-going.

The set of complete rules for dealing with the trade of goods and services, as well as intellectual property and processes for dispute settlement are compiled into 30 Schedules resulting into 30,000 pages of legal agreements.

To access these, visit the WTO website.

Other roles of the WTO

The WTO has other functions outside of facilitating trade of goods, services and intellectual property between nations. The WTO also:

- Provides a forum for Governments to negotiate trade agreements.
- Provides a place for Governments to settle trade disputes.
- Oversees how the trade rules are put into practice.
- Monitors trade and provides reports on global trade activities.
- Develops training programs to educate the general public, members and non-members on its role and mission.

In summary, the WTO is a negotiating forum aimed at liberalising trade.

WTO membership and governance

The WTO is ruled by the Governments of the WTO's member countries. Currently the WTO has 164 member countries, with 22 countries negotiating membership. However, the WTO is not just dedicated to its members. The WTO works for all nations, including non-members. All nations can participate in trade, not just WTO members. However, WTO membership is for Governments only. The private sector, non-government organisations and other groups cannot participate in WTO activities. WTO members can form alliances as seen with the European Union (EU) and the South East Asian Nations (ASEAN).

WTO history

WTO history overview

The WTO's predecessor was called GATT or the General Agreement on Tariffs and Trade. The GATT came into existence after the Second World War in 1947. The GATT set the original multilateral trading system of today's WTO. Over the years several amendments were made to the original agreements. These amendments were the results of rounds of trade negotiations between countries. They are usually named after the countries, towns or capitals where the negotiations took place.

From the GATT to the WTO

The global rules that underpin today's multilateral economic system were a direct reaction to the Second World War. In 1941, as the Germans had just invaded Russia, Winston Churchill and Franklin Roosevelt signed "the Atlantic Charter". The Charter contained only 8 short clauses, some of which reflected the wish to end the war and the hope for world peace and security, but two clauses were economic clauses.

The Atlantic Charter inspired several other international agreements and events that followed the end of the Second World War including the formation of NATO, and the General Agreement on Tariffs and Trade (GATT). In 1942, Adherents to the Atlantic Charter signed the Declaration by United Nations which was the basis for the modern United Nations (UN).

Between 1947 to 1995, there was eight rounds of negotiations (also called trade rounds) that led to the eventual establishment of the WTO in 1995. The final round of negotiations from 1986-94 (The Uruguay Round) led to major revisions of the GATT and the formation of the WTO.

Most importantly, The Uruguay Round Agreement on Agriculture (or URAA), signed in April 1994, brought trade in agricultural products for the first time within the GATT's rules, together with services and intellectual property. Signatory countries committed themselves to reductions in protectionist measures, export subsidies, and domestic support for their own agricultural products.

The Uruguay round not only created new rules for dealing with trade but it also led to the development of new procedures for dispute settlement. This final act concluding the Uruguay round and officially establishing the WTO regime was signed in 1994 at Marrakesh, Morocco and it is hence known as Marrakesh Agreement. It entered into force in the 1st of January 1995.

The WTO since 1995

In the year 1995, the WTO replaced the GATT, after 47 years of negotiations. The WTO has more powers and augmented functions in dealing with the international economic affairs and facilitation of trade. Under the WTO, there are regular Ministerial Conferences (or MCs). These usually happen at least every two years with the last one taking place in 2017.

Important WTO principles

Tariffs

The GATT initially focused on developing mechanisms to lower tariffs for the trade of goods. Tariffs are a tax on imported goods that eventually adds to the cost borne by consumers of those goods. Tariffs are paid to the customs authority of the country imposing the tariff and importing the goods. Tariffs are a way of protecting the domestic economy by raising the cost of imports, making domestic goods and services more appealing to consumers. Tariffs can therefore be barrier to international trade.

Quotas

A quota is a defined physical limit or quantity for a given product. Quotas limit the quantity or volume of imports to a given country. A quota specifies the maximum amount that can be imported during a given time period for specific goods or services. Quotas can also act as a barrier to international trade.

