



Organisation
Mondiale
de la Santé
Animale

World
Organisation
for Animal
Health

Organización
Mundial
de Sanidad
Animal

Veterinary legislation: Animal Disease Act

Howard Batho MRCVS BVSc
(Retired European Commission
ex DG SANCO Head of Sector –
responsible for imports and OIE)



International movements and trade:
Import, export and bans

Programme d'appui pour la législation vétérinaire



Technical presentation in relation to international trade

1. Purpose:

2. Need for legislation:

3. Principles:

4. OIE Guidelines and comments on
vet legislation:



Guidelines

Purpose:

Group of provisions relating to controls
Differentiate between imports and exports
(and introduction and transit)

Aim is to guarantee sanitary safety of the
country by avoiding introduction of
pathogens or dangerous substances and
complying with International standards.



Need for legislation

- Obstacle to free trade
- Necessity for public order, health etc.
- So they need to be framed by suitable legislative provisions that respect obligations and imperatives for international trade.
- Transparency



01/11/2011

Reminder

- Local, regional or international trade in animals and animal products is a major factor in the spread of diseases. The strengthening of trade, which is important for human development, requires a knowledge of animal health status, disease control and reliable certification. Legislative provisions must pay particular attention to this subject.



01/11/2011

5

Oie

Principles

- System of control based on the inspection of products at the physical border on the basis of predetermined health standards (OLOP) with which operators must comply with.
- Do not adopt the principle of prior authorisation for imports, as this does not avoid the need for border controls and represents a lot of work for the administration without any gain in terms of security.



01/11/2011

6

Principles (2)

- Inspection resources concentrated at inspection posts chosen in terms of trade flows
- Control of the system as a whole rather than the systematic inspection of products, which is not feasible in most cases.
- Trade movements are commercial operations that should be financed by the operators.



01/11/2011

Veterinary legislation should address the following elements (1):

i) the coordinates of importers and, as appropriate, their approval by the competent authority of the importing country;

The system is based on controlling trade flows, which implies knowledge of the operators.



01/11/2011

8

Oie

Vet legislation - elements (2):

- ii) the establishment by the competent authority of:
- the list of goods to be subject to veterinary checks;

Risk analysis should be used to determine which products should be subject to inspection and how frequently.

Correlation with Customs nomenclature



01/11/2011

9

Vet legislation - elements (3):

- the import check points (BIPS) officially designated for each kind of goods;

Meets the need for an analysis of trade flows and risks by allowing the concentration of operational means.

- the kinds and procedures of checks to be performed (documentary/identity/physical; the standards with which animals and commodities proposed for import must comply e.g. model certificates, lists of approved countries;



01/11/2011

Vet legislation - elements (4):

- prevention of entry of listed goods and consignments into the country unless such goods have been subjected to the required veterinary checks;

Establishes the principle of the pre-eminence of veterinary checks, for which there can be no derogation for commercial or customs reasons.



01/11/2011

Vet legislation elements (5):

- iv) objectivity and independence of inspectors
- Can be SVS and/or private.

Despite being included in general rules governing the Veterinary Services, reminder that the decision of the inspector may only be challenged through the courts.

If private needs delegation of authority



Exports

- Veterinary legislation should specify the conditions governing the provision of veterinary certification and any prohibitions, in conformity with relevant provisions of the OIE and of the Codex Alimentarius Commission.
- Plus provisions ensuring national involvement to relevant activities of the work of the OIE and the Codex Alimentarius and, if necessary, interministerial coordination allowing the harmonization of the positions taken by the country in these international organizations.



01/11/2011

Suggested layout of Act

- Chapter I General provision and scope
- Chapter II Imports (Introduction)
- Chapter III Exports
- Chapter IV Financial
- Chapter V Sanctions
- Chapter VI Implementing rules



Act Chapter 1: General provisions (1)

Definitions:

- "commodities":
 - live or dead animals and their tissues,
 - products, by-products and waste material of animal origin,
 - foodstuffs of animal origin and products containing them,
 - animal feed and raw materials or additives,
 - micro-organisms pathogenic for animals and products capable of transporting them.

• **May need more definitions**



Ch 1- General (2)

To avoid risks to human health and animal health or to comply with international standards, the CA should impose:

- As wide a definition of products as possible to cover all the possible sanitary risks. (Vet medical products that do not present sanitary risks and not subject to same control regime - deal with separately). Includes packaging materials.



- International catering waste/ships stores/waste

Ch 1- General (3)

- Requirements of importing countries
- Conditions for approving establishments exporting commodities have to take into account the health and quality requirements of the importing countries.

