



Food and Agriculture  
Organization of the  
United Nations



## FAO/China Intensive Training Course on Tilapia Lake Virus (TiLV)

Sun Yat Sen University, Guangzhou, China

18-24 June 2018

### Session 5

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# Restriction in international trade

# Introduction



Which countries are the major marine capture fisheries producers?

1. China
2. Indonesia
3. United States of America
4. Russian Federation
5. Japan



Which countries are the major aquaculture producers?

1. China
2. India
3. Viet Nam
4. Bangladesh
5. Egypt



Major importers of fish and fishery products:

1. United States of America
2. Japan
3. China
4. Spain
5. France

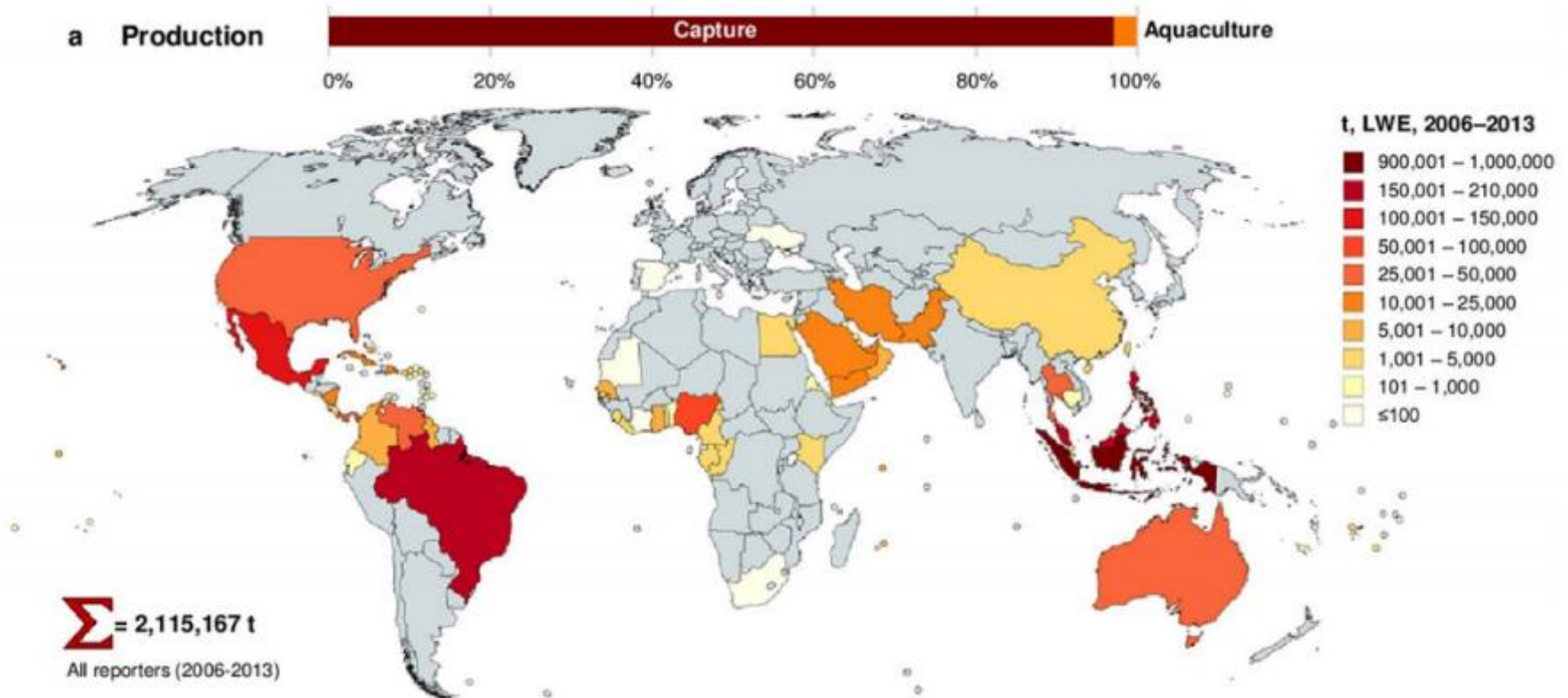


Major exporters of fish and fishery products:

1. China
2. Norway
3. Viet Nam
4. Thailand
5. United States of America



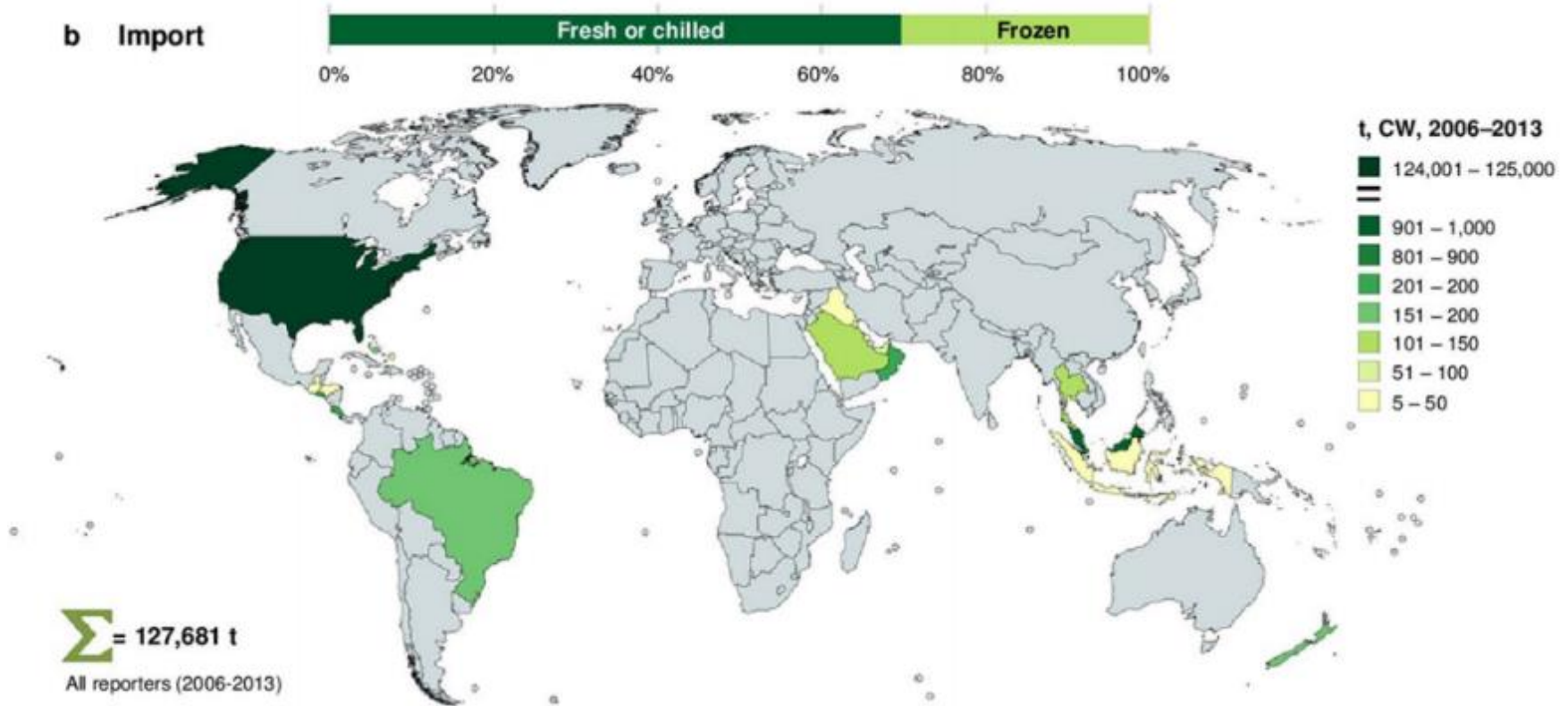
# Introduction



**Figure 2.** Global reported production and trade totals. Volumes are summed for the period 2006–2013 for (a) total reported production of *Lutjanidae* spp. in t LWE

Cawthorn, D.-M. and S. Mariani. 2017. Global trade statistics lack granularity to inform traceability and management of diverse and high-value fishes. *Scientific Reports* 7 (1): 12852.