Lowering tariffs and quotas

Both tariffs and quotas are potential trade barriers and if both are lowered and fixed, or removed entirely, the global trading system improves. This is what the GATT and later on the WTO have focused on through on-going negotiations with their members. The overall outcome is increased prosperity of all trading partners by increasing trade activities and promoting economic growth.

Non-tariff measures

Non-tariff measures (NTM) refer to all barriers to trade that are not tariffs and can include quotas, import licensing systems and sanitary regulations. The application of sanitary and phytosanitary measures, in accordance with the SPS Agreement (see below) is a non-tariff measure. The WTO provides guidelines for applying NTMs. The WTO rules state that NTMs must be transparent, not overly restrictive to trade and not applied arbitrarily.

Principles of a trading system

The GATT laid out principles that have now become the core principles of the rules of trade of the WTO. The five rules that came out of the Uruguay rounds of the Agreement are:

- **Non-discrimination:** This means that a country should not discriminate between its trading partners. The rules of non-discrimination are designed to secure fair conditions of trade.
- **Freer trade through negotiations:** This means that any decision or mechanisms to improve trade are not imposed but discussed and agreed upon by all involved.
- **Towards a stable and predictable system:** Once nations join the WTO as members, their commitments are bound and should remain so. By joining, members' tariffs for goods and services are set so members know what to expect of one another and the system as a whole.
- **A more competitive system by promoting fair competition:** Promoting a fair competition system is very difficult and complex. But through the activities of the WTO, Governments are given the opportunity to translate what could be seen as unfair trade barriers into additional transparent import duties to compensate for the eventual damage caused by unfair trade.
- **Encouraging development and economic reform:** The WTO recognizes that developing countries need assistance to implement the WTO's agreements into their own policies. A decision was adopted at the end of the Uruguay Round, that enlists the help of more developed countries to accelerate the implementation of market access commitments on goods exported by the least-developed countries.

Resources

E-learning module 1.1

The World Trade Organisation website. Available: <https://www.wto.org/> (accessed 26th Sept 2019)

The SPS Agreement

The history the SPS Agreement

The SPS Agreement was adopted by members on January 1, 1995, at the same time as the establishment of the WTO. The full text of the SPS agreement appears in the Act resulting from the Uruguay Round of Multilateral Trade Negotiations. However, the SPS agreement started to be negotiated and developed much earlier.

Article I of the GATT, called 'the most favoured nation clause', required non-discriminatory treatment of imported products from different foreign suppliers. Article XXb of the GATT stated that countries have the right to apply sanitary and phytosanitary (SPS) measures to protect human, animal, or plant life or health. However, these measures should not result in disguised restrictions to trade. This is essentially the basis of today's SPS agreement.

During the Tokyo round of the GATT between 1973 and 1979, members also agreed to use relevant international standards such as those developed by the World Organisation for Animal Health (OIE), Codex Alimentarius Commission and the International Plant Protection Convention. Another important outcome of the Tokyo round was the discussions around notification to Governments of any technical regulations which were not based on agreed international standards.

During the Uruguay round, there was further discussion on the elimination of all restrictions or measures that lack any valid scientific basis. This is another important principle of the SPS Agreement: any measure implemented to protect human, animal and plant life and health from the adverse impact of trade must be based on sound scientific evidence.

The SPS Agreement principles

The SPS Agreement consists of 14 articles and confers the right to WTO Member countries to apply SPS measures necessary to protect human, animal and plant life and health. The SPS Agreement also sets out the basic rules and requirements for other processes such as import licenses, inspection requirements, testing and certification requirements, labelling, packaging requirements and quarantine. The SPS Agreement is about protecting health in an active global trading system whilst minimising any negative impacts of SPS measures on international trade.

