

CHAPTER 1.3.1.

GENERAL OBLIGATIONS

Article 1.3.1.1.

A combination of health factors should be taken into account to ensure unimpeded international trade in aquatic animals and aquatic animal products, without incurring unacceptable risks to human and aquatic animal health. International trade in aquatic animals and aquatic animal products depends on a combination of health factors that should be taken into account to ensure unimpeded trade, without incurring unacceptable risks to human and aquatic animal health. As a general principle, international trade in aquatic animals and their products from populations known to be infected with a listed disease and considered to be capable of transmitting the disease should only be done with the prior agreement of the importing and exporting countries.

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

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

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

When Members of, or representatives acting on behalf of, a *Competent Authority* wish to visit another country for matters of professional interest to the *Competent Authority* of the other country, the latter should be informed.

Article 1.3.1.2.

Responsibilities of the importing country

1. The import requirements included in the *international aquatic animal health certificate* should assure that *commodities* introduced into the *importing country* comply with the national level of protection. *Importing countries* should restrict their requirements to those justified for such level of protection. If these are more strict than the OIE standards, guidelines and recommendations, then they should be based on an import risk analysis.
2. The *international aquatic animal health certificate* should not include requirements for the exclusion of pathogens or *aquatic animal diseases* that are present within the *territory* of the *importing country*

and are not subject to any official control programme, except when the strain of pathogen in the exporting country is of significantly higher pathogenicity and/or has a larger host range. The requirements applying to pathogens or *diseases* subject to official control programmes in a country, or *zone* should not provide a higher level of protection on imports than that provided for the same pathogens or *diseases* by the measures applied within that country, or *zone*.

3. The international aquatic animal health certificate should not include requirements for disease agents or diseases which are not OIE listed, unless the importing country has identified the disease agent as presenting a significant risk for that country, after conducting a scientifically based import risk analysis according to the guidelines in Section 1.4.

- 3.4. The transmission by the *Competent Authority* or *Veterinary Administration* of certificates or the communication of import requirements to persons other than the *Competent Authority* or *Veterinary Administration* of another country necessitates that copies of these documents be also sent to the *Competent Authority* or *Veterinary Administration*.

This important procedure avoids delays and difficulties that may arise between traders and *Competent Authorities* or *Veterinary Administrations* when the authenticity of the certificates or permits is not established.

This information is usually the responsibility of *Veterinary Administrations* or other *Competent Authorities* of the *exporting country*. However, it can be the responsibility of *Veterinary Authorities* or other *Competent Authorities* at the place of origin of the *aquatic animals*, if different from the *exporting country*, when it is agreed that the issue of certificates does not require the approval of the *Veterinary Administrations* or other *Competent Authorities*.

Article 1.3.1.3.

Responsibilities of the exporting country

1. An *exporting country* should, on request, ~~be prepared to~~ supply the following ~~information~~ to *importing countries* ~~on request~~:
 - a) information on the aquatic animal health situation and national aquatic animal health information systems to determine whether that country is free or has *zones or compartments* that are free from ~~OIE-listed~~ OIE-listed *diseases* referred to in this Aquatic Code including the regulations and procedures in force to maintain its free status;
 - b) regular and prompt information on the occurrence of ~~transmissible listed~~ OIE-listed *diseases* referred to in this Aquatic Code;
 - c) for diseases not ~~listed~~ listed referred to in this Aquatic Code, information on if there are new findings that are of potential epidemiological significance to other countries;
 - d) details of the country's ability to apply measures to control and prevent ~~OIE-listed~~ OIE-listed *diseases* referred to in this Aquatic Code;
 - e) information on the structure of the *Competent Authority* and the authority that they exercise;
 - f) technical information, particularly on biological tests and vaccines applied in all or part of the national territory;

- g) identification of the country or location of harvest or production of the product being exported.

2. *Competent Authorities* of *exporting countries* should:

- a) have official procedures for the authorisation of *certifying officials*, defining their functions and duties as well as conditions covering possible suspension and termination of their appointment;
- b) ensure that **the** relevant instructions and training are provided to *certifying officials*;
- c) monitor the activities of the *certifying officials* to verify their integrity and impartiality.

The Head of the *Competent Authority* of the *exporting country* is ultimately accountable for the *certifying official* used in *international trade*.

Article 1.3.1.4.

Responsibilities in case of an incident occurring after importation

International trade involves a continuing ethical responsibility. Therefore, if within a reasonable period ~~the recognised infective periods of the various diseases~~ subsequent to an export taking place, the *Competent Authority* becomes aware of the appearance or reappearance of a *disease* that has been specifically included in the *international aquatic animal health certificate* or other *disease* of potential epidemiological importance to the *importing country* there is an obligation for the *Authority* to notify the *importing country*, so that the imported *aquatic animals* may be inspected or tested and appropriate action be taken to limit the spread of the *disease* should it have been inadvertently introduced.

Equally, if a *disease* condition appears in imported *aquatic animals* within a **reasonable time** period after importation ~~consistent with the recognised incubation period of the disease~~, the *Competent Authority* of the *exporting country* should be informed so as to enable an investigation to be made, because this may be the first available information on the occurrence of the *disease* in a previously free *aquatic animal* population. The *Competent Authority* of the *importing country* should be informed of the result of the investigation because the source of infection may not be in the *exporting country*.

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