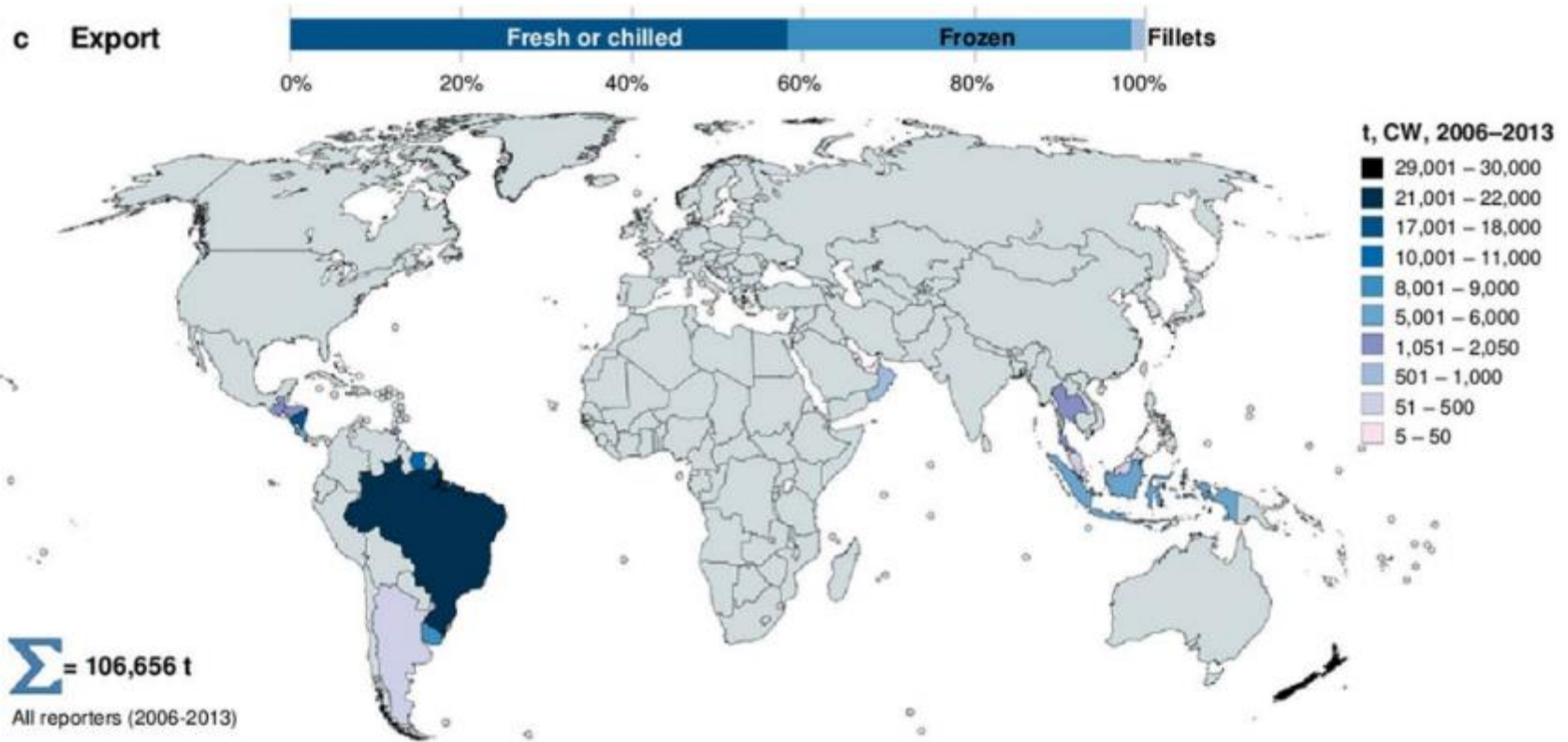
# Introduction



**Figure 2.** Global reported production and trade totals. Volumes are summed for the period 2006–2013 for (b) reported snapper imports in t CW

Cawthorn, D.-M. and S. Mariani. 2017. Global trade statistics lack granularity to inform traceability and management of diverse and high-value fishes. *Scientific Reports* 7 (1): 12852.

# Introduction



**Figure 2.** Global reported production and trade totals. Volumes are summed for the period 2006–2013 for (c) reported export (and re-export) in t CW

Cawthorn, D.-M. and S. Mariani. 2017. Global trade statistics lack granularity to inform traceability and management of diverse and high-value fishes. *Scientific Reports* 7 (1): 12852.