T



01/11/2011

17

Ch 1- General (4)

- Registration or approval of any natural or legal person participating or undertaking import or export of “veterinary” commodities,
- Registration or approval of establishments of origin, consolidation, storage or destination of commodities;
- Records by operators of source and destination or any commodity imported or exported by them and of all sanitary documents for control by CA



01/11/2011

18

Oie

Ch 1- Requirements of importing countries

- Conditions for approving establishments exporting commodities should take into account health and quality requirements of the importing country



01/11/2011

19

Ch 1- General conditions for introduction and export (1)

- Before being introduced onto the national territory and before being exported, commodities must meet health and quality conditions or conditions relating to the protection of animals or species.

e.g. CITES - [link to CITES document on vet certificate](#)



Ch 1- General conditions for introduction and export (2)

- The registration or approval requirements as well as the marking of commodities and elements relating to their traceability, form part of the required conditions.
- Any commodities exported and subsequently rejected should be subject to the same conditions as introduced products upon re-importation



Act Chapter II: Imports

Commodities subject to inspection

The CA establishes:

- the list of commodities that must be subjected to inspection on import and
- the procedures for their certification

Risk analysis should be used to determine which products should be subject to inspection and how frequently.

Correlation with Customs nomenclature



01/11/2011

22

Ch II Exemptions from inspection

- Provision may be made for exemption from all or part of the inspections for commodities accompanying travellers or dispatched, on condition that they are not being traded and do not exceed a predetermined number of quantity.

E.g Tinned product 2 kg maximum

Need customs co-operation

Need awareness campaigns



Ch II Import of vet medicinal products

- Without prejudice to specific provisions applicable to products covered by the legislation on narcotics and psychotropic drugs, the importation of veterinary medicinal products dependent on authorisation by the CA.



01/11/2011

24

Oie

Ch II Prohibited vet medicinal products

- CA may prohibit the import of veterinary medicinal products when similar products are themselves prohibited in the country or if their use would interfere with a national programme for the diagnosis, control or eradication of a disease of animals or would lead to difficulty in certifying the absence of contamination of live animals or of feedstuffs or other products obtained from treated animals.

E.g. Ban on hormones for fattening



Ch II Entry points

- Commodities subject to inspection may only be introduced onto the territory through a border inspection post (BIPs) approved by the competent authority for the commodities and for the type of operation in question.

Need detailed implementing rules including a list of BIPs

Animal welfare - dedicated customs lane for live animals

Need resources !



Ch II Commodities exempt from veterinary inspection

- Commodities that are exempt may be introduced through any entry point open to international movements that is placed under the control of the customs services.

Cooperation needed here with Customs



01/11/2011

27

Ch II Veterinary inspection

- Commodities not subject to exemption from veterinary inspection, and introduced onto the territory are submitted, at the importers' expense and upon entry onto the territory, to veterinary inspection comprising:
 - documentary inspection,
 - identify inspection, and
 - physical inspection of a veterinary, sanitary, qualitative and zootechnical nature, or relating to the protection of animals or of species, systematic or otherwise depending on the case.

CA lays down detailed inspection procedures



Ch II Inspection at the destination

- When particular circumstances do not enable identity and physical inspections at the BIP, these inspections may, IF AUTHORISED by the CA, be carried out at the destination after the commodities have been transported under customs control and without intermediate reloading.

Care if allow inspection at destination - Danger



Ch II Content of physical inspections

- Physical inspections may include taking samples for the purposes of laboratory analyses to verify the qualitative and sanitary compliance of the commodities.

Need procedures and List of designated labs



Ch II Veterinary authorisation

- No commodity subject to veterinary inspection may leave a border inspection post without a veterinary authorisation stating its purpose and issued after performance of the inspections provided for or an authorisation for inspection at the destination.

rules for Issue of an inspection document

Establishes the principle of the pre-eminence of veterinary checks, for which there can be no derogation for commercial or customs reasons.



Ch II Inspectors

- Veterinary inspection is performed by suitably designated inspectors on behalf of the CA. Inspectors have sole responsibility for issuing the veterinary authorisation provided for or the authorisation for inspection at the destination.

Can be private vets (OVS) but must be designated so need rules for approval and suspension



01/11/2011

32

Oie

Ch II Customs controls

- Accredited customs officers may carry out documentary checks and verify by visual inspection that documents, certificates and stamps or marks thereon correspond to the commodities being controlled.
- Record breaches of the documentary check.
- Impound the commodities/their transport awaiting the veterinary inspection
- Control the commodities granted exemptions



Ch II Sanctions relating to inspections

Where the commodities do not meet the required conditions, the inspectors may:

- Impound the commodities on site or at their destination;
- Seize and destroy, transform or use for other purposes or re-export the commodities;
- For animals - quarantine station, slaughter and destruction or re-export;
- Control and disinfect means of transport.



