

Factsheet 1:

European Legislation and OIE Standards

When adopting the EU animal health strategy 2007-2013 the European Institutions have clearly announced their intention to bring the EU's legal provisions closer in line with the OIE's various standards. The Union is a key player at global level, be it for animal health, livestock farming or trade. Its basic legislation is therefore based heavily on these standards. The objective of the 2007 – 2013 strategy is to reinforce this trend. Even if, where necessary, the Commission will continue to promote the Union's standards. Such major political decisions must be taken into account when drafting legislation on animal health.

Whilst this problem affects all domains covered by the proposal for a regulation, there are four areas which are the absolute priority for livestock farmers: classifying and prioritising diseases, surveillance and qualification, biosecurity measures and management of health crises.

1. **Classification – prioritisation:** The European Union has opted to focus the available funding on the most serious animal diseases. The OIE shares this strategy as part of its interest in greater effectiveness of the international actions on animal health. It intends to draw up guidelines in order to guide member countries through this classification and prioritisation exercise and to guarantee effective coordination. The EU has already early taken steps in partnership with the OIE by cofinancing a study on this subject. But by enshrining this principle in law and adopting an appropriate methodology, the Union will gain solid experience in this area for the first time. It must therefore continue working with the OIE and Member States in order to make an effective contribution to the discussions and work underway. The draft European regulation must flexible enough in this regard and provide for the possibility of adapting the classification and revising the lists (not neglecting similar decisions taken on the international level).
2. **Surveillance – qualification:** in order to guarantee animal health and safeguard animal movements, it is necessary to be able to draw on a safe and recognised surveillance and qualification mechanism. This is the aim of the provisions in a large part of the OIE's zoosanitary Codes. These Codes and the Manual are used as a reference, especially in connection with the scope of the World Trade Organisation's SPS agreement. The Union's regulations that are currently in force are broadly inspired by them.
 - 2.1. The proposal for a regulation on Animal Health cites the OIE on numerous occasions but mainly in the recitals. There is only one reference in the articles (in article 231, concerning transparency of third countries regarding their health situation in connection with the regularity and speed with which they supply information to the OIE). This is regrettable and we would like to see the EU regulation as a basic principle to refer to the OIE's standards when it comes to qualifying herds, declaring zones or States free from disease, in as much as these standards do exist and correspond to our needs.
 - 2.2. The future regulation must add to this provision by specifying that supplementary requirements set by member States would only be possible where they aim to respond to particular conditions or specific needs and that they would have a scientific basis. Such a provision would fit with the logic of the 2007-2013 strategy and allow for some useful specifications regarding to the objectives of the delegated and implementing acts.

3. **Biosecurity in livestock farming and during movements:** Developing a chapter in the proposal for a regulation that relies more on prevention is mainly based on the principle of the various stakeholders taking on greater responsibility and on implementing biosecurity measures in livestock farming and during movements.
 - 3.1. The text, however, defines neither the modalities nor the means to be implemented regarding this biosecurity. The OIE has already developed corresponding standards and the regulation could refer to these.
 - 3.2. In general, biosecurity must prospectively constitute a key element in securing trade and in carrying out inspections. All measures adopted within the Union must be fully aligned with international standards as there is a significant risk of distortion here, both from a health guarantee standpoint as well as regarding the economic conditions in production. In order to reduce that risk, it must be ensured that the measures taken are necessary and proportionate.

4. **Health crises:** the measures for managing crises and movements when making trades within the Union are a key component of the guarantee that the Union must provide to its clients in third countries. This is why our legislation concerning the regionalisation must be recognised at international level. The effectiveness of the provisions concerning health crises and urgent measures laid down in the proposal for a regulation must be reassessed in the light of the recent trade problems. It is important that we can provide an appropriately high level of guarantee to reassure the importing Third countries without posing a threat to the smooth running of the internal market or jeopardising the competitiveness of our exports. It must therefore be possible for our provisions to be recognised by the OIE. Furthermore, FESASS supports broader recognition of the compartmentalisation proposed in the future regulation. This is a measure that was initially developed by the OIE and which has only partially been incorporated into community law.

In conclusion, our Federation fully supports the reciprocal interaction between the OIE and the European Union. The standards developed by the European Union must have some influence over those of the OIE and vice versa. This is why it is appropriate for the OIE and its zoosanitary codes to be recognised as references in the proposal for the new EU regulation. But above and beyond, it is desirable that the European Union formally adopts a clear doctrine on international standard setting in the domain of animal health and that the future regulation will explicitly follow this approach. A recital could affirm the principle that the Union must promote its own standards to the OIE because if other countries align to them, the animal health status will improve globally. Conversely, the EU legislation must approach the OIE's standards as closely as possible if this poses no risk to its own animal health status.

Lastly, the excellent coordination in the European Union between the Commission and the Member States when preparing for and during the meetings of the OIE must be underscored and encouraged. This is an essential driving force in promoting the Union's approach and standards within this institution.