WORLD ORGANISATION FOR ANIMAL HEALTH  
*Protecting animals, preserving our future*

# Aquatic Animal Health Code

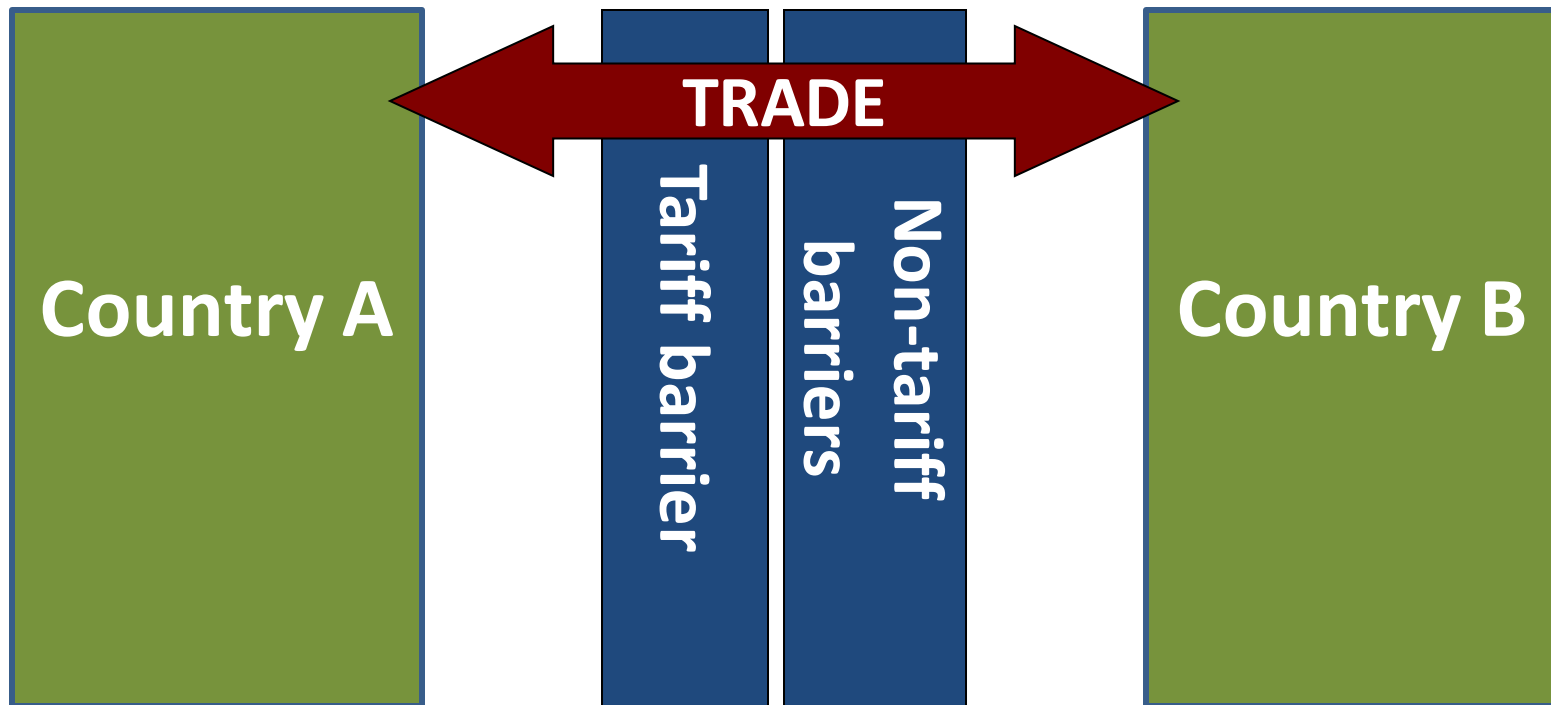


**2017**  
20th  
Edition

# International trade

- **Importing aquatic animals involves a degree of risk to the aquatic animal health status of the importing country**
- **Different countries possess different aquatic animal health and production systems**

# International trade





# International trade

## Barriers

```
graph TD; Barriers[Barriers] --> NonTariff[Non-tariff barriers]; Barriers --> Tariff[Tariff barrier];
```

**Non-tariff barriers**

**Tariff barrier**

**TBT - Technical Barriers to Trade**

= Any technical regulations other than SPS Agreement

**SPS – Sanitary and Phytosanitary Agreement**

= Regulations related to health/hygiene of human beings, animals, and plants

# Certification – an example of TBT

- Government authorities
  - Declare free of diseases



# Certification – an example of TBT

- Government authorities

**Form AAH1**

**EU import notification: live fish or shellfish**

You can use this form to notify us about an import of live aquatic animals. A completed form must be submitted 24 hours prior to each import.

