

**Japan's Comments on
The Code Commission Report of the February 2014 meeting**

Japan would like to express its appreciation to the Terrestrial Animal Health Standards Commission (TAHSC) and related Working Groups and ad hoc Groups for all the works they have done and thanks the TAHSC for giving us the opportunity of offering comments on proposed revisions to the Terrestrial Animal Health Code texts.

We are concerned, however, that the TAHSC does not necessarily respect the OIE standard setting procedures, in particular the normal 2-year-cycle for the adoption of new texts. In addition, Japan would like the TAHSC to make more efforts to reach agreement on controversial matters such as listing the diseases by consensus through closer and, if necessary, direct communication with Member Countries, even after this 2- year discussion.

1. Chapter 1.2- Criteria for the Inclusion of Diseases, Infections and Infestations on the OIE List

Article 1.2.3.

The following *diseases, infections* and *infestations* are included in the OIE list.

In case of modifications of this list of animal *diseases, infections* and *infestations* adopted by the World Assembly, the new list come into force on 1 January of the following year.

1) The following are included within the category of multiple species *diseases, infections* and *infestations*:

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- ~~Vesicular stomatitis (under study)~~ Vesicular stomatitis (under study)

.....

5) The following are included within the category of swine *diseases* and *infections*:

- ~~Swine vesicular disease (under study)~~ Swine vesicular disease (under study)

Rationale

We think it is obvious that the voting for adoption of the revised texts of this chapter was invalid, because it failed to meet the quorum required by the General Rules. The total number of votes was 87 (70 favorable votes; 16 negative votes;

and 1 abstention), which is not more than half the number of the Member Countries, 90.

Article 50 of General Rules provides: *The Assembly shall proceed with voting only if more than half the number the Delegates representing Member Countries of the Organisation are present.*

According to the Oxford Dictionary, 'present' means 'being in a particular place'. The quorum must be, therefore, counted not by the registration of Delegates but by the number of Delegates actually participating in the voting. Under a democratic system, both refusal of voting and walking out of the assembly hall while voting are a fair means for expressing the intentions. Since the voting was lacking a quorum, a two-thirds majority of votes cast is meaningless.

In addition, the adoption of relevant chapters (Annexes VIII) of Resolution No.31: *Amendments to the OIE Terrestrial Animal Health Code*, is also invalid because it was prepared and adopted from the assumption that the voting for the chapters was valid.

We would like to stress that the voting should not have been enforced under the circumstances that (1) the consensus was not reached by the discussion based on the present listing criteria, (2) the establishment of a new *ad hoc* Group to revise the listing criteria was decided, and (3) the delisting of the diseases was not an urgent matter related to trade concerns. In addition, it should be noted that more than one-third of registered Delegates to the General Session refused to vote.

Japan suggests the TAHSC maintain the original texts adopted at the 81st General Session in 2013 without change until the opportunity when we review the OIE List based on the revised listing criteria which would be discussed by the new *ad hoc* Group.

We have also sent a letter to the Director General referring to the above issue.

Related Comments

Japan is pleased about the establishment of new *ad hoc* Group to review the disease listing criteria. We would like to suggest that the *ad hoc* Group respect the following recommendation in Resolution No. 32, *Criteria and factors for national prioritisation of animal diseases that should be covered by public health policies*, unanimously adopted at the 82nd General Session: *the Assembly recommends that the OIE prepare animal disease prioritisation guidelines and recommendations to support regional and national efforts to control priority animal diseases.*

Japan thinks the OIE should support regional and national efforts to prevent and control diseases that international veterinary societies have actively controlled for a long time as priority diseases and successfully contained within limited certain

areas, such as vesicular stomatitis and swine vesicular disease.

The president of the TAHSC explained at the General Session that Member Countries can continue their efforts to control and eradicate the diseases as well as take measures to prevent introduction and spread of them even after delisting. For Members of the World Trade Organization (WTO), however, international trade measures for the delisted diseases should be based on import risk assessments due to lack of relevant international standards or OIE Code.

The import risk assessments require quite a lot of resources and time of importing countries, which many countries, in particular developing countries, cannot afford. In addition, lack of related international standards could increase the risk of trade disputes between importing countries and exporting countries if the border control continues after the delisting.