The SPS agreement outlines the rights and obligations of member countries but it does not tell you how to apply its principles. For example, the SPS Agreement does not describe how to fumigate a consignment at arrival or what diagnostic test you should use to detect Foot and Mouth disease in cattle or Aflatoxins in peanut butter. Instead, the SPS agreement recognises the 'three sisters' as the official bodies for developing standards, recommendations and guidelines for applying the SPS. These bodies are:

- Codex for food safety jointly administered by the Food and Agriculture Organisation (FAO) and the World Health Organisation (WHO),
- OIE for animal life and health; and
- IPPC for plant life and health administered by FAO.

Summary of principles

The SPS Agreement adheres to seven key principles

- The principle of non-discrimination (there should be non-discriminatory treatment of products from different foreign suppliers)
- The principle of necessity (only necessary measures should be enforced)
- The principle of harmonisation (use of international standards is advised)

- The principle of transparency (decisions should be transparent)
- The principle of sovereignty (countries have a right to protect themselves against pests and diseases)
- The principle of equivalence (different SPS measures can lead to the same result)
- The principle of regionalisation (SPS measures depend on the SPS conditions found in the country of origin)

Appropriate level of protection (ALOP)

The SPS Agreement refers to the concept of Appropriate Level of Protection (ALOP). WTO members are entitled to maintain a level of protection they consider appropriate to protect human, animal and plant health. Another way to describe the ALOP is as an acceptable level of risk or a tolerable risk. By defining an ALOP, member countries set a base-line for what they see as an acceptable risk and will negotiate and implement appropriate SPS measures to lower the risk associated with imports so that it meets their ALOP. A country's ALOP is then reflected in local legislation, policies and measures.

Member countries are free to choose what their ALOP is. However, under the WTO and SPS Agreement they cannot unfairly restrict trade by choosing an unreasonably high ALOP. For example, if agriculture practices are relatively recent and a country benefits from an overall strong level of biological isolation (e.g. the country is an island or is covered by ice for much of the year) this country might have a very low acceptable risk or ALOP. On the other hand, if a country is in the middle of a big continent, and has been involved in trade and agricultural practices for a very long time and has many shared borders, then this country might struggle to keep a high SPS status and set a relatively high level of risk as being acceptable. The country in the first example may apply strict import conditions to make sure the risk is very low whilst the country in the second example may set less strict import conditions because they already have most pests and diseases in their country and even if they can stop diseases from being imported, their neighbours may not be able to and disease will spread to them regardless. For this reason, for countries with many neighbours, it makes sense to consider strategies at a regional level.

The parameters to consider when setting an ALOP include:

- level of biological isolation
- presence of shared borders
- value of the agricultural sector
- agricultural systems (industrialised versus subsistence)
- environmental considerations
- standards of living

ALOP is not an easy concept to understand. However, it's important to note that an ALOP that is unrealistic and doesn't reflect the SPS status of a country can lead to unfair trade practices. Lastly, ALOP is that which ensures a zero risk because no country can entirely isolate themselves from pests and diseases.

Risk-based approaches to food safety, plant and animal health

By default, the SPS Agreement encourages members to adhere to international standards set by the 'three sisters', the OIE, the IPPC and Codex. If higher standards are required, 'internationally accepted risk assessment techniques' should be applied. Guidelines 2,3 and 4 focus on risk assessment however in general risk assessment should take into account:

- available scientific evidence
- relevant processes and production methods
- inspection/sampling/testing methods

- prevalence of specific diseases or pests
- existence of pest/disease free areas
- ecological/environmental conditions
- quarantine or other treatment.

Risk assessment for animal and plant health should also take into account additional economic factors such as:

- cost of control or eradication
- potential damage or loss of production/sale
- cost effectiveness of alternative approaches

Resources

E-learning module 1.2

International Plant Protection Convention, 2016. *IPPC standard setting procedure as adopted by CPM-11 (2016)* (online). Available: https://www.ippc.int/static/media/files/publication/en/2016/07/StandardSettingProcedure_2016-07-04.pdf (accessed 24th Sept 2019).

