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Approaches to resolving trade disputes

D.W. Wilson [1] & A.B. Thiermann [2]

(1) Head of the International Trade Department, OIE (Word organisation for animal health), 12 rue de Prony, 75017 Paris, France
(2) International Organisations Coordinator, United States Department of Agriculture, Animal and Plant Health Inspection Service, c/o 12 rue de Prony, 75017 Paris, France

Summary
The authors discuss the various approaches to resolving trade disputes available to Member Countries of the OIE (World organisation for animal health). The paper first describes the rights and obligations of Member Countries in setting health measures for the importation of animals and animal products, according to the provisions of the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement). The authors indicate how OIE standards may be used to set import measures and introduce issues such as equivalence and the use of provisional measures, which are both areas of potential conflict. The authors then describe the options available for resolving disputes – bilateral discussions, mediation through the OIE, the use of the WTO SPS Committee and the formal WTO dispute settlement process, discussing the advantages and disadvantages of each.

Keywords
Agreement on the Application of Sanitary and Phytosanitary Measures – Dispute settlement – Equivalence – Trade – World organisation for animal health – World Trade Organization.

Introduction

When setting health measures to ensure the safety of imported animals and animal products, Member Countries have rights and obligations. Although Member Countries have the right to establish disease control measures to protect their human and animal populations, these measures must be based on science and applied consistently and without discrimination. There have often been disagreements between trading partners about the restrictions imposed by an importing country on the products from the other country and, until the establishment of the World Trade Organization (WTO) in 1995, the outcomes of many of these disagreements were disadvantageous to smaller or developing countries.

Strengthened procedures came into effect with the establishment of the WTO, including the creation of a formal dispute settlement system. While the use of this formal system is one option open to Member Countries in resolving conflicts, there are other, less formal approaches which may provide a suitable and less confrontational alternative and such approaches will also be discussed in this paper. These alternatives include the use of the impartial mediation or 'good offices' of the OIE (World organisation for animal health) to settle differences.

A Member Country may object to a health measure or group of measures on various grounds. Before discussing the various approaches to resolving such conflicts, it is useful to examine the main provisions of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement) (7). This document describes the international trading rules which Member Countries of the WTO are required to follow; i.e., it defines their rights and obligations for health protection in international trade. The authors also discuss the general trade obligations of OIE Member Countries as described in the OIE *International Animal Health Code* (the *Code*) (5).

This paper adopts the approach that it is preferable for OIE Member Countries to follow these trading rules as closely as possible to avoid conflicts whenever possible. Accordingly, these rules and the related international standards are described in some detail. The authors also advocate the use of

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science-based and less litigious solutions to conflicts in international trade.

The Agreement on the Application of Sanitary and Phytosanitary Measures

In broad terms, the SPS Agreement refers to measures whose purpose is to protect human, animal and plant life and health. The SPS Agreement refers to all measures which Member Countries can adopt to protect human, animal (including fish and wild fauna) and plant life or health, when trading internationally.

Definition of a measure

For the purposes of the SPS Agreement, sanitary or health measures are defined as any measures applied:

– to protect human or animal life or health from risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or foodstuffs

– to protect human life or health from risks arising from diseases carried by animals, plants and their products, or by the entry, establishment or spread of pests

– to protect animal or plant life from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms

– to prevent or limit other damage to a country from the entry, establishment or spread of pests.

Sanitary measures relate to human and animal health, and phytosanitary measures to plant health.

Key provisions of the Agreement

For the purposes of this paper, the key provisions of the SPS Agreement are as follows:

– An importing country has the sovereign right to impose health measures to achieve the level of protection which it considers appropriate (its appropriate level of protection or 'ALOP') to protect human or animal life or health within its territory. However, this level of protection must be consistently applied in different situations.

– An SPS measure must be based on scientific principles and cannot be maintained without sufficient scientific evidence.

– An SPS measure must not be applied in a way which arbitrarily or unjustifiably discriminates between countries where identical or similar conditions exist.

– An SPS measure must not be more trade restrictive than necessary to achieve the ALOP of an importing country, taking into account technical and economic feasibility.

– An SPS measure must be based on an international standard, guideline or recommendation where these exist, except when there is scientific justification for a more stringent measure or when an importing country determines that a higher level of protection is appropriate to the particular circumstances of that country.

– An SPS measure conforming to an international standard, guideline or recommendation is presumed to be consistent with the relevant parts of the SPS Agreement. Other measures must be based on a risk analysis.