The delisting, thus, could discourage Member Countries in keeping their efforts to prevent and control the diseases, which could again cause the epidemic around the world.

2. Chapter 5.1 - General Obligations Related to Certification

Article 5.1.2.

Responsibilities of the importing country

- 1) The importing requirements included in the *international veterinary certificate* should assure that *commodities* introduced into the *importing country* comply with the standards of the OIE. *Importing countries* should restrict their requirements to those ~~recommended in the relevant standards of the OIE,~~ necessary to achieve the national appropriate level of protection. If there ~~these~~ are no such standards or if the country wishes to establish more trade restrictive measures stricter than the standards of the OIE, ~~there~~ they should be based on an *import risk analysis*.
- 2) The *international veterinary certificate* should not include requirements for the exclusion of pathogens or animal *diseases* which are present in the *importing country* and are not subject to any *official control programme*. The measures imposed on imports to manage the *risks* posed by a specific pathogen or *disease* should not ~~be more trade restrictive~~ require a higher level of protection than ~~the~~ that provided by measures applied as part of the *official control programme* operating within the importing country.

Rationale

The OIE Terrestrial Animal Health Code should be consistent with Agreement on

the Application of Sanitary and Phytosanitary Measures (SPS Agreement). It is clear that the original texts are less inconsistent with SPS Agreement than the proposed texts because of the following reasons.

According to Item 3 of Article 3 of SPS Agreement, Member Countries may introduce or maintain sanitary measures which result in a higher level of sanitary protection than would be achieved by measures based on the relevant international standards, guidelines or recommendations, if there is a scientific justification. This right of Member Countries, however, would be restricted to measures based on the OIE standards by the proposed text: *Importing countries should restrict their requirements to those recommended in the relevant standards of the OIE.*

Annex A of SPS Agreement defines ‘appropriate level of protection of sanitary or phytosanitary measure’: *the level of protection deemed appropriate by the Member establishing a sanitary or phytosanitary measure to protect human, animal or plant life or health within its territory.*

The OIE Terrestrial Animal Health Code also describes that *appropriate level of protection means the level of protection deemed appropriate by the country establishing a sanitary measure to protect human or animal life or health within its territory.*

Member Countries can, therefore, establish independently their appropriate level of protection regardless of the relevant international standards including the OIE Codes.

In addition, clearly defined ‘appropriate level of protection’ is much more user friendly than the novel concept.

The ‘*measures applied as part of the official control programme operating within the importing country*’ are not trade measures but domestic measures. We cannot recognize what measures can be more trade restrictive than domestic measures which are unrelated to trade.

3. Chapter 2.1- Import Risk Analysis

Japan supports the comments on Chapter 2.1 of the Aquatic Code of the Delegate of Australia, which was supported by the Delegate of Canada, at the 82nd General Session and shares the same concerns about the adoption of removing the reference to ‘appropriate level of protection’ from relevant Chapter 2.1 of the Terrestrial Code, without the OIE normal discussion cycle for new texts.

In this context, we also support the decisions of the president of the Aquatic Commission at the 82nd General Session: *He also recognised that the modification was not an urgent matter and agreed that the proposed amendment could be deferred to next year to allow Member Countries sufficient time for*

consultation.

Although Chapter 2.1 of the Terrestrial Code was adopted at the 82nd General Session, we would like the TAHSC to review the texts while carefully referencing the WTO obligations under the WTO Agreements and to propose appropriate revised texts to Member Countries for comments, taking consistency between both Codes into account.

4. Draft Chapter 7.X.- Animal Welfare and Dairy Cattle Production Systems

General Comments

Japan would like to suggest that the draft chapter be developed in consistency with Chapter 7.9-*Animal Welfare and Beef Cattle Production Systems*-already adopted at the General Session as far as possible, because dairy cattle and beef cattle are the same species.

Since some texts in this draft chapter are different from the relevant ones in Chapter 7.9 but are more favorable to cattle welfare, however, we would like to propose the TAHSC review Chapter 7.9 in parallel taking into account the consistency between both Codes.

Specific Comments

Article 7.X.5.

