

ANIMAL WELFARE AND THE WORLD ORGANISATION FOR ANIMAL HEALTH

Current situation

The OIE (World Organisation for Animal Health) is an intergovernmental body based in Paris which is responsible for improving animal health worldwide. Set up in 1924 it currently (2010) has 176 members and agrees standards by consensus.

The OIE develops normative documents relating to rules that Member Countries can use to protect themselves from the introduction of diseases and pathogens, without setting up unjustified sanitary barriers. OIE standards are recognised by the World Trade Organisation as reference international sanitary rules.

The OIE prepares standards through its four commissions, which work with internationally renowned specialists elected for a three year term:

- The Terrestrial Animal Health Standards Commission (“Code Commission”) is responsible for drawing up the Terrestrial Animal Health Code, based on current scientific information. It prepares draft texts for new standards which are presented to the OIE’s members for agreement.
- The Aquatic Animal Health Standards Commission (“Aquatic Animals Commission”) compiles information and sets standards on diseases of fish, molluscs and crustaceans and on methods used to control these diseases.
- The Scientific Commission for Animal Diseases identifies the most appropriate strategies and measures for disease prevention and control and oversees each Member Country submissions regarding their animal health status.
- The Biological Standards Commission is responsible for establishing or approving methods for diagnosing diseases of mammals, birds and bees and for recommending the most effective biological products such as vaccines.

Relationship to animal welfare

In 2001 the OIE took up the task of developing global animal welfare standards and in 2002 established a permanent working group which oversees its work on animal welfare issues. This has a number of committee members including one representative from the animal welfare groups.

The OIE establishes ad hoc working groups of relevant experts which represent a variety of regions and expertise and whose role is to review the scientific literature on the specific subject, draft a standard on that issue and then present it to the working group and ultimately the Code Commission for adoption before it goes to a meeting of all member countries for agreement. Once agreed the standard becomes part of the OIE *Terrestrial or Aquatic Code*. These Codes are regularly reviewed as new science becomes available.

To date the OIE has agreed six standards on animal welfare, on the transport of animals by land, the transport by sea, the transport by air, the slaughter of animals for human consumption the killing of animals for disease control purposes, and the stray dog population control.

It has currently working groups drawing up standards in further areas of animal welfare. These are on the use of animals in research and education, the keeping of broiler chickens for food, the keeping of beef cattle, the transportation, and the stunning and killing of farmed fish for human consumption.

These draft standards will be drawn up and presented via the code Commission to the member countries for agreement in due course.

Relationship to WTO

There are two important differences between the OIE standards on animal health and the standards on animal welfare.

The standards on animal health are global standards which are recognised by the WTO's standards setting body, the Codex Alimentarius and by the SPS Agreement to the WTO which regulates animal and plant health issues. In trade disputes brought to the WTO, the OIE animal health standards are used as a reference to judge whether a country has breached WTO rules on trade. For instance if a country wishes to ban the import of live beef cattle from another country because of an outbreak of foot and mouth disease, it is allowed to do so provided that the OIE recognises that the other country is suffering from the disease and has not put in place the OIE standards on foot and mouth disease to deal with and eradicate the disease. Once the OIE has recognised that the country is disease free and has used the appropriate vaccine or disease control methods it can no longer prohibit imports. Its ban may be found by a WTO panel to contravene international trade rules and the country could be subject to sanctions.

However the OIE's animal welfare standards are not recognised by the WTO, mainly because it has not yet agreed that animal welfare is part of WTO's portfolio.

OIE and private standards

There is only one standard on animal health, set by the OIE but there are many animal welfare standards, including the standard set by the OIE, standards set by assurance schemes such as Freedom food, Neuland or retailers and standards set by legislation. The OIE standards do not represent the only standard and it is important that they are not used as the only standard. This assumes particular importance when discussing the issue of private standards or assurance scheme standards. The OIE in 2008 adopted a Resolution on this issue which asked the Director General of OIE to work with all parties on private standards and ensure that any private standards do not conflict with those of the OIE. This resolution raises high concerns, as private standards are an integral mechanism to improve the welfare of animals in developing and developed countries, and should be strongly supported. Private companies and institutions should be encouraged to adopt animal welfare standards and/or purchasing policies that go beyond welfare requirements put forth in legislation and indeed OIE standards. Private standards can bring market opportunities for developing countries. There is a difference between private standards for animal welfare, which are not covered by the SPS but by the TBT and GATT, and private standards for animal health, which are covered by the SPS.

At its General Assembly in May 2010, the OIE adopted a Resolution (No 26)¹¹⁵ on the “Roles of public and private standards in animal health and animal welfare”. Some aspects as specified below are particularly worrying and clarification has been searched through a letter sent to the Director-General of OIE in August 2010.

The Resolution still appears to suggest that private standards on animal welfare should ideally not be stronger than those of the OIE. It expresses concern that some private standards have the potential to conflict with OIE standards (citation 6). Its objective appears to be that private standards on animal welfare should be consistent with and not conflict with those of the OIE (recommendation 7). It seeks compatibility and increased harmonisation of private standards with those of the OIE (recommendations 9 and 11) and encourages the use of OIE standards as benchmarks against which private standards are referenced (recommendation 10).

The overall message emerging from the Resolution appears to be one of reluctance to see private standards on animal welfare setting higher standards than those of the OIE. This approach is worrying as it could impede valuable initiatives by the food industry to improve animal welfare. This is a matter of particular concern in the EU where it is recognised that food businesses and consumers are likely to play an increasing role in improving animal welfare.

Enforcement

One of the most critical areas is the implementation and enforcement of OIE standards once they have been agreed. The OIE convened a global conference on animal welfare in 2004 targeting the veterinary services in OIE member countries and livestock producers in the meat sector, veterinary practitioners and international non governmental organisations (NGOs). The main objective of the Conference was to raise awareness of, and to explain, the OIE’s animal welfare initiative. This was followed in 2008 by a second conference looking at the enforcement of OIE standards. However although OIE standards on animal health are enforced through the trade sanctions threat from the WTO, there is no enforcement mechanism in the OIE to ensure its standards are implemented and enforced.

Future action

- It should be ensured that any of the standards OIE is drawing up are agreed to as high a standard as possible.
- There is a need to work through all the OIE member countries to ensure that the agreed standards are implemented in legislation and enforced.
- The OIE should not stop private standards being agreed and implemented that reward animal welfare practices that are higher than OIE standards.

¹¹⁵/http://www.oie.int/fr/normes/FR_RESO_2010_PS.pdf