– When there is insufficient scientific evidence to complete a risk assessment, an importing country may impose provisional measures by taking into account the relevant information which is available. Additional information must be sought to allow a more objective assessment and the measures must be reviewed within a reasonable period.

– Under regionalisation, the Agreement indicates that disease control measures must be adapted to the geographical and ecological characteristics of an area or region, taking into account the level of prevalence of a disease. The Agreement specifies that importing countries must recognise disease-free areas and areas of low prevalence within the territory of an exporting country. However, it is the responsibility of the exporting country to provide the necessary evidence to demonstrate objectively to the importing country that such an area is free of disease, and is likely to remain so. For this purpose, reasonable access must be given to the importing country for inspection and testing.

– Under the concept of equivalence, the Agreement states that importing countries must accept the measures of other countries as equivalent, even if these measures differ from those applied by others trading in the same product. For this purpose, the exporting country must objectively demonstrate to the importing country that the proposed measures achieve the required level of protection. The intent of this provision is to encourage trading partners to focus their attention on the desired objectives of the measure rather than on comparing measures for 'sameness'.

– Under transparency and notification, the Agreement indicates that countries are required to notify others of changes in their disease control measures, such as changes in import regulations, in a timely manner. Thus, except in urgent circumstances, each country must notify the WTO of any modifications in sufficient time for exporting countries to adapt their procedures to the new requirements. Each country must also establish a single enquiry point which is responsible for providing answers to all reasonable questions regarding regulatory changes and specific disease control requirements.

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International standard-setting organisations

Because the WTO required Members to base their disease control measures either on an international standard or on a risk analysis, new responsibilities were conferred on the OIE and its two sister organisations, the Codex Alimentarius Commission (CAC) (1) and the International Plant Protection Convention (IPPC) (2) under international law.

The three international organisations are referred to in the SPS Agreement as follows:

– for food safety: the standards, guidelines and recommendations established by the CAC (1)

– for animal health and zoonoses: the standards, guidelines and recommendations developed under the auspices of the OIE (3, 4, 5, 6)

– for plant health: the international standards, guidelines and recommendations developed under the auspices of the Secretariat of the IPPC in co-operation with regional organisations operating within the framework of that Convention. (2).

International standards of the OIE (World organisation for animal health)

The international standards of the OIE (which are considered to include guidelines and recommendations) for animal diseases and zoonoses fall into two categories, as follows:

– health standards for trade in terrestrial and aquatic animals and their products

– biological standards covering diagnostic techniques and vaccine production.

These international standards are developed and published by the OIE specialist commissions, involving formal consultation with all OIE Member Countries.

The following OIE *Codes* and *Manuals* are regarded as international standards:

– The OIE *International Animal Health Code* (the *Code*) contains standards, guidelines and recommendations designed to prevent the introduction of pests and diseases into the importing country during trade in animals, animal genetic material and animal products, and to avoid unjustified disease control barriers. The *Code* covers mammals, birds and bees (5).

– The *Manual of Standards for Diagnostic Tests and Vaccines* (the *Manual*) lists laboratory diagnostic techniques and requirements for the production and control of biological products (mainly vaccines) (4).

– The OIE *International Aquatic Animal Health Code* (the *Aquatic Code*) (6) and the *Diagnostic Manual for Aquatic Animal Diseases* (3) cover fish, molluscs and crustaceans.

These standards, which are updated regularly, are available on the OIE website, and in printed versions in the three official OIE languages.

General obligations of the OIE Member Countries

In Chapter 1.2.1., the OIE *Code* summarises the responsibilities of importing and exporting countries (5). Closely following these recommendations will help to minimise the number of conflicts.

The *Code* states that an importing country should ensure that its import regulations comply with the national level of protection that this country has chosen for animal and human health. Furthermore, the country should apply only those restrictions which are justified for such a level of protection. The *Code* also states that the importing country should not apply measures to exclude any endemic diseases which are not already subject to an official control programme within that country. In addition, when dealing with a disease which is subject to an official control programme, the requirements placed on imports should not provide a higher level of protection against this disease than that given by the measures applied within the importing country.

An exporting country has an obligation to supply an importing country with information on its animal health situation and any changes in that situation, on request. The exporting country should also provide information on the structure of its Veterinary Services and the authority which they exercise, including the animal health information systems which are in place.