**Section 1 - Importer**

Business or individual name  
 Business code  
 Destination site name  
 Destination site code

**Section 2 - Supplier**

Business or individual name  
 Business postal address  
 Country of origin  
 Postcode / Region  
 Origin site name  
 Origin site address  
 Country of origin  
 Postcode / Region

**Section 3 - Consignment**

Please select all options that apply

**Fish or crustacean**

Adult  Juvenile  Eggs  Larvae

**Molluscs**

Adult  Juvenile  Spat  Larvae

**Shell**

Under 12cm  12-20cm  Over 20cm

**Section 4 - Species list**

Scientific name	Common name	Total number

Please use an additional sheet for more species.

**Form AAH2**

**Authorise an importer**

This form allows you to apply to import live fish and shellfish. You must complete all sections of the form before it will be accepted.

**Section 1 - Import reason**

- To import for farming, restocking, relaying, or purification you must complete the AAH1 form, available from GOV.UK.
- A site inspection may be required for imports of collector species for the ornamental trade, and for human consumption.
- You must contact the Food Standards Agency for advice on the public health aspects of imports for human consumption, and the Wildlife Licensing and Registration Service for advice on endangered species.

Please select the purpose of your import

Ornamental trade – coldwater species  
 Ornamental trade – tropical species  
 Pets and purchases for your collection  
 Scientific research or public aquaria  
 Human consumption  
 Other - please specify below:

**Section 2 - Applicant details**

Applicant or business name  
 Applicant or business address  
 Postcode  
 Website  
 Contact details  
 Landline  
 Mobile  
 Email

**Section 3 - Site details**

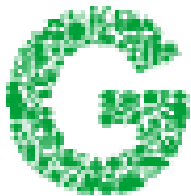
Site name  
 Site address  
 Postcode  
 Contact details  
 Landline  
 Mobile  
 Email

National grid reference (NGR)  
 Holding facilities  
 This could be recirculation systems, lined pond, tanks or no facilities (eg consultation)  
 Type  
 Number

Water source  
 Tap  Spring  Borehole  Other

# Certification – an example of TBT

- **Private organizations**
  - **Certify the quality and origin of products**
  - **Satisfaction for consumers**



**GLOBALG.A.P.**

GLOBALG.A.P. - The Worldwide Standard for Good Agricultural Practices



# International trade

## Barriers

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### Non-tariff barriers

#### TBT - Technical Barriers to Trade

= Any technical regulations other than SPS Agreement

#### SPS – Sanitary and Phytosanitary Agreement

= Regulations related to health/hygiene of human beings, animals, and plants

### Tariff barrier

# SPS Agreement

- A sanitary measure must be based on an **international standard**, if one exists
  - Unless there is scientific justification for a stronger measure
  - Or if a country decides it needs a higher level of protection than the standard gives
  - In which case, a sanitary measure must be based on a **“RISK ANALYSIS”**

# SPS Agreement

- **Judgment of the equivalence of sanitary measures**
  - **Assist in determining the equivalence of different sanitary measures applied in different countries**



# SPS Agreement

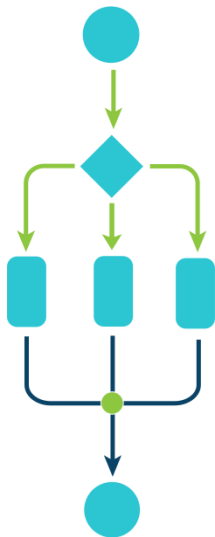
- **Judgment of the equivalence of sanitary measures**
  - **Benefits**





# SPS Agreement

- Judgment of the equivalence of sanitary measures
  - Categorization of sanitary measures



Food safety program checks	Yes/No	What was done and changed
Food Safety Program is on site and available		
Food Safety Program is being put into practice		
Food Safety Program accurately reflects the children's center's food handling activities		
Any updates to routines, procedures or process flow chart have been completed		
Records and logs are being kept correctly and forms have been updated as required		
Maintenance checks	Yes/No	What was done and changed
Equipment and utensils		
Any equipment/utensils that are rusted, corroded, damaged, clean-washed or have loose parts are repaired or replaced		
Cracked, broken or chipped eating and drinking utensils (eg. dishes and cups) are thrown away		
When or damaged/dropping utensils are replaced		
Service records are kept of any equipment that needs repairs		
Preparing and serving areas		
Counters, walls and floors are free from cracks, chips, holes, peeling paint, discoloration, and other signs of damage		
Dishes, plates and shelves are free from rust, damage and dirt/deterioration		
Light fixtures are covered or have non-shattering globes		
All sinks (including hand wash basin) are accessible and in working order		
Fridges/freezers/cookrooms		
Shelves, drawers, doors and fan grills are clean and free from dirt/grease		
Door seals are clean and in good condition		
Storage areas		
Containers are free from damage and deterioration		
Chop-boards are stored vertically to food		
Bathrooms and nappe change area		
Toilets and nappe change area are kept clean and fully equipped separate from kitchen		
Hand washing facilities are accessible and in working order		