Ch II Hazards

- Commodities presenting a hazard or risk to human or animal health or which contain prohibited substances - destroyed.
- Animals showing signs of a contagious disease referred to or that are in condition unsuitable for reshipment slaughtered and destroyed.
- Commodities impounded or inspected at destination – reshipment not permitted if the result of the inspection is unfavourable.



Ch II Compulsory implementation

- In the event of a refusal to comply with the orders of the administrative authority and without prejudice to any penal sanctions that may be applicable, provision shall be made for a compulsory levy or fine to be made.



01/11/2011

36

Oie

Ch II Safeguard clause

- Notwithstanding the import health conditions, the general exemptions and any authorisations that may have been issued, the CA shall take all necessary preventive measures with respect to commodities, including an immediate ban on their introduction, should their introduction be liable to constitute a serious danger to human or animal health.

e.g. FMD outbreaks suspend whole country then could zone. 2001 EU took 85 Decisions regarding FMD in UK

01/11/2011

37

Act Chapter III: Exports



01/11/2011

38

Ch III Conditions required + certificates

- Officers of the competent authority may, in accordance with the scope of their authorisation, prepare and issue any certificates and documents declaring that the commodities intended for export are in accordance with the prescribed requirements.



01/11/2011

39

Ch III Prohibition

- When animals presented for export are found to have or are suspected of having a contagious disease, the loading permit is refused for these animals as well as for all those that have been in contact with them and which are liable to have contracted the disease or to carry the infection.
- *Link to Animal Welfare - obligations taken into account*



Chapter IV

Financial provisions

- Fees
- Expenses



01/11/2011

41

Oie

Ch IV Fees

- To cover the cost of controls required for inspections and the preparation of certificates and documents provided for in the regulations, a fee for veterinary inspection is to be paid:
 - by the consignor of the exported commodities, the operative event for the fee being the issuing of the certificates;
 - by the importer for any commodity subjected to veterinary inspection during its movement through an approved border inspection post regardless of the outcome of the inspection.



Ch IV Expenses

- In addition to the fees provided for the expenses arising from the measures taken in application of the measures for introduction and export, including expenses relating to impounding, quarantine, slaughter, transport, burial or disinfection, are to be defrayed by the owner, the consignee, the importer, the exporter or, by default, any other person who participates in the introduction operation; these measures do not give rise to any compensation.



01/11/2011

Can be difficult and expensive

Act Chapter V

Sanctions



01/11/2011

44

Oie

Ch V Administrative sanctions

- In the event of serious or repeated breaches of the provisions committed by a consignor or consignee or any other person participating in the import operation, the controls provided for and especially the laboratory analyses may be strengthened or made systematic by the CA with, if necessary, the placing of animals in quarantine or the impounding of commodities throughout the duration of the control operations.

CA may suspend or withdraw approvals granted.



Act Chapter VI

Implementing provisions

- These are for the implementing rules which need to be laid down in legislation.
- Need to be detailed and flexible so that they may be changed quickly and easily.
- Do not want such rules to be made by your parliament!
- Annexes to Act but which can be amended by secondary legislation may help
- Need to ensure their actual implementation on the ground!



01/11/2011

46

Oie

Ch VI CA shall determine by implementing regulations (1):

1. Import conditions and the procedures for their certification – **not specific import permits**
2. Authorisation and derogation conditions relating to the import of veterinary medicinal products.
3. Activities and the products for which the operators must be registered or approved.

The system is based on controlling trade flows, which implies knowledge of the operators.



Ch VI implementing regulations (2):

4. Conditions and procedures for the foreseen registrations
5. Conditions for granting, suspending, withdrawing approvals.
6. Procedures for recording the movements of commodities and the relevant evidence.



01/11/2011

48

Oie

Ch VI implementing regulations (3):

7. Conditions governing the installation, operation and approval of border inspection posts, including quarantine establishments or establishments for inspection at destination, for various commodities and types of operation
List of approved posts for each type of operation or commodity.

8. Commodities subjected to veterinary inspection upon introduction.



Ch VI implementing regulations (4):

9. Procedures for recognising the CA of exporting countries – **audits and countries list per product**
10. Technical arrangements for performing the inspections and their adaptation to certain products or certain operations or their strengthening as necessary
11. The fees provided for and the procedures for their recovery.



01/11/2011

Transparency and Awareness

- Planning - strategy document
- Road map
- Co-ordination with stakeholders
- Impact assessment
- Drafting, redrafting and sent to Parliament
- Act published – **date of applicability**
- Implementing legislation including SOPs - Planning and drafting and published
- Implementation on the ground, training and awareness campaigns



01/11/2011

51

Oie

Thank you for your attention



01/11/2011

52



Organisation
Mondiale
de la Santé
Animale

World
Organisation
for Animal
Health

Organización
Mundial
de Sanidad
Animal



01/11/2011

12 rue de Prony, 75017 Paris, France - www.oie.int – oie@oie.int

53
oie