Health measures

A scientific basis for measures

A disease control or health measure must follow scientific principles and cannot be maintained without sufficient scientific evidence. The measure must be based either on an international standard, guideline or recommendation (such as those contained in the OIE *Code*) (5), or on a scientific risk analysis.

The OIE *Code* and *Aquatic Code* (6) recommend health standards to be used by veterinary (and other competent) authorities to establish health regulations for the safe importation of animals and animal products. Member Countries which base their import regulations on these

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standards will be considered to be meeting their obligations in this regard.

The SPS Agreement outlines the requirements that Member Countries should follow when conducting a risk analysis. For trade in animals and animal products, Members must ensure that health measures are based on an objective assessment of the risks to human or animal life or health. In this regard, the importing country must evaluate the likelihood of the entry, establishment or spread of a pest or disease and the associated potential biological and economic consequences. The importing country should then review such potential consequences in the context of any health measures which might be applied to reduce the risks to an acceptable level.

A risk analysis must take an objective approach to the risks presented and the risk management options, and the choice of a measure must have a clear and direct relationship to the assessed risk. To this end, the importing country must, if requested, explain what factors were taken into consideration, which assessment procedures were used and what level of risk was determined to be acceptable.

The following factors should be taken into account when assessing risk:

– the available scientific evidence

– the relevant processes and production methods

– the relevant inspection, sampling and testing methods

– the prevalence of specific diseases or pests

– the existence of disease-free or pest-free areas

– the relevant ecological and environmental conditions

– quarantine or other disease control measures.

In assessing the risks to animal life or health, an importing country should also take into account any relevant economic factors. These include the following:

– the potential damage, in terms of loss of production or sales, if the entry, establishment or spread of a pest or disease does occur

– the costs of control or eradication of the disease outbreak and the cost of programmes to manage such responses

– the costs associated with the loss of national and international markets

– the relative cost-effectiveness of alternative approaches to reducing risks.

The OIE *Code* provides recommendations covering import risk analysis (5). This section of the *Code* is divided into five parts, as follows:

– general considerations

– guidelines for risk analysis

– evaluation of Veterinary Services

– zoning and regionalisation

– surveillance and monitoring of animal health.

If these guidelines are followed by Member Countries when conducting risk analyses, and such countries acknowledge and explain (i.e. are 'transparent' about) the approaches taken, the likelihood of conflicts due to incorrect procedures will be significantly reduced.

A consistent approach to risk

Member Countries have an obligation to avoid arbitrary or unjustifiable distinctions in the levels of protection applied in different situations, if such distinctions result in discrimination between countries or a disguised restriction on international trade. This obligation reflects the objective of consistency in risk management against risks to human and animal life or health. A Member Country cannot arbitrarily vary its attitude to the acceptance of risk from one situation to another. For instance, a Member Country cannot take a very conservative approach to risk in relation to the entry of an animal commodity and be willing to accept a much higher level of risk for another commodity.

Equivalence

It is now recognised that different animal health and production systems can provide equivalent animal health protection during international trade, with benefits to both the importing and exporting country. The concept of equivalence is based on the principle that health measures which differ from those proposed by the importing country may be capable of providing the same level of protection.

Equivalence is achieved when trading partners agree that a disease control measure proposed by the exporting country, as an alternative to one implemented by the importing country, provides the same level of protection.

The OIE *Code* recognises equivalence by recommending alternative disease control measures for many diseases (5). Equivalence may be gained, for example, by enhanced monitoring and surveillance, by the use of alternative test, treatment and isolation procedures, or by combinations of the above. To assist in judging equivalence, Member Countries are encouraged to base their disease control measures on OIE standards, guidelines and recommendations as far as possible.

An open-minded approach by an importing country to a proposal for equivalence by a trading partner will reduce the likelihood of trade conflicts.

Provisional measures

When there is insufficient scientific evidence to complete a risk analysis, an importing country may impose a provisional measure to address the risk as perceived at the time. This

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provisional measure would be based on the available relevant scientific information. The importing country should not leave such a measure in place indefinitely. Additional information should be sought to allow a more objective assessment of the risks and the measure should be reviewed within a reasonable period of time.

The information needed to complete the risk analysis may necessitate research into areas such as the means of transmission of the disease, the safety of various traded commodities and suitable diagnostic techniques.

Objections

If a Member Country believes that another country is not meeting its obligations as a Member Country of the OIE (as described in the OIE *Code*) (5) or is not adhering to the provisions of the SPS Agreement (7), the first Member Country may lodge a formal or informal objection.