# SPS Agreement recognition

- **Food safety**

- **Codex Alimentarius Commission**

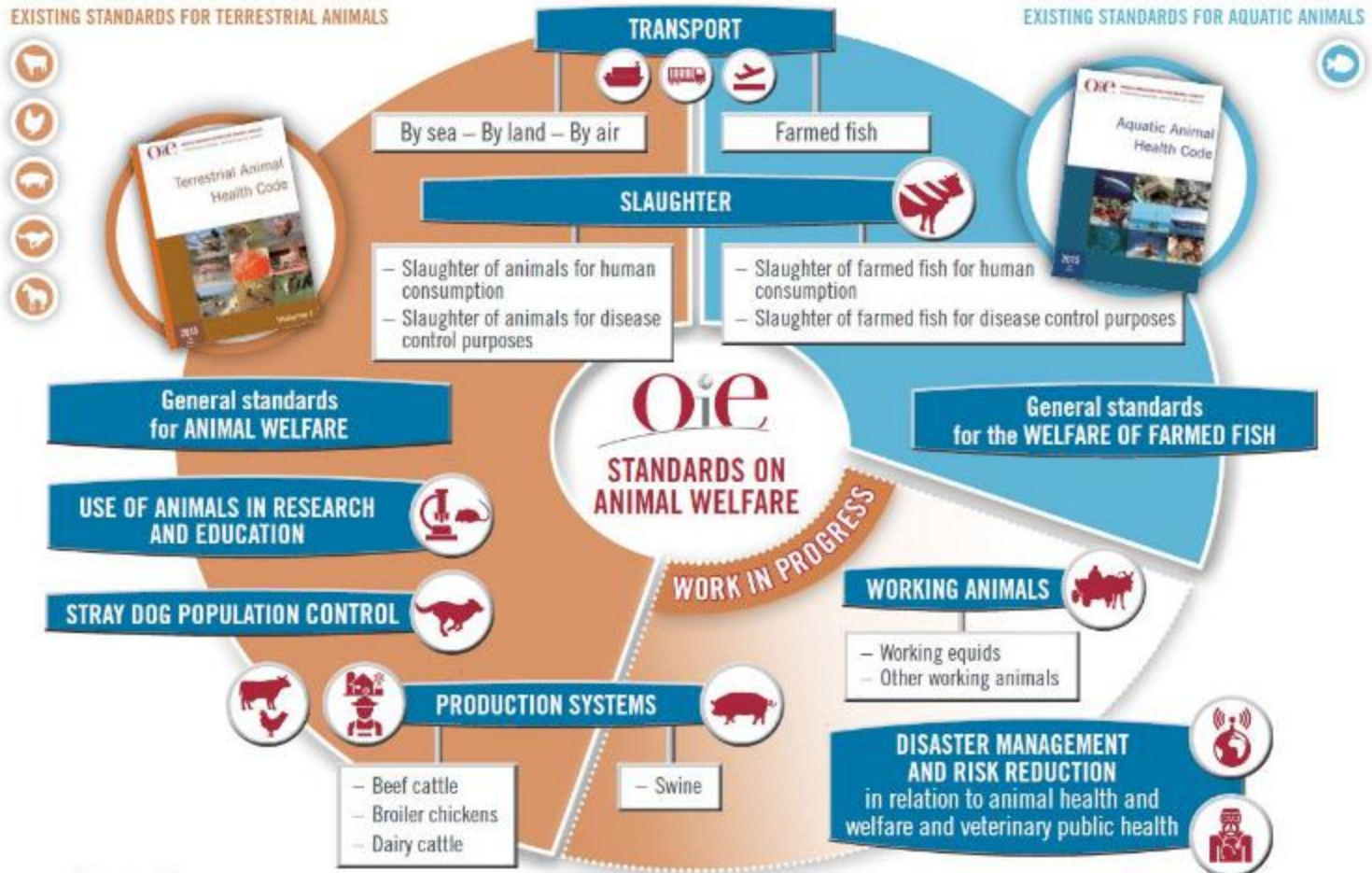
- **Animal health and zoonoses**

- **OIE (Office international des Epizooties)**

- **For Plant health**

- **International Plant Protection Convention (IPPC)**

# OIE standards



**WORLD ORGANISATION FOR ANIMAL HEALTH** *Protecting animals, preserving our future*



# Case study: trade dispute

**WORLD TRADE**

**ORGANIZATION**

**WT/DS18/RW**  
18 February 2000

(00-0542)

