

Strengths and weaknesses: existing veterinary legislation

Zimbabwe:

(Website)

Animal Health Act

Established: 1961

Latest amendment: 2001

Strengths:

- Authority to organize import and export
- Authority to appoint officers
- Definitions

Weaknesses:

- No export regulations for veterinarians (under Foods Act, which is not under the Animal Health Act), though the authority is given in the Animal Health Act
- 'Specified countries' section outdated

Export Act on chilled and frozen Fish

Established:

Latest amendment:

Produce Export (abattoir, slaughter and meat hygiene) regulation

Established: 1984

Latest amendment:

Strengths:

- Minister of Health authorizes veterinary authorities to regulate and authorize export

Weakness:

- under the Ministry of Health

Malawi:

(Website)

Control of Diseases of Animals Act (including legislation for import and export, and quarantine)

(Meat and meat products act)

(Milk and milk products Act)

(Animal Protection Act)

Established: 1967

Last amendment: 2010

Strengths:

- Veterinary authority has the authority to make regulations for import and export

Weaknesses:

- No provision to comply with international standards
- No standards for importation (done on 'ad hoc basis')
- No legislation for entry controls

Seychelles:

(Website)

Animal Disease Act (still active, but being transferred to the Biosecurity Act)

Established: 2014

Latest amendment: 2017 – Biosecurity Act

Strengths:

- (import generally forbidden unless an import permit is granted)
- Reference to international standards (OIE)
- Designated port of entry
- The Chief Veterinary Officer has technical independence
- Independent authority which come under the parliament
- Import and export is based on risk
- Very strong legislation

Weaknesses:

- None (yet)

Fisheries Act

Separate Authority (set up by EU) – marine biologists

Established:

Latest amendment:

Swaziland:

(Website)

Animal Disease Act No. 7:

Established: 1965

Latest amendment:

Strengths:

- Define who can be director (has to be a vet)

Weaknesses:

- No reference to international standards for import

Livestock Identification Act 13: 2001

Veterinary Public Health Act:

Established: 2013

Latest amendment:

Strengths:

- Regulates import and export in combination with Animal Disease Act

Weaknesses:

- No reference to international standards for import

Stock Regulation Act

Established:

Latest amendment:

Strengths:

- Deals with importation of 'stocks'
- Entails definitions

Zambia:

(Web?)

Animal Health Act

Established: 2010

Latest amendment:

Strengths:

- Replaced and combined a number of different legislations
- Minister and Director decide on import after joint consultation
- Director has the authority to sign the import permit
- International and local standards are applied, based on risk
- Import legislation = export legislation

Weaknesses:

- Not yet finalized
- Current conflict: Ministry of Justice considers legislation as partly abundant, veterinary authority does not
- Regulations are still missing

Animal Identification and Traceability Act

Veterinary and Paraveterinary Professionals Act

Ministries... Act

Checklist of components to be include in national legislation pertaining to import and export of animals and animal products

#	Component	Z I M	M A L	S E Y	S W A	Z A M
1	Is the Veterinary Authority or any other institution identified as being the competent authority for regulating import and export of animals and animal products?	+	+	+	+	+
2	Does the veterinary authority participate in the development of legislation pertaining to import and export of animals and animal products?	+	+	+	+	+
3	Are there provisions conferring the authority on the competent authority to make Regulations?	+	+	+	+	+
4	Are there provisions for appointment of suitably qualified authorised officers to regulate import and export certification?	-	-	+	+	+
4a	Is there an obligation for the veterinary authority to provide training in accordance with a defined curriculum as a condition of appointment as authorised officer (import / export)?	-	-	-	-	-
5	Are there provisions to ensure compliance with SPS/OIE standards (especially harmonisation, risk analysis and scientific justification, equivalence, regionalisation, notification and transparency)?	-	-	+	-	+
6	Are training curriculum/qualifications of inspectors defined?	-	-	-	-	-
7	Are ports of entry (including land entry points) defined?	+	+	+	+	+
8	Are there provisions to prohibit entry of commodities except through designated ports of entry?	-	+	+	+	+
9	Are commodities, animal products, by-products, controlled articles defined?	+	+	+	+	+
10	Are border control procedures clearly defined?	+	+	+	+	+
11	Are there provisions to impose sanitary measures <i>before, at and after</i> entry?	+	+	+	+	+
12	Are there provisions to prohibit import/export except under the (written) authority (permit / licence / export certification) provided by the veterinary authority?	+	+	+	+	+
13	Are there requirements for exported commodities to meet sanitary requirements of the importing country?	+	+	+	+	+
14	Are there provisions which provide the competent authority the power to impose administrative sanctions for non-compliance with the Act and / or Regulations?	+	+	+	+	+
15	Are there provisions in the law to define a procedure for the resolution of a dispute between the importing country and an exporting country?	-	-	+	-	+

	Intervention Area - Harmonisation	Priority	Feasibility / Appropriateness	Ave Rank
1	Database of licensed traders of commodities	3	1	2
2	Livestock identification and traceability systems	2	6	4
3	Standardized induction training & continuing education of veterinary inspectors	4	4	4
4	Electronic transfer of Permits / Certificates	5	5	5
5	Mechanism to promote transparency and trust	1	10	5,5
6	Regional database of authorised inspectors & specimen signatures - Identity Card / Certificate of Authority	8	7	7,5
7	Sanitary characterisation of a region Consideration given to: (1) Disease prevalence of specific diseases or vectors (2) The existence of eradication or control programmes	12/13	3/8	9
8	Dispute resolution mechanisms	7	12	9,5
9	COMESA experience-sharing forum (CVOs & broader SPS)	10	9	9,5
10	Single window border inspection posts	9	13	11
11	Regional inspection body for harmonized legislation	14	14	14

