

Japan's comments on the proposed amendments of the Terrestrial Code in the Code Commission Report of the February 2011 meeting

List of comments

1. General Comments
2. Chapter 3.3 - Veterinary Legislation (Annex 30)
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NOTE

Please find the following specific comments in which proposed insertion is underlined and proposed deletion is ~~struck-out~~. Any deletion or insertion by Japan shall be written in shaded in gray on this paper.

1. General Comments

Japan would like to emphasize the responsibility of the Code Commission on revision and development of the OIE code and request the Code Commission to review and give appropriate instructions to the work of *ad hoc* Group in advance.

Members' comments should be thoroughly reviewed by qualified (i.e. elected by the Assembly) experts and should be reflected based on opinions of these experts. With regard to the request to submit comments "to facilitate the work of the *ad hoc* Group meeting" Japan concerns that revision and development of the Codes depend more heavily on the discussion of *ad hoc* Group than that of the Code Commission. Considering that members of *ad hoc* Group were not endorsed by the Assembly, Japan would like to emphasize the importance and responsibility of the Code Commission (elected by Assembly) to develop and revise OIE standards taking Members' comments into account.

2. CHAPTER 3.3. Veterinary Legislation

1. General Comments

Japan recognizes the need for globally enhancing the overall veterinary governance by modernizing the veterinary legislation of Members, which is also emphasized in the “Fifth Strategic Plan of the OIE”. We believe that the contents of the proposed chapter are generally appropriate and useful as a tool for capacity building / technical assistance for those Members who need to update their veterinary legislation and that it helps members to address challenges that pertain to various animal related concerns..

However Japan is still in a position to maintain the status of the guidelines as a guideline (i.e. reference posted on the OIE website) for the same rationale we provided in the previous comments. The recommendation adopted at the Global Conference on veterinary legislation in Djerba in December 2010 should be respected but the Code Commission itself should discuss the adequacy of making it OIE codes in depth, with taking Member’s comments into account.

2. Specific Comments

<p>CHAPTER 3.3.</p> <p>VETERINARY LEGISLATION</p> <p>Article 3.3.1.</p> <p><u>Introduction</u></p> <p><u>Noting that implementation of appropriate veterinary legislation is an important step, but not a goal per se, to improve animal health, veterinary public health and animal welfare worldwide, the chapter provides elements to be considered to modernize veterinary legislation and should be read in conjunction with overall contents of the Terrestrial Code. Veterinary legislation may differ in each Member depending on other national legislations, government structures, and cultural, religious and social backgrounds. Members are encouraged to incorporate the elements in this Chapter flexibly in their veterinary legislations.</u></p> <p><u>Objective</u></p> <p><u>Objective of this Chapter is to provide guidance for Members to improve and modernize their veterinary legislation as necessary.</u></p>
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【Rationale】

Japan recognizes the statement made by the OIE: “The OIE does not prescribe the model or the content of national legislation as this must be tailored to the national legal, political and cultural situation” (OIE Global Conference on Veterinary Legislation, Djerba 7-9 December 2010). We think international standards are not supposed to replace legislations or regulations and the text should be flexible to be applicable to all OIE Members on a case by case basis, bearing in mind the diversity of legal structures and cultural, religious and social backgrounds among Members.

Moreover, adoption and implementation of modernizing veterinary legislation is simply a step, not a goal per se, toward achieving better “animal health, veterinary public health and animal welfare world-wide” (OIE Fifth Strategic Plan 2011-2015. Point8). Japan thinks that the chapter should read in conjunction with the overall contents of the Terrestrial Code and should not be treated as a stand-alone item to evaluate animal

health, veterinary public health and animal welfare situation.

In this context, Japan believes that providing specific objective and introduction will contribute to effective use of this Chapter by Members.

Article 3.3.2.

The form of veterinary legislation

5. Objectives of veterinary legislation

Veterinary legislation should include a clear statement of scope.

The legislations should as a minimum include instruments to enable protection of relevant guidelines in order to protect:

- a. animal health and food security;
- b. food safety;
- c. public health (zoonotic diseases) and security (stray animals); and
- d. animal welfare, as defined by the OIE.