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Original: English

**AUSTRALIA – MEASURES AFFECTING IMPORTATION OF SALMON  
- RECOURSE TO ARTICLE 21.5 BY CANADA -**

**REPORT OF THE PANEL**

The report of the Panel on Australia – Measures Affecting Importation of Salmon - Recourse to Article 21.5 by Canada - is being circulated to all Members, pursuant to the DSU. The report is being circulated as an unrestricted document from 18 February 2000 pursuant to the Procedures for the Circulation and Derestriction of WTO Documents (WT/L/160/Rev.1). Members are reminded that in accordance with the DSU only parties to the dispute may appeal a panel report. An appeal shall be limited to issues of law covered in the Panel report and legal interpretations developed by the Panel. There shall be no *ex parte* communications with the Panel or Appellate Body concerning matters under consideration by the Panel or Appellate Body.

# Case study: trade dispute

- **Background**

2.3 Australia has imposed restrictions on the importation of fresh chilled and frozen salmon from Canada since 1975, on the basis that importation of Canadian salmon could result in the introduction of exotic disease agents into Australia, with negative consequences for the health of fish in Australia.



# Case study: trade dispute

- **Background**

2.6 Following the conclusions of the original dispute, AQIS undertook further import risk analyses with respect to fresh chilled and frozen salmon for human consumption ("non-viable salmonids"), other non-viable marine finfish, and, separately, live ornamental fish. Drafts of the various chapters of the 1999 IRA were published electronically and updated regularly on the AQIS home page. The complete 1999 IRA was published in July 1999, and version published in book form (also dated July 1999) was issued on 12 November 1999.



# Case study: trade dispute

- **Claims**

3.1 **Canada** claims that (a) Australia has failed to take the measures necessary to comply with the recommendations and rulings of the DSB; and that (b) new policies that Australia announced on 19 July 1999, but has not fully implemented, are inconsistent with numerous provisions of the SPS Agreement. Accordingly, both the existence and consistency of Australia's measures are at issue in





# Case study: trade dispute

- **The 1999 Import Risk Analyses (IRA)**

2.7 The 1999 IRA considers the animal health risks potentially associated with the importation into Australia of non viable salmonids and other marine finfish from any country. It is a generic import risk analysis, addressing all potential relevant pests and diseases, for all members of the family Salmonidae, as well as Ayu or sweetfish, and all other finfish species caught in marine or brackish waters.



# Case study: trade dispute

## • The 1999 Import Risk Analyses (IRA)

2.17 The 1999 IRA concludes that there are seven disease agents requiring risk management measures beyond evisceration:

Infectious haematopoietic necrosis virus (IHNV);

Infectious salmon anaemia virus (ISAV) (for Atlantic salmon);

*Aeromonas salmonicida* (not for wild, ocean-caught Pacific salmon);

*Renibacterium salmoninarum*;

Infectious pancreatic necrosis virus (IPNV) (for juvenile salmonids only);

*Yersinia ruckeri* (for juvenile salmonids only); and

*Myxobolus cerebralis* (whirling disease) (for rainbow trout and all juvenile salmonids).

The seventh disease agent, whirling disease, is not known to occur in Canada and is thus not at issue here. The further measures imposed on imports from Canada are those described below.

# Case study: trade dispute

- **Conclusions**

even though the 1999 Import Risk Analysis, referred to by Australia in support of its implementing measures, meets the requirements of a risk assessment set out in the SPS Agreement, Australia, by requiring that only salmon product that is "consumer-ready" as specifically defined can be imported into Australia and released from quarantine, is maintaining sanitary measures that are not *based on* a risk assessment, i.e. the 1999 Import Risk Analysis, contrary to Article 5.1 of the SPS Agreement and, on that ground, is also acting inconsistently with Article 2.2 of the SPS Agreement;



**Import Risk Analysis  
on Non-viable Salmonids  
and Non-salmonid  
Marine Finfish**



# Case study: trade dispute

- **Conclusions**

8.2 Since Article 3.8 of the DSU provides that "[i]n cases where there is an infringement of the obligations assumed under a covered agreement, the action is considered *prima facie* to constitute a case of nullification or impairment", we conclude that to the extent Australia has acted inconsistently with the DSU and the SPS Agreement it has nullified or impaired the benefits accruing to Canada under those agreements.

