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General introduction to veterinary legislation: legislation formats

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Normative character

Veterinary legislation should be normative and should be drafted in a manner that prevents ambiguity in interpretation.



Style and precision.

- Syntax and vocabulary be clear and consistent so as to avoid any ambiguity
- Precision and accuracy should take precedence over style even if this results in repetitions and a cumbersome style



Use of definitions .

- Definitions should refer to the precise subjects and texts to which they pertain.
- Definitions in secondary legislation should not create any conflict or ambiguity with definitions in primary legislation.



Competent Authority.

The definition of ‘competent authority’ or ‘competent authorities’ should be consistent with the OIE standards in order to assure an efficient chain of command and reliability in the provision of veterinary certification.



Objectives of veterinary legislation.

- Veterinary legislation should include a clear statement of scope.
- The legislation should as a minimum include relevant guidelines in order to protect:
 - a) animal health and food security;
 - b) food safety ;
 - c) public health (zoonotic diseases) and security (stray animals);
 - d) animal welfare, as defined by the OIE.



Penalties and Sanctions.(1).

- Veterinary legislation should provide for penalties and sanctions at the level required for proper implementation of the overall strategy, as follows:
 - a)penal sanctions, to be applied by the competent jurisdictions according to current penal 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



Penalties and Sanctions.(2).

- 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.



Powers of the competent authority.(1)

- Where official veterinary matters are the responsibility of more than one administration (multiple competent authorities), a reliable system of coordination and cooperation between the different authorities should be put in place.
- The competent authorities should be organised in such a way as to provide for taking action quickly and coherently when such action is key to success, notably in case of implementation of animal health emergency measures or veterinary public health crises.



Powers of the competent authority.(2).

- The legislation should provide for a chain of command that is as effective as possible (i.e. short, with all responsibilities clearly defined).
- For this purpose, the responsibilities and power of the competent authorities, from the central level to those responsible for the implementation of legislation in the field, should be clearly defined.
- If they are not under the responsibility of a unique competent authority, the responsibility for each element of the public veterinary domain should be attributed to a specific competent authority.



Interventions by inspectors .

- The competent authority should appoint technically qualified inspectors to take any actions needed for implementation or verification of compliance with the veterinary legislation.
- The veterinary legislation should ensure that:
 - a) inspectors have the legal authority to intervene in accordance with the legislation and the penal procedures in force in the State;
 - b) the field of competence and the role of each inspector are prescribed according to their technical qualifications;
 - c) inspectors are protected against legal action and physical harm.



POWERS.(1).

- The rights of inspectors should be explicitly and thoroughly listed to protect the rights of stakeholders against any abuse of authority.
- The powers of inspectors and rules of inspections should be prescribed, notably the authorisation and conditions for obtaining access to professional and private premises and to vehicles.



POWERS.(2).

- Inspectors should have powers and procedures to:
 - a) gain access to documents;
 - b) take samples;
 - c) retain (set aside) animals and goods, pending on a final decision.



Obligations (duties).

- The obligation of inspectors to respect confidentiality should be defined.
- When attributing a field of competence or sector of responsibility, the competent authority should respect the principles of independence and impartiality prescribed in the OIE Terrestrial Animal Health Code (the Terrestrial Code) (see Article 3.1.2.).



Administrative and enforcement actions.(1)

- For the purposes of administrative and enforcement actions the following elements should be prescribed in the veterinary legislation:
 - a) seizure of animals, products and food of animal origin;
 - b) suspension of one or more activities of an inspected establishment;
 - c) the temporary, partial or complete closure of inspected establishments;
 - d) suspension or withdrawal of authorisations or approvals.



Administrative and enforcement actions.(2).

- Means of compulsion enabling inspection to be performed should be provided for.
- The rights of appeal against an action or a decision of an inspector should be established according to the laws of the State.



Funding.

Veterinary legislation should provide for the sources, levels and conditions of funding required for the execution of all the activities of the competent authority, notably inspection, sampling and analysis and the procedures of authorisation or approval in all domains covered by the veterinary legislation.



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The logo for the Organisation Mondiale de la Santé Animale (OIE). It features the letters 'Oie' in a stylized, serif font. The 'O' is a dark red color, while the 'ie' is a lighter, greyish-blue color. A thin, dark red horizontal line is positioned below the letters.