Options for the resolution of conflicts

Bilateral discussions

A Member Country has the right to set the level of protection which it considers appropriate (its 'ALOP') for animal life and health in its territory. If requested by another country, an importing country must be able to justify the existence of any particular import health measure which it has established, by explaining the reason for the measure in terms of the level of protection intended to be achieved by its application against a specific hazard. The description should be in terms which facilitate understanding and promote dialogue.

An exporting country should be able to describe the structure of its Veterinary Services and the authority which they exercise, including the animal health information systems which it has established. The exporting country should be able to demonstrate objectively that its knowledge of its animal health situation is accurate and current, and that its official procedures for authorising certifying veterinarians ensure their integrity and impartiality.

Acceptance of equivalence

Many bilateral disagreements result from a misunderstanding of the concept of equivalence. Equivalence is not about the 'sameness' of measures. It involves determining whether disease control measures arising from different animal health and production systems can provide the same level of animal health protection. An importing country must accept the measures of other countries as equivalent, even if these measures differ from their own and from those applied by other countries trading in the same product, as long as they are capable of providing the same level of protection. The exporting country must provide objective information on how the alternative disease control measure which it has proposed as equivalent will provide the same level of protection. This may involve the exporting country providing access to the procedures or systems which are used in the equivalence determination so that these protocols can be examined and evaluated.

Mediation under the good offices of the OIE

The OIE offers a voluntary dispute settlement mechanism for mediating in trade conflicts between Member Countries. This is a science-based approach to finding alternative solutions and resolving differences, as distinct from the legalistic approach used in the formal WTO system. The role of the OIE is to assist the parties to arrive at a scientifically sound conclusion, which is often different from those previously offered by the individual parties.

The mechanism is voluntary in that the agreement of both parties is needed before the OIE can initiate the process. Furthermore, again as distinct from the WTO process, the outcomes are not legally binding (unless both parties agree to this in advance). Both parties also need to agree on the terms of reference and the scope of the dispute. The Director General of the OIE recommends an expert or experts, usually from the relevant OIE reference laboratories, to serve as mediator(s). Once approved by the disputing parties the OIE expert(s) meet with both parties to conduct the mediation.

The expert or experts submit a confidential report to the OIE Director General on their conclusions and recommendations. The Director General then transmits this report to both parties. The cost of the mediation is covered by the disputing parties.

Use of the OIE good offices does not preclude either party from proceeding to formal WTO dispute settlement. Although the outcomes of the OIE mechanism are non-binding and confidential, the views of the OIE would be expected to substantially influence any subsequent dispute settlement discussions in the WTO.

The IPPC has similar dispute settlement provisions (2).

Mediation using the Sanitary and Phytosanitary Committee

The SPS Committee provides a forum for the consideration of specific trade concerns with a view to preventing the issues from moving to formal dispute, whether between two trading partners or among several. Raising an issue in a meeting of the SPS Committee also allows other countries to express their interest and concerns, and may lead to a resolution of the problem.

One additional approach to OIE dispute mediation is the one offered by the SPS Committee under Article 12:2 (7). The Agreement provides for the SPS Secretariat or the Chairman of

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the Committee to serve as a mediator in the case of a trade dispute, provided that this mediation is requested by all affected parties. This is also a voluntary process, not legally binding, in which the outcome of the mediation is strictly confidential. While this approach is simple and does not require extensive legal preparation, and it also encourages parties to examine options which may not have been fully considered, it does not focus as closely on the technical aspects of the dispute, as the panel does not have the necessary technical expertise. If an agreement is not reached by the countries involved in this mediation, the affected country can then proceed with the formal dispute resolution process by requesting the formation of a panel by the WTO. There have been several instances in which the chairperson has been requested to organise and preside over bilateral or multilateral consultations, facilitating resolution.

Formal World Trade Organization dispute settlement

If a country believes that all informal approaches to resolving a dispute have failed, the country may formally invoke the WTO dispute settlement procedures.

The World Trade Organization dispute settlement process

Strengthened procedures for resolving trade disputes came into place with the adoption of the various World Trade Agreements in 1995. As WTO Members have agreed to follow these formal procedures and to respect the judgements arising from them, instead of taking action unilaterally, these procedures play a key role in the security and predictability of the international trading system. This process is a rule-oriented system with timetables for completing a case, which aims at achieving mutually agreed solutions, and is designed to secure the withdrawal of inconsistent measures. It also differs from the OIE mechanism in that it has the backing of international law.

