

Aquatic Animal Health Standards Commission Report

USA Comments

October 2008

CHAPTER 1.3.1.

GENERAL OBLIGATIONS RELATED TO CERTIFICATION

Article 1.3.1.1.

~~A combination of health factors should be taken into account to ensure unimpeded international trade in aquatic animals and aquatic animal products, without incurring unacceptable risks to human and aquatic animal health. A combination of factors should be taken into account to facilitate international trade in aquatic animals and aquatic animal products, without incurring unacceptable risks to human and aquatic animal health.~~

Because of ~~differences between countries in their~~ the likely variations in aquatic animal health situations, various options are offered by the *Aquatic Code*. The *aquatic animal* health situation in the *exporting country*, in the *transit country* or *countries* and in the *importing country* should be considered before determining the requirements ~~that have to be met~~ for trade. To maximise harmonisation of the *aquatic animal* health aspects of *international trade*, *Competent Authorities* of OIE Members should base their import requirements on the OIE standards, ~~guidelines and recommendations~~.

These requirements should be included in the model *international aquatic animal health certificates* ~~approved by the OIE~~, which ~~form~~ are included in Part 4. of the *Aquatic Code*.

Certification should be exact and concise, and should clearly ~~convey~~ address the ~~wishes~~ requirements of the *importing country*. For this purpose, prior consultation between *Competent Authorities* of *importing* and *exporting countries* ~~is useful and~~ may be necessary. ~~It enables the setting out of the exact requirements so that the certifying official can, if necessary, be given a note of guidance explaining the understanding between the Competent Authorities involved.~~

When ~~officials Members of, or representatives acting on behalf of,~~ a *Competent Authority* wish to visit another country for matters of professional interest to the *Competent Authority* of the other country, the latter should be informed prior to any such visit and should be mutually agreed upon and expedited.

Rationale: The United States recognizes that comments were only requested from specific portions of this document; however we feel that this grammatical change more accurately captures the intent of the sentence edited. Certifications originate from a country of origin, whereas requirements originate from a country of destination. Therefore, to explain, a certification should attend to a requirement as opposed to communicating a requirement.

Also, with respect to prior notification of visits, this edit was made in the interest of transparency and cooperation.

Article 1.3.1.2.

Responsibilities of the importing country

1. The import requirements included in the *international aquatic animal health certificate* should assure that *commodities* introduced into the *importing country* comply with OIE standards—the national level of protection. *Importing countries* should restrict their requirements to those justified for such necessary to achieve the national appropriate a level of protection. If these are ~~more~~ stricter than the OIE standards, ~~guidelines and recommendations~~, then they should be based on an import *risk analysis*.
2. The *international aquatic animal health certificate* should not include requirements for the exclusion of *disease agents* or *aquatic animal diseases* that are present ~~within the territory of~~ in the *importing country* and are not subject to any official control programme, except when the strain of the *disease agent* in the *exporting country* is of significantly higher pathogenicity and/or has a larger host range. ~~The requirements applying to disease agents or diseases subject to official control programmes in a country or zone should not provide a higher level of protection on imports than that provided for the same disease agents or diseases by the measures applied within that country or zone. The measures imposed on imports to manage the risks posed by a disease agent or aquatic animal disease should not require a higher level of protection than that provided by measures applied as part of the official control programme operating within the importing country.~~
3. The *international aquatic animal health certificate* should not include ~~requirements for~~ measures against *disease agents* or *diseases* ~~that which~~ are not OIE listed, unless the *importing country* has ~~identified the disease agent as presenting a significant risk for that country, after conducting a scientifically based import risk analysis according to the guidelines in Section 1.4. demonstrated through an import risk analysis, carried out in accordance with Section 1.4., that the disease agent or disease poses a significant risk to the importing country.~~
4. The transmission by the *Competent Authority* or *Veterinary Administration* of certificates or the communication of import requirements to persons other than the *Competent Authority* or *Veterinary Administration* of another country necessitates that copies of these documents be also sent to the *Competent Authority* or *Veterinary Administration*. This important procedure avoids delays and difficulties that may arise between traders and *Competent Authorities* or *Veterinary Administrations* when the authenticity of the certificates or permits is not established.