The World Trade Organisation, 1995. *The SPS Agreement*. Available: www.wto.org/english/tratop_e/sps_e/spsagr_e.html (accessed 26th Sept 2019)

The World Trade Organisation, 1998. Understanding the WTO Agreement on SPS Measures. Available: [https://www.wto.org/english/tratop_e/sps_e/spsund_e.html](http://www.wto.org/english/tratop_e/sps_e/spsund_e.html) (accessed 26th Sept 2019)

The International Trade Centre, 2019. Available: <http://www.intracen.org/default.aspx> (accessed 26th Sept 2019)

The International Plant Protection Convention (IPPC)

History of plant health measures and agreements

The need to protect plants from pests and diseases didn't start in 1995 with the SPS Agreement: the first international agreement for the protection of plants was developed in the 19th century, with the first national agreement made as far back as 1660.

These agreements stemmed from the widespread and devastating impact of various plant diseases on plant production, and the need to coordinate preventative measures and/or interventions to minimise the impact of the pest in affected areas. Notable examples include

- stripe rust/ black stem rust (caused by *Puccinia graminis*) in Europe from the 1600s and the United States of America from the mid 1700s,
- the Irish potato famine (caused by *Phytophthora infestans*) from 1840–1847, and
- the aphid *Phylloxera vastatrix* in French vineyards from 1860.

The Bern Treaty of 1878, an international agreement prompted by *Phylloxera vastatrix*, incorporates many principles that remain in the IPPC today. Under the WTO SPS Agreement, the IPCC is recognised as the reference organisation for developing international standards for plant health (phytosanitary measures). This includes standards on pest risk analysis, requirements for the establishment of pest-free areas, and other standards which give specific guidance on topics related to the SPS Agreement.

The IPPC was adopted in 1952, and revised in 1995 to take into account its role in relation to the WTO SPS Agreement. The revised IPPC came into force in 2005.

The IPPC vision is to protect global plant resources from pests. Its mission is to secure cooperation amongst nations in protecting global plant resources from the spread and introduction of pests of plants, in order to preserve food security, biodiversity and facilitate trade.

Rights, obligations and IPPC principles

Countries that sign the IPPC become 'contracting parties' or 'signatories'. There are currently 183 contracting parties to the IPPC. Contracting parties:

- have sovereign authority to use phytosanitary measures to regulate the entry of plants and plant products, and other objects or material capable of harbouring plant pests;
- can refuse entry, require treatment or specify other requirements for regulated material; and
- have the right to take emergency action on the detection of a pest posing a potential threat to their territories.

However, in applying phytosanitary measures, contracting parties are obliged to comply with the IPPC's 11 core principles of sovereignty, necessity, managed risk, minimal impact, transparency, harmonisation, non-discrimination, technical justification, cooperation, equivalence of phytosanitary measures, and modification.

Signatories are obliged to nominate a National Plant Protection Officer, whose roles include:

- issue of phytosanitary certificates,
- responsibility for surveillance and inspection,
- notification of trading partners of non-compliance with import requirements and emergency actions taken,
- exchange of information on plant pests (including pest reporting), and

- implementation of phytosanitary measures based on risk assessment and analysis.

The ten Regional Plant Protection Organisations (RPPOs) comprise IPPC contracting parties in different regions. The role of RPPOs is to coordinate the gathering and dissemination of information regarding pests that are particularly relevant at a regional level, and address technical issues that are of a regional nature.

The IPPC governance structure

The IPPC Secretariat is based at the FAO headquarters in Rome. The IPPC Secretariat is responsible for the implementation of the decisions of the Commission on Phytosanitary Measures (CPM). The CPM is the governing body of the IPPC—its roles include

- reviewing the state of plant protection around the world,
- identifying actions to control the spread of pests into new areas,
- developing international standards,
- establishing rules and procedures for resolving disputes,
- establishing rules and procedures for the sharing of phytosanitary information, and
- cooperating with international organisations on matters covered by the convention.