World Trade Organization Members have also agreed that a country which loses a case cannot block the adoption of the ruling of the panel. Rulings are automatically adopted unless there is a consensus in the Dispute Settlement Body (DSB) to reject a ruling.

Resolving disputes is the responsibility of the DSB (comprising all WTO Members). The DSB is responsible for establishing panels of experts to consider the case, and for accepting or rejecting the findings of the panel or the results of an appeal. The DSB also monitors the implementation of the outcomes of disputes, and has the power to authorise retaliation when a country does not comply with a ruling.

Although much of the procedure does resemble that of a court, the preferred solution of the WTO is for the countries concerned to discuss their problems and settle the dispute themselves. The first stage of the process comprises consultations between the countries concerned. Even when the case has progressed to further stages, consultation and mediation are still possible.

The World Trade Organization process

Various parties are involved in the dispute settlement process, as follows:

– the DSB

– the countries involved in the dispute

– the adjudicators (panel members or arbitrators)

– the WTO Appellate Body

– in some cases, relevant experts.

The time limit for the conduct of a dispute settlement is normally six months, or three months in the case of urgent situations. However, the parties to the dispute often request longer time periods in which to make their submissions and seek expert advice. Nonetheless, most cases before the panel are completed within twelve months.

The periods given below (Table I) for each stage of a dispute settlement procedure are approximate as the agreement is flexible. In addition, at any time during the dispute resolution process, the parties may reach a mutually satisfactory resolution and terminate the involvement of the panel.

Under the WTO process, the first step is for the objecting country to advise the DSB that it is seeking formal consultations with the offending Member on the matter. Other Members who have an interest in the matter may ask to be included in the consultations as third parties.

After at least sixty days, if consultations have not resolved the matter, there are three options for proceeding. First, the objecting country may seek the intervention of the good offices of the WTO Director-General. Secondly, it may seek conciliation or mediation. Thirdly, it may ask the DSB to establish a dispute resolution panel to examine the case. The purpose of the panel is to assist the DSB to make rulings and recommendations on the case.

If the third route is chosen and a panel established, the parties in the dispute consult on the membership of the panel and its terms of reference. A dispute resolution panel normally comprises a chairperson and two ordinary members, chosen as individuals with expertise in international law and not as representatives of their countries. Normally, however, individuals from the countries involved in the dispute, and from those which have expressed a formal interest in the

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Table I
The World Trade Organization (WTO) dispute settlement process

Step in the process	Time period allowed
Consultations and mediation between the Member Countries in dispute	60 days
The Dispute Settlement Body (DSB) establishes a dispute resolution panel and appoints panellists	45 days
The panel submits its final report to the parties	6 months
The final report is circulated to World Trade Organization Member Countries	3 weeks
If no appeal is lodged:	
The DSB adopts the report and the parties agree to comply	60 days
Total time period if there is no appeal	1 year
If an appeal is lodged:	
The Appellate Body of the WTO reviews the report of the panel	60-90 days
The DSB adopts the report of the Appellate Body	30 days
Total time period if there is an appeal	15 months
The DSB monitors the implementation of the adopted rulings	Up to 15 months

dispute (as third parties), are excluded from serving on the panel.

The working procedures of the panel usually involve the submission of written evidence by the parties, and two hearings at WTO Headquarters, at which the parties may present oral arguments and question each other on the issues. In addition, the panel provides an opportunity for interested third parties to submit written or oral arguments.

A panel may seek information from any source which it considers relevant and, if one party raises scientific or other technical matters, the panel may consult experts or appoint an expert group to review the issues and prepare an advisory report. These experts are selected in consultation with the parties to the dispute, and their advice may be sought either on an individual basis or as a group. The OIE assists in identifying appropriate experts.

The panel then prepares a draft report on which the parties to the dispute may comment. The final report of the panel is normally provided to the parties shortly before it is submitted to the DSB, circulated to all WTO Members and made public. Apart from the publication of the final report, the proceedings of the panel are strictly confidential. However, the parties to the dispute may make public their own submissions to the panel, and request that the other parties also provide a public summary of their submissions.

There are now two possible scenarios. The DSB may consider the report of the panel and adopt it, and the parties may agree to comply. Alternatively, either party to the dispute (but not third parties) may appeal the findings of the panel, but only on points of law. In this case, the appeal would be heard by the Appellate Body of the WTO.