TOPIC 1: Database of licensed traders of commodities

PURPOSE: Ensure transparency & compliance with standards determined by conditions of licensure

MECHANISMS / COMPONENTS FOR HARMONIZATION:

- Place nationally licensed traders into a regional database
- Various responsible institutions: Ministry of Commerce / Trade (SPS/ENP)
- Monthly update through access to web-based database & p/word
- Disaggregated by commodity & country
- Ensure compliance through application of sanctions

APPROPRIATE LEGAL TOOL:

Licensing criteria = legally binding conditions (National Regulations)

TOPIC 2: Animal Identification & traceability

PURPOSE:

- **National:**
 - Facilitate international trade
 - Security (stock theft)
 - **Regional:**
 - Facilitate regional trade
 - Promote control of transboundary animal diseases
 - **Continental:**
 - Harmonisation of regional approaches / Facilitate intra- and interregional trade
- Genetic improvement**
Disease surveillance and control systems

MECHANISMS/COMPONENTS FOR HARMONIZATION:

- Standardised method of identity
- National database harmonised throughout the COMESA region
- Potential links with ARIS (partly exist already)
- Legislative instruments harmonised in accordance with OIE standards

APPROPRIATE LEGAL TOOL:

- National legislation

TOPIC 3: Standardized induction training & continuing education (CE) of veterinary inspectors

PURPOSE:

- 1. To achieve more effective border control**
- 2. To facilitate safe trade**
- 3. To harmonize cross border procedures**
- 4. To ensure compliance with international standards**

MECHANISMS/COMPONENTS FOR HARMONIZATION:

- Standardized curriculum for induction training of inspectors**
- Regional ToT programme – National University lecturers / trainers**
- Cascade of training to inspectors by relevant national institutions**
- Training according to SOPs defined in Job Description**

APPROPRIATE LEGAL TOOL:

- Job description determines competence to perform specialized functions**

Licensing and certification of traders						
#	Stakeholder	Tasks / Obligations	Impact on admin. implementation	# of Staff	Benefits	Costs (US\$)
I Public institutions						
1	Ministry of Commerce	Receive application to trade Issue licence subject to approval by VA Inform COMESA of changes in registrar of licences	Process application forms and accompanying dossier Seek approval from MoA & subject to approval by MoA: issue licence			
2	Office of the Attorney General	Revise and seek approval of any required legal instruments				
3	Cabinet / Parliament					
4	Ministry of Finance					
5	Ministry of Agriculture / Vet Authority	Propose draft legislation to accommodate any changes that are required Inspect premises Check technical competence Consider environmental factors issue registration certificate	Drafting procedures define requirements of premises Inspectors / mobility / physical inspection Document review Collaborate with NEPA for EIA			
6	Public Service Commission	Recruitment of qualified personnel	Process application / shortlist / interview / appoint			
7	National Environmental Prot. Agency	EIA				
II Economic operators and representatives						
1	Traders	Consult with resp. authorities Prepare for inspection Apply for registration Make corrections according to VA requirements	Undergo inspection Undergo first inspection			
III Civil Society						
1	Traders' Associations	Review proposed requirements of the VA defining registration conditions	Lobby on behalf of members to minimise financial impact			
IV Intergovernmental Organizations						
1	COMESA	Establish data management system Analyse data Prepare periodic reports Distribute reports to stakeholders				

Animal Identification & Traceability						
#	Stakeholder	Tasks / Obligations	Impact on admin. implementation	# of Staff	Benefits	Costs (US\$)
I Public institutions						
1	Cabinet and Parliament	Screening and approval of legislation	Authority to implement ID & T			
2	Attorney General's Office	Drafting legislation	Quality legislation			
3	Ministry of Agriculture					
3,1	Policy and Planning Department	Policy & strategic planning Implementation plan & Budgeting	Approved policy and strategic plan Action plan & budget allocation			
3,2	Animal Health / Epidemiology	Issuing of movement permits	Reliable recorded animal movements			
			Disease traceability / outbreak investigation			
		Establish and maintain data management	Reliable records of all animal movements			
		Identification of animals	Traceability established			
		Registration of premises	Accurate registrar of identified animal according to locational premises			
		Development of SOPs	Standardized procedures			
		Training of Officers	Competency to perform all relevant functions			
3,3	Animal Production (Breeding) & marketing	Implementation plan & Budgeting	Justification for budget allocation			
3,5	Communication	Database design Stakeholder engagement & public awareness	Studbooks Compliance			
4	Ministry of Finance					
4,1	Procurement	Procurement of ID devices / applicators	Value for money / availability of equipment			
		Procurement of services	Service contracts			
4,2	Budget	Provide funding				
5	Ministry of Internal Security/ Home Affairs/ Interior	Movement control and anti-stock theft activities	Security for farmers			
6	Local Government	Community awareness and mobilisation	Compliance			
7	Ministry of Communication & Technology	Define standards	Quality assurance			
7,1	Infrastructure / hardware					
7,2	Software	Security	Data protection			
		Software design and standards	Quality assurance			
8	Central Statistics Office	Compile, analyse and report data	Feed back assured			
9	Standards Authority	Standards for the ID devices and applicators	Quality assurance			
II Economic operators and representatives						
1	Suppliers of ID devices & applicators	Respond to supply contracts / Tender	Authorised ID equipment available			
2	Hard- & software developers	Respond to supply and service contracts / Tender	Supplies and services available			
3	Trading partners	Conduct audits / monitoring system	Project Management Cycle			
4	Processors and abattoirs	Establish and maintain record system	Traceability established			
		Return eartags	Traceability established, evidence			
5	Auctioneers	Establish and maintain record system	Traceability along value chain			
6	ISP	Provide IT access	Efficiency of Communication			
III Civil Society						
IV Intergovernmental Organisations						