Provisions for good animal welfare

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1. Recommendations on system design and management including physical environment

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e) Flooring, bedding, resting surfaces and outdoor areas

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~~If cattle have to be tethered whether indoors or outdoors, they should, as a minimum, be able to lie down, stand up, maintain normal body posture, and turn around unimpeded. Cows kept in the stall housing should be allowed sufficient untethered exercise to prevent welfare problems. When tethered outdoors they should be able to walk. Animal handlers should be aware of the higher risks of welfare problems where cattle are tethered (Loberg *et al.*, 2004; Tucker *et al.*, 2009).~~

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f) Location, construction and equipment

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Electrified equipment designed to control animal behavior (e.g. **cow trainer**, electrified gate) that has been associated with increased incidence of welfare problems should not be used.

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Where access to an outdoor area, including pasture, is possible, there may be additional benefits to dairy cattle from the opportunity to graze and exercise, and a decreased risk of lameness.

Cattle that are kept tethered should, as a minimum, be able to lie down, and if tethered outdoors, turn around and walk.

In all production systems, feed and water provision should allow all cattle to have access to feed and water (DeVries and Keyserlingk, 2005; DeVries et al., 2005, DeVries et al., 2004; Endres et al., 2005). Feeders and water providers should be clean and free of spoiled, mouldy, sour, unpalatable feed and faecal contamination.

Rationale

- 1) It is more appropriate that the recommendations on tethering are put under the item of '*location, construction and equipment*' as is in Chapter 7.9.

Our proposed revised text is the same as the related one in Chapter 7.9. Given that tethering remains an important animal management tool, the description in Chapter 7.9 is more feasible and suitable to the current practice of cattle husbandry at small and medium-scale farms in developing countries and even in some developed countries in Asia. We must prevent the OIE Code from resulting in failure by pursuing the ideal.

- 2) Given that most small and medium-scale farms do not have enough untethered exercise yards indoors, it might increase other animal welfare problems to let cattle exercise outdoors in cold districts, in particular heavy snowy areas, in winter.
- 3) Since cow trainers do not bring cattle continuous pain and distress but rather high welfare with good hygiene of the bedding as long as they are used to the purpose, it is inappropriate to illustrate 'cow trainer' by example of the electrified equipment that increase welfare problems.

According to this draft code, 'excessive soiling with faeces, mud or dirt' can be a useful indicator of animal welfare. Our research has demonstrated cattle trained by cow trainer show much better physical appearance than they did before the training.



Before training



After training

(Source: <http://www.nemuro.pref.hokkaido.lg.jp/ss/nkc/gijutsu/0711cowt.htm>)

Article 7.X.5.

Provisions for good animal welfare

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2. Recommendations on stockmanship and animal management

a) Biosecurity and animal health

i) Biosecurity and disease prevention

For the purpose of this chapter, biosecurity means a set of measures designed to maintain a herd at a particular health status and to prevent the entry or spread of infectious agents.

Biosecurity plans should be designed, implemented and maintained, commensurate with the best possible *herd* health status, available resources and infrastructure, and current *disease* risk and, for OIE *listed diseases* in accordance with relevant recommendations found in the *Terrestrial Code*.

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ii) Animal health management

For the purpose of this chapter, animal health management means a system designed to optimise the physical and behavioural health and welfare of the dairy *herd*. It includes the prevention, treatment and control of *diseases* and conditions affecting the *herd* (in particular mastitis, lameness, reproduction and metabolic diseases).

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Vaccinations and other treatments administered to cattle should be

undertaken by veterinarians; otherwise by people skilled in the procedures and on the basis of veterinary or other expert-advice.

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In case of chronic disease or injury, when treatment has failed or recovery is unlikely (e.g. cattle that are unable to stand up, unaided or refuse to eat or drink), the animal should be humanely killed (AABB, 2013; AVMA, 2013) and in accordance to with Chapter 7.5 or Chapter 7.6 as applicable.

Control and monitoring of antimicrobial agents should be implemented in accordance with Chapter 6.6. to 6.10.