Appeals

The DSB has established a permanent seven-member Appellate Body, whose members have recognised expertise in law and international trade. Any appeal is heard by three members of the Appellate Body, who have access to all of the submissions made to the panel, plus any additional submissions relating to the appeal. The Appellate Body must submit its report to the DSB within ninety days. It can uphold, modify or reverse any or all of the legal findings and conclusions of the panel, but its review is limited to issues of law. The Appellate Body cannot address issues relating to the scientific evidence given by the experts.

The DSB would then adopt the report of the Appellate Body unless there is a consensus not to adopt. Following adoption of the report of the panel, as modified by the Appellate Body, a WTO Member has a legal obligation to bring its measures into conformity with its obligations under the WTO.

Enforcement

While prompt compliance with recommendations or rulings of the DSB is required, the WTO recognises that administrative or legislative modifications may be required. Thus the WTO Agreement provides an unspecified 'reasonable period of time' for compliance, although this would normally not exceed fifteen months.

If a losing Member Country cannot bring its measures into compliance within that period of time, it can offer to compensate the complaining party in the dispute for its lost trade opportunities. If there is no agreement regarding acceptable compensation, the DSB may authorise limited trade sanctions (often called 'retaliation').

In any case, the DSB monitors the implementation of adopted rulings. An outstanding case remains on the agenda of the DSB until resolved.

Conclusion

This paper describes formal and informal procedures for the resolution of conflicts. It emphasises, however, the importance of OIE Member Countries understanding the international trading rules and adhering to their rights and obligations, thus avoiding costly conflicts.

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Les dispositifs de règlement des différends commerciaux

D.W. Wilson & A.B. Thiermann

Résumé
Les auteurs examinent les diverses possibilités de règlement des différends commerciaux offertes aux Pays Membres de l'OIE (Organisation mondiale de la santé animale). La première partie de l'article est consacrée aux droits et aux obligations que ces Pays Membres sont tenus de respecter, aux termes de l'Accord de l'Organisation mondiale du commerce (OMC) sur l'application des mesures sanitaires et phytosanitaires (Accord SPS), lors de l'élaboration de mesures sanitaires visant l'importation d'animaux et de produits d'origine animale. Les auteurs expliquent l'intérêt pratique que présentent les normes de l'OIE pour la mise en œuvre de mesures s'appliquant aux importations. Ils abordent également les thèmes de l'équivalence et du recours aux mesures provisoires, qui sont des sources potentielles de conflit. Dans un deuxième temps, les auteurs décrivent les moyens mis en place pour trancher les litiges (négociations bilatérales, médiation de l'OIE, saisine du Comité SPS de l'OMC et procédure officielle de règlement des différends de cette dernière organisation), puis ils précisent leurs avantages et inconvénients respectifs.

Mots-clés
Accord sur l'application des mesures sanitaires et phytosanitaires – Échanges commerciaux – Équivalence – Mesure provisoire – Organisation mondiale du commerce – Organisation mondiale de la santé animale – Règlement des différends.

Procedimientos de resolución de contenciosos comerciales

D.W. Wilson & A.B. Thiermann

Resumen
En este artículo, los autores examinan los distintos procedimientos a los que pueden recurrir los Países Miembros de la OIE (Organización Mundial de Sanidad Animal) para resolver contenciosos comerciales. En primer lugar describen los derechos y las obligaciones que, según estipula el Acuerdo sobre la Aplicación de Medidas Sanitarias y Fitosanitarias (el 'Acuerdo MSF') de la Organización Mundial del Comercio (OMC), tienen los Países Miembros a la hora de instituir medidas sanitarias que regulen las importaciones de animales y productos de origen animal. Después explican el modo en que pueden utilizarse las normas de la OIE para reglamentar las importaciones, y se refieren también a la cuestión de la equivalencia y al uso de medidas provisionales, temas ambos que pueden dar origen a diferencias. Por último describen las distintas posibilidades que existen para resolver contenciosos comerciales – negociaciones bilaterales, mediación

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de la OIE, recurso al Comité MSF de la OMC y proceso oficial de solución de diferencias de la OMC – y sopesan las ventajas e inconvenientes de cada una de ellas.

Palabras clave
Acuerdo sobre la Aplicación de Medidas Sanitarias y Fitosanitarias – Comercio – Equivalencia – Medida provisional – Organización Mundial del Comercio – Organisación mundial de sanidad animal – Resolución de contenciosos.

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