6. Penalties and sanctions

Veterinary legislation may include ~~should provide for~~ penalties and sanctions at the appropriate ~~the~~ level required for proper implementation of the overall strategy, ~~as follows:~~

- ~~a. penalty sanctions, to be applied by the competent jurisdictions according to current penalty procedures;~~
- ~~b. administrative sanctions that are designed for immediate application in the case of activities posing a risk to animal health, animal welfare or public health.~~

~~Veterinary legislation should distinguish between significant penalties established in primary legislation and those less strong that depend on secondary legislation.~~

~~Veterinary legislation should include additional specific sanctions which would be applied on the basis of a decision from the court, notably a ban on the use of animals or the conduct of activities posing a risk to public or animal health or animal welfare.~~

【Rationale】

With regard to the fact that the WTO/SPS Agreement obliges OIE to provide scientific advice for animal health and zoonosis, Japan notes that the primary role of the OIE is to provide scientific advice on animal health(, welfare) and veterinary public health. Japan thinks an actual design and implementation of specific provisions to ensure the advice, such as sanction or penalty, should be left to Members' decision, according to conditions of each Member, rather than entrenched in an OIE chapter.

Article 3.3.3.

Veterinary and para-veterinary professions

4. The control of the profession

In order to control the veterinary and para-veterinary professions, the veterinary legislation should:

- a. describe the general system of control in terms of the political, administrative and geographic configuration of the State;

- b. provide for the possibility of the delegation of powers to a professional organisation such as a veterinary statutory body;
- c. where powers have been so delegated, describe the prerogatives, the functioning and responsibilities of the mandated professional organisations;
- d. prescribe the disciplinary powers that apply to the relevant professions including the requirements of issue and revocation of the licences and orders to suspend business.

【Rationale】

To give example of important tools for the control of the profession.

Article 3.3.5.

Delegation of powers

~~5. Relationships with stakeholders~~

~~To ensure transparency and facilitate implementation of the veterinary legislation, the competent authority should establish relationships with stakeholders, including by:~~

- ~~a. taking steps to ensure that stakeholders participate in the development of significant legislation and required follow up;~~
- ~~b. supporting, as appropriate, participation of stakeholders in international discussions fora such as OIE and Codex Alimentarius Commission.~~

【Rationale】

Since the matters related to communication are already provided in Point 4 of Article 3.3.1. “General Principle,” this Point should be deleted in order to avoid duplication. In addition, supporting participation of stakeholders in international fora such as the OIE and the Codex should not be provided in the law but be conducted with administrative discretion of each Member.

Article 3.3.6.

Health provisions relating to animal production

1. Identification and traceability

Veterinary legislation should address items provided in Point 6. of Article 4.2.3, the following elements:

- a. ~~the objectives and scope of animal identification;~~
- b. ~~the possibility to make animal identification compulsory for certain species, regions or function;~~
- e. ~~the power of the competent authority to control movements of animals and record changes of ownership;~~
- d. ~~identification includes the marking of animals or groups of animals and the recording of corresponding data;~~
- e. ~~the use of identification data for veterinary matters;~~
- f. ~~the equipment and methods to be used and the qualifications of operators for the marking or tracing of animals as appropriate to each situation;~~
- g. ~~the type of data to be recorded and the responsibilities of each party, notably those of animal keepers;~~
- h. ~~for the conduct of checks and corrections, as may be required to ensure the reliability of information in the database, notably in respect of animals that have died or have been slaughtered for any reason;~~
- i. ~~respect for constitutional liberties by restricting the use, security and confidentiality of data.~~

2. Animal markets and other gatherings

The same should apply for other animal gathering that are commercially and epidemiologically significant such as horse race.

Veterinary legislation should address the following elements:

- a. registration of all permanent or temporary animal markets ~~and other animal gatherings;~~
- b. health measures to prevent disease transmission, including procedures for cleaning and disinfection, and animal welfare measures;
- c. provision for compulsory veterinary checks ~~at animal gatherings.~~

【Rationale】

As for Point 1, the modification is made for consistency and avoiding duplication with the existing text of Chapter 4.2. Design and implementation of identification systems to achieve animal traceability..