Standard setting process and the International Standards for Phytosanitary Measures

The International Standards for Phytosanitary Measures (ISPMs) are developed through the IPPC. Though ISPMs are not legally binding, contracting parties to the IPPC are encouraged to use them, as under the WTO SPS Agreement the IPPC is recognised as the reference organisation developing international standards for plant health (phytosanitary) measures. This means that if a country follows the phytosanitary standards outlined by the IPPC, it meets WTO obligations.

Some ISPMs are broad and underpinning, whilst others are more specific; most of them are interlinked. ISPMs can be categorised into four groups.

Core or reference standards

These provide general guidance on the IPPC, the use of terminology, and the development and operation of plant health procedures. For example, some important definitions found in the core or reference standards include:

- the definition of a pest: ‘any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products’.
- the definition of ‘regulated articles’: ‘any plant, plant product, storage place, packaging, conveyance, container, soil and any other organism, object or material capable of harbouring or spreading pests, deemed to require phytosanitary measures, particularly where international transportation is involved’.

Concept standards

These describe the key activities that NPPOs need to undertake to protect their respective contracting party (country) from the impact of pests. These include surveillance, establishment of pest status, phytosanitary certification, pest free areas, eradication programs and post-entry quarantine.

Specific standards

These are standards developed for particular pests, commodities, packaging or conveyances.

Pest risk analysis standards

These are used for the development of pest risk assessment, and identification of individual or combined phytosanitary measures that appropriately address risk.

Resources

E-learning module 1.3

Food and Agriculture Organisation of the United Nations, 2019. *Guides and training material for implementation and capacity development* (online). Available: <https://www.ippc.int/en/core-activities/capacity-development/guides-and-training-materials/> (accessed 24th Sept 2019).

Food and Agriculture Organisation of the United Nations, n.d. *Core Activities* (online). Available: <https://www.ippc.int/en/core-activities/> (accessed 24th Sept 2019).

International Plant Protection Convention, 2016. *IPPC standard setting procedure as adopted by CPM-11 (2016)* (online). Available: https://www.ippc.int/static/media/files/publication/en/2016/07/StandardSettingProcedure_2016-07-04.pdf (accessed 24th Sept 2019).

Codex Alimentarius (Codex)

History of the Codex Alimentarius Commission

In the 1940's, food science and technology developed rapidly, and as a result authorities and consumers developed an increased awareness of the importance of food hazards (WHO and FAO, 2018). In the early 1960's, discussion among international organizations including the FAO, WHO, The United Nations Economic Commission for Europe (UNECE) and the Organization for Economic Cooperation and Development (OECD) led to the conclusion that an international leading organization on food safety standards was required (WHO and FAO, 2018). This organization became the Codex Alimentarius Commission (Codex) (WHO and FAO, 2018). It was founded in 1963 through a joint FAO/WHO Food Standards Programme and since then, it has become the global reference organization for international food standards (WHO and FAO, 2018).

Mission

The mission of Codex is to protect consumer health and promote fair practices in the food trade by setting international, science-based food safety and quality standards. The collective Codex documents are referred to as the “Codex texts”. The application of these texts is voluntary and need to be translated into national legislation or regulations to be enforceable. Many countries have incorporated the Codex texts into their national legislation. The texts are periodically updated to incorporate new knowledge and understanding and address emerging food safety issues.

The Codex texts

The Codex texts can be general or specific. They may be drafted as standards, guidelines or codes of practice, depending on the subject matter¹.

General standards, guidelines and codes of practice apply to all food and are generally developed by horizontal committees.

Codex commodity standards refer to a specific product or a category of similar products, for example a general standard for fruit juices as opposed to a standard for one specific fruit juice. These texts are developed by commodity specific committees but also involve endorsement of horizontal provisions by the relevant horizontal committees.