Rationale

- 1) The definition of ‘biosecurity’ and ‘animal health management’ are not exactly the same as those in Chapter 7.10 Animal Welfare and Broiler Chicken Production Systems. The same can apply to Article 7.9.5 of Chapter 7.9. In addition, the word of ‘biosecurity plan’ is defined in the Glossary of the Terrestrial Code.
- 2) For ensuring animal welfare, it is more desirable that veterinarians administer vaccines and other treatments to cattle. Other people may be permitted to do them depending on the situation of Member Countries if veterinarians are not available. Even in the case, however, they should be done on the basis of veterinary advice. The same can apply to 5th paragraph of Item 1-b of Article 7.9.5.
- 3) Not only chronic diseases but also acute or sub-acute diseases can progress unfavorably. Such animals should also be killed humanely before they suffer from intolerable distress.
- 4) Appropriate reference on the use of antimicrobial agents should be made to the relevant chapters in the Terrestrial Code.

Article 7.X.5.

Provisions for good animal welfare

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2. Recommendations on stockmanship and animal management

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b) Nutrition

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Feedstuffs and feed ingredients should be of satisfactory quality to meet nutritional needs and stored to minimise contamination and deterioration (CA 2004, CAC/RCP 54-2204). Where appropriate, feed and feed ingredients should be tested for the presence of substances that would adversely impact on animal health (Binder, 2007). Control and monitoring of animal feed should be implemented in accordance with Chapter 6.3.

Rationale

Appropriate reference on the control of hazards in animal feed should be made to the relevant chapters in the Terrestrial Code.

Article 7.X.5.

Provisions for good animal welfare

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2. Recommendations on stockmanship and animal management

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1) Milking management

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Long waiting times before and after milking can lead to health and welfare problems (e.g. lameness, reduced time to eat). Management should ensure that waiting times are minimised.

Special attention should be paid to the use of hormone preparations as promoters of lactation.

Rationale

Milk secretion promoted by hormone preparations may increase the physical burden on cattle, which could lead to animal welfare problems.

Article 7.X.5

Provisions for good animal welfare

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3. Recommendations on stockmanship and animal management

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p) Disaster management (under study)

~~Plans should be in place to minimize and mitigate the effect of disasters (e.g. earthquake, flooding, fire, hurricane). Such plans may include evacuation procedures, identifying high ground, maintaining emergency food and water stores, destocking and humane killing when necessary.~~

~~There should also be plans to address the effects of extreme climatic conditions, such as drought, blizzard and flooding. In times of drought, animal management decisions should be made as early as possible and these should include a consideration of reducing cattle numbers.~~

~~Humane killing procedures for sick or injured cattle should be part of the disaster management plan.~~

~~Reference to emergency plans can also be found in points 1 g) and 2a)iii) of Article 7.X.5.~~

Rationale

This item should be put ‘under study’ until the TAHSC consults with the OIE *ad hoc* Group on disaster risk reduction and management in relation to animal health and welfare. Otherwise we would like to request the TAHSC to prepare another independent code for animal welfare in disaster because measures that should be taken in disaster must be quite different from those in peace time. The same can apply to 2nd paragraph of Item 3-h of Article 7.9.5.

5. Draft Chapter X.X- Infection with *Taenia Solium*

General comments

The chapter uses three terms *Veterinary Authority*, other *Competent Authorities* and public health authority in parallel. Japan requests clarifications and revisions on the use of the terms.

Specific comments

Article X.X.3.

Measures to prevent and control infection with *T. solium*

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The *Veterinary Authority* or other *Competent Authorities* should also implement the following measures:

1. Prevention of infection in pigs

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2. Control of infection in pigs

a) The *Veterinary Authority* should ensure that all slaughtered pigs are subjected to post-mortem *meat* inspection in accordance with Chapter 6.2., and in reference to the procedures described in with Chapter 2.9.5. of the *Terrestrial Manual*.

Rationale

The description of meat inspection procedures in the Manual are very extensive and what should be done are not clear. Japan modified the text so that it could be regarded as a referential document.

6. Draft Chapter X.X.- Infection with Porcine Reproductive and Respiratory Syndrome Virus

General Comments

Japan principally supports the draft chapter which provides recommendations based on the updated global disease status and experiences of the countries succeeded in PRRS eradication. We also recognize that the chapter was drafted in response to the emergence of virulent isolates in Asian continent, but unique approach could not be provided, due to the continuous challenges of the emergence of new isolates including virulent ones observed for both type-1 and type- 2.

Besides, Japan thinks the chapter lacks the description on the most important character of the disease that PRRS predisposes to secondary infections which both complicate the diagnosis and incur considerable economic losses. It could be referred either in the General provisions or the Introduction to surveillance.