8.3 Given our conclusions above – and without prejudice to Canada's rights under Article 22.6 of the DSU -- we encourage the parties to resume their efforts to reach a mutually acceptable solution consistent with the SPS Agreement and the DSU in order to achieve the prompt settlement of this dispute.

8.4 We recommend that the Dispute Settlement Body request Australia to bring its measures into conformity with its obligations under the DSU and the SPS Agreement.

# Criteria for safe importation; human consumption

## **EITHER**

### **1. Absence of pathogenic agent**

- **In aquatic animal or aquatic animal product; **AND****
- **In water/ice used in processing or transportation**

# Criteria for safe importation; human consumption



# Criteria for safe importation; human consumption

**OR**

- 2. Pathogenic agent is present or contaminates, but treatment or processing inhibits the agent**

# Criteria for safe importation; human consumption

- **Physical; AND/OR**





# Criteria for safe importation; human consumption

- Chemical; AND/OR



# Criteria for safe importation; human consumption

- **Biological**



# Criteria for safe importation; human consumption

## AND EITHER

3. Includes only a small amount of raw waste tissues generated by the consumer

## OR

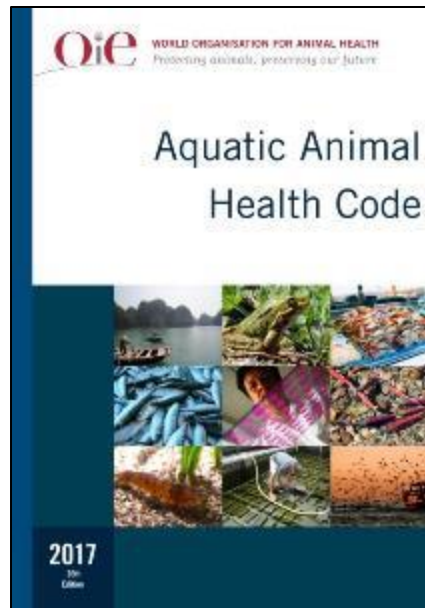
4. Pathogenic agent not normally found in waste tissues generated by the consumer

# Criteria for safe importation; human consumption



# Safety of aquatic animal commodities

- **General considerations**
  1. Address measures to **control aquatic animal health risks**, not aquatic animal welfare



# Safety of aquatic animal commodities

- **General considerations**
  2. **Able to withstand the weight of aquatic animals and water, and cleansed and disinfected before use**



# Safety of aquatic animal commodities

- **General considerations**
  3. **Maintain optimal conditions for aquatic animals during transport, and easily accessed by the attendant**



# Safety of aquatic animal commodities

- **Containers**

- 1. Enable preliminary observation of the contents**
- 2. Shall not be opened during transit unless necessary**
- 3. Loaded with only one kind of product, or products not susceptible to contamination**



# Safety of aquatic animal commodities

- Containers



# Safety of aquatic animal commodities

- **Air transport of aquatic animal**
  1. **Determine stocking densities for transport**



# Safety of aquatic animal commodities

- **Air transport of aquatic animal**
  2. **May adopt International Air Transport Association (IATA) regulations**



## **Live Animals Regulations**

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# Safety of aquatic animal commodities

- **Disinfection and other sanitary measures**



- ✓ **Physically Clean:** The most basic level of cleanliness, where all surfaces on the second hand shipping container appear clean to the eye.
- ✓ **Chemically Clean:** The next step, where the container is cleaned to such a state where the surfaces are free of any residue where microorganisms can grow.
- ✓ **Microbiologically Clean:** This is as clean as it gets, where the surfaces are completely free of any types of organism or environment where they can exist.

# Safety of aquatic animal commodities

- **Transportation water**
  - Treated after transport/before discharge
  - Should not be emptied directly to where aquatic animals are present



# Safety of aquatic animal commodities

- Transport of fish by well boat



# Safety of aquatic animal commodities

- **Transport of fish by well boat**
  - **Only healthy fish should be transported**
  - **Fish may be transported from an infected site if part of a disease response plan**



# Safety of aquatic animal commodities

- **Transport of fish by well boat**
  - **May exchange water with the environment except in areas with protected wild populations**
  - **cleaned and disinfected to an acceptable standard before re-use**



# Safety of aquatic animal commodities

- **Transport of fish by well boat**
  - **Ballast water treatment**



# Thank you