

Draft-November 12, 2012

ANIMAL HEALTH & VETERINARY PUBLIC HEALTH ACT
of the
ISLAMIC REPUBLIC OF AFGHANISTAN

CHAPTER ONE GENERAL PROVISIONS

Article 1 Justification

- (1) This Act is enacted in accordance with Article No 14 of the Constitution of the Islamic Republic of Afghanistan to make provisions for the protection and regulation of animal health, animal welfare, food safety and public health within the Islamic Republic of Afghanistan, hereinafter referred to as the territory of Afghanistan.

Article 2 Objectives

- (1) The specific areas of regulation included in this Act shall be the following:
- (i) the protection of animal health and public health;
 - (ii) the prevention and control of animal diseases, including zoonoses;
 - (iii) the regulation of veterinary diagnostic laboratory services;
 - (iv) the import and export of animals, animal products and biological materials;
 - (v) the safety and quality of products of animal origin destined for human or animal consumption and commercial purposes; and,
 - (vi) Animal Welfare.

Article 3 Definition of terms

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"animal" means:

- (a) any mammal, bird, fish, reptile or amphibian which is a member of the phylum vertebrates, other than humans;
 - (b) any invertebrate which is prescribed as an animal for the purpose of this Act;
- (iii) "animal disease" means an impairment or disturbance of the normal function of any organ or the body of any animal that is caused by any protozoon, bacterium,

disease before that disease has been officially prescribed as a notifiable animal disease or a controlled animal disease.

(xli) "sanitary measure" means any compulsory measure in respect of any animal, animal product, biological material, animal disease agent, land or article applied at the ports of entry and exit and within the territory of Afghanistan, including all relevant laws, regulations, and procedures as may be prescribed under provisions defined in Article 4 (2) of