The conveyance of this information is usually the responsibility of *Veterinary Administrations* or other *Competent Authorities* of the *exporting country*. However, it can be ~~the responsibility of Veterinary Authorities or other Competent Authorities at the place of origin of the aquatic animals, if different from the exporting country, when it is agreed that the issue of certificates does not require the approval of the Veterinary Administrations or other Competent Authorities. issued by private sector veterinarians at the place of origin of the commodities when this practice is the subject of appropriate approval and authentication by the Veterinary Administrations or other Competent Authorities in the exporting country.~~

5. Situations may arise that result in changes to the consignee, identification of the means of transportation, or border post after a certificate is issued. Because these do not change the aquatic animal health or public health status of the consignment, they should not prevent the acceptance of the certificate.

Rationale: Under Point 1, the word “standards” may have been inadvertently deleted, and so we have reinstated the term. The edits under Point 4 provide clarity.

Article 1.3.1.3.

Responsibilities of the exporting country

1. An *exporting country* should, on request, supply the following to *importing countries*:
 - a) information on the *aquatic animal* health situation and national *aquatic animal* health information systems to determine whether that country is free or has *zones* or *compartments* ~~that are~~ free from

OIE-listed diseases including the regulations and procedures in force to maintain ~~it's~~ the free status;

- b) regular and prompt information on the occurrence of *OIE-listed diseases*;
 - ~~e)~~ ~~for diseases not listed, information on new findings that are of potential epidemiological significance to other countries;~~
 - ~~c)~~ details of the country's ability to apply measures to control and prevent *OIE-listed diseases*;
 - ~~d)~~ information on the structure of the *Competent Authority* and the authority that they exercise;
 - e) technical information, particularly on biological tests and vaccines applied in all or part of the country national territory;
 - f) identification of the country or location of harvest or production of the product being exported.
2. *Competent Authorities* of exporting countries should:
- a) have official procedures for the authorisation of *certifying officials*, defining their functions and duties as well as conditions of oversight and accountability, covering including possible suspension and termination of their ~~appointment~~ authorisation;
 - b) ensure that relevant instructions and training are provided to *certifying officials*;
 - c) monitor the activities of the *certifying officials* to verify their integrity and impartiality.
3. The ~~Head of the~~ *Competent Authority* of the *exporting country* is ultimately accountable for certification ~~the certifying official~~ used in *international trade*.

Rationale: Point 1 edits: necessary edit to retain a sequential lettering. An assumption was made that the word “identification” was mistakenly not deleted from line 1.g. Point 2a edits provide clarity.

Article 1.3.1.4.

Responsibilities in case of an incident ~~occurring after~~ related to importation

1. *International trade* involves a continuing ethical responsibility of disease notification. ~~Therefore, if~~ within a reasonable period subsequent to an export taking place, the *Competent Authority* becomes aware of the appearance or reappearance of a *disease* that has been specifically included in the *international aquatic animal health certificate* or other *disease* of potential epidemiological importance to the *importing country* there is an obligation for the *Competent Authority* to notify the *importing country*, so that the imported ~~aquatic animals~~ commodities may be inspected or tested and appropriate action be taken to limit the spread of the *disease* should it have been inadvertently introduced.
2. ~~Equally, if~~ a *disease* condition appears in imported *aquatic animals* within a reasonable period after importation, the *Competent Authority* of the *exporting country* should be informed so as to enable an investigation to be made, because this may be the first available information on the occurrence of the *disease* in a previously free *aquatic animal* population. The *Competent Authority* of the *importing country* should be informed of the result of the investigation ~~because since~~ since the source of *infection* may not (or may not entirely) be in the *exporting country*.
3. If a disease condition appears in aquatic animals in the importing country within a reasonable period after importation of commodities, the Competent Authority of the exporting country should be informed so as to enable an investigation to be made, because this may be the first available information on the occurrence of the disease in a previously free aquatic animal population. The Competent Authority of the

importing country should conduct trace back investigations because the source of *disease* may not (or may not entirely) be in the *exporting country*.

4. In case of suspicion, on reasonable grounds, that an *international aquatic animal health certificate* may be fraudulent, the *Competent Authority* of the *importing country* and *exporting country* should conduct an investigation. Consideration should also be given to notifying any third country(ies) that may have been implicated. All associated *consignments* should be kept under official control, pending the outcome of the investigation. The *Competent Authorities* of all countries involved should fully cooperate with the investigation. If the *international aquatic animal health certificate* is found to be fraudulent, every effort should be made by the exporting country to identify those responsible so that appropriate action can be taken according to the relevant legislation.

Rationale: Suggested edits provide clarity.