As for Point 2, the term “animal gathering” should be clarified with more detailed description.

Article 3.3.7.

Animal diseases

2. Disease prevention

Veterinary legislation should address the following elements;

- a. specific rules for each listed disease;
- b. support to stakeholders in proposing joint programmes;
- c. the direct control by the competent authority of some disease prevention programmes;
- d. biosecurity measures with which owners or managers should comply. ;
- e. other compulsory programmes for some disease prevention when necessary.

3. Disease control
 - d. Veterinary legislation should provide for the financing of animal disease control measures, notably:
 - i. operational expenses;
 - ii. compensation for production losses due to movement restriction;
 - iii. owners compensation in the event of killing or slaughtering of animals, seizure or destruction of carcasses, meat, animal feed or other things.

【Rationale】

As for Point 2, biosecurity measures to be implemented by owners or managers of animals are key elements for disease prevention.

As for Point 3, words are added to clarify the provision.

Article 3.3.8.

Animal welfare measures

1. General provisions

Veterinary legislation should address the elements listed below:

- a. general principles to ensure the protection of animals against cruelty, abuse, abandonment and avoidable suffering, in line with the OIE *Terrestrial Code*;
- ~~b. legal definition of cruelty as an offense, subject to penal action;~~
- ~~e. direct intervention of the competent authority in the case of neglect by animal keepers;~~
- ~~db.~~ accepted practices for ~~livestock, pets, animals used in scientific experiments, sport and leisure, and for wild animals,~~ animals notably in relation to:
 - i. transport and handling;
 - ii. animal production and housing;
 - iii. slaughtering and killing;
 - iv. scientific experiments;
 - v. use in games, shows, exhibitions and zoos; and
- ec. certain activities relating to animals may be restricted to the holders of appropriate qualifications or approvals.

【Rationale】

The same rationale as Point 6 of Article 3.3.2 applies to Point b.

As for point c. the provision is too specific and too sudden given the nature of this Chapter. Such a prescriptive recommendation should be included in a relevant animal welfare Chapter, rather than general recommendation on veterinary legislation.

As for point d. modification is for making provision concise and user-friendly.

Article 3.3.11.

International movements and trade

1. Importation

Veterinary legislation should address the following elements:

- a. the coordinates of importers and, as appropriate, their approval by the

- competent authority of the importing country:
- b. the establishment by the competent authority of:
 - i. the list of goods to be subject to veterinary checks quarantine;
 - ii. the importation check points officially designated for each kind of goods;
 - iii. the kinds and procedures of checks to be performed;
 - iv. the standards with which animals and commodities proposed for importation must comply;
 - c. prevention of entry of listed goods and consignments into the country unless such goods have been subjected to the required veterinary checks quarantine;
 - d. inspection and treatment (such as disinfection) on personnel belongings of travellers if necessary;
 - e. objectivity and independence of inspectors.

【Rationale】

Since personnel belongings of travellers are key sources of infection of transboundary animal diseases, it is important for disease prevention to inspect and treat them at border posts by law.

3. CHAPTER 8.4. Echinococcosis/Hydatidosis

Specific Comment

Article 8.4.6.

Recommendations for the importation of dogs, cats and wild canids

Veterinary Authorities of importing countries should require the presentation of an *international veterinary certificate* attesting that the *animal* has been treated, in accordance with the manufacturer's instructions, ~~between 24 and 48~~ not less than 72 hours prior to export with a praziquantel-based product (5mg/kg) that is effective against *Echinococcus granulosus* and *E. multilocularis*. Re-infection should be avoided after the treatment.

【Rationale】

Japan understands that in principle, *Echinococcus granulosus* and *E. multilocularis* would be dewormed within 48 hours when dogs are treated with praziquantel-based products in normal condition. However, considering various conditions of dogs such as constipation, Japan prefers to make it not less than 72 hours prior to export in order to ensure the deworming.

In addition, animals should be kept in certain condition after the treatment so that they would not be re-infected with *Echinococcus granulosus* and *E. multilocularis*.