Codex regional coordinating committees may also develop regional standards which are for use in their particular regions.

Organisation of the Codex Alimentarius

There are four main organising bodies of Codex.

- **The Codex Alimentarius Commission:** The Commission currently has 189 Codex members made up of 188 member countries and one-member organization (the European Union).

¹ Para 61, Report of the 45th Session of the Codex Committee on Food Labelling (http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-714-45%252FFinal%252520Report%252FREP19_FLe.pdf)

- **The Codex Executive Committee:** The Executive Committee is formed by the Chair and Vice Chairs of the Codex Alimentarius Commission, seven elected representatives from the various geographical groups of Codex member countries and six regional coordinators. The role of the Executive Committee is to support the Commission in the organization and management of the Codex work plan.
- **The Secretariat of the Codex Alimentarius Commission** is hosted at the FAO headquarters in Rome and provides coordination and liaison across the entire spectrum of Codex activities.
- **Subsidiary Bodies:** The Commission, under its rules of procedure, can establish three kinds of subsidiary bodies. There are Codex Committees, including ad hoc task forces, which prepare draft standards for submission to the Commission; Coordinating Committees, through which regions or groups of countries coordinate food standards activities; and General Subject Committees which are often referred to as horizontal committees. The General Subject Committees develop standards and related texts with concepts and principles applying to all foods in general, specific foods or groups of foods.

Best available science at Codex Alimentarius

All work developed by the Codex Alimentarius is based on the best available scientific evidence. The work of Codex Alimentarius is transparent and independent and uses the international expertise. Experts contributing to the work of Codex Alimentarius include individual specialists from a wide variety of fields and professionals from the FAO/WHO expert committees and bodies. The main FAO/WHO expert committees and bodies are:

- Joint FAO/WHO Expert Committee on Food Additives (JECFA)
- Joint FAO/WHO Meeting on Pesticide Residues (JMPR)
- Joint FAO/WHO Expert Meetings on Microbiological Risk Assessment (JEMRA)
- Joint FAO/WHO Expert Meetings on Nutrition (JEMNU)

Trade facilitation through Codex Alimentarius

Agreement of Codex texts is through consensus and therefore provide the basis for minimal requirements to harmonize food control systems and facilitate international trade. However, the fact that exporting and importing countries have their own trade laws and regulations may still lead to trade barriers between countries (WHO and FAO, 2018).

Codex Alimentarius at national level

Each Code member country has a nominated Codex contact point (CCP) who will be typically based in the government ministry responsible for food. The CCP acts as a link between the Codex Secretariat and the member country, coordinating all relevant Codex activities at the national level. Some countries also establish a National Codex Committee (NCC). The role of the NCC is to develop national positions towards suggestions and policies proposed by Codex Alimentarius. The NCC needs to consult with national relevant stakeholders in the process of developing its positions. Relevant stakeholders include policy-makers, representatives from the food industry, traders, academia, professional bodies, research institutes, consumer associations or recognized experts.

Resources

E-learning modules 1.4 and 1.5

The Codex Alimentarius website. Available: <http://www.fao.org/fao-who-codexalimentarius/en/> (accessed 8 October 2019).

WHO and FAO (2018) *Codex Alimentarius. Understanding Codex*. Fifth. Rome. Available at: <http://www.fao.org/3/a-i5667e.pdf>.

The World Organisation for Animal Health (OIE)

General overview

The OIE is the intergovernmental organisation responsible for improving animal health worldwide. OIE's overall mission is to 'work to protect the health and welfare of animals globally, leading to economic prosperity as well as social and environmental well-being of populations.

The OIE began as the Office International des Epizooties in 1924, partly as a response to the spread of Rinderpest into Europe. Since then, the OIE has grown significantly and in 2003, its name was officially changed to the World Organisation of Animal Health.

The OIE is under the authority and control of an Assembly of Delegates, comprised of delegates designated by the government of all Member Countries. As of 2018, the OIE has 182 Member Countries.

The OIE, WTO and SPS

The WTO recognises the OIE as the international standard-setting organisation for animal health and zoonoses.

The WTO through the SPS agreement allows for import sanitary measures based on:

- Partial risk analysis and application of international standards (as outlined by the OIE), or
- Full import risk analysis (IRA).

On this basis, if a country follows the standards outlined by the OIE, it meets WTO obligations. The OIE is therefore a critical source of information for countries seeking to implement the SPS Agreement.

The OIE observatory on the implementation of OIE Standards

In May 2018, the OIE Delegates adopted a resolution to establish the observatory on the implementation of OIE Standards. The observatory's objectives are to monitor the implementation of OIE International Standards and to determine the constraints and difficulties Member Countries face in implementation of these standards.

Resources

E-learning module 1.6

The World Organisation for Animal Health, 2015. OIE's Six Strategic Plan for the period of 2016-2020.

Available: https://www.oie.int/fileadmin/Home/eng/About_us/docs/pdf/6thSP_ANG.pdf
(accessed 23rd Sept 2019).

The OIE International Standards

The OIE International Standards

The SPS Agreement encourages WTO members to base their sanitary measures on international standards, with the WTO recognising the OIE as the reference organisation for standards relating to animal health and zoonosis. Accordingly, the OIE publishes two codes and two manuals as the principle references for WTO members.

The Terrestrial Animal Health Code

This provides standards for improvement of animal health and welfare and veterinary public health. It includes description of general measures for early detection, notification and control of pathogens, and disease-specific recommended measures regarding prevention of introduction through importation of animals or animal products.

The Manual of Diagnostic Tests and Vaccines for Terrestrial Animals

This manual outlines internationally-agreed diagnostic laboratory methods and requirements for the production and control of vaccinated and other biological products. It is designed to accompany the Terrestrial Animal Health Code, and is primarily targeted at laboratories, vaccine manufacturers and regulatory authorities in Member Countries.

The Aquatic Animal Health Code

This Code provides standards for the improvement of aquatic health. It includes chapters on notification, OIE listed diseases, surveillance for aquatic animals, risk analysis, Aquatic Animal Health Services, disease prevention and control, trade measures, import/export procedures, model health certificates, antimicrobial use, farmed fish welfare and specific aquatic diseases. The sanitary measures outlined in this Code can be used for prevention, early detection, reporting and control of pathogens in aquatic animals.

The Manual of Diagnostic Tests for Aquatic Animals

This manual provides a standardised approach to diagnosis of the diseases listed in the Aquatic Animal Health Code. It aims to facilitate health certification for trade in aquatic animals and aquatic animal products.

Using the OIE International Standards

OIE International Standards may be used in a range of circumstances. This includes as a basis for risk management when importing animals or animal products.

In regards to SPS Agreement, OIE International Standards can be used by countries to set their own SPS measures when importing animals or animal products. Rather than conducting a full IRA, a country can identify hazards associated with the commodity and then apply OIE International Standards related to those hazards. This negates the need for a full IRA, which requires specialist expertise and considerable resources, and may not be practical or necessary for many countries. There is more information on this in Guideline 4. Countries can also use the OIE International Standards as a guide for risk management measures but still develop their own. If countries choose to do full IRA, Chapter 2.1 of the Terrestrial Animal Health Code provides guidance on this.

Resources

E-learning module 1.7

The World Organisation of Animal Health, 2019. The Terrestrial Animal Health Code. Available: <https://www.oie.int/standard-setting/terrestrial-code/access-online/> (accessed 23rd Sept 2019).

The World Organisation of Animal Health, 2019. The Aquatic Animal Health Code. Available: <https://www.oie.int/standard-setting/aquatic-code/access-online/> (accessed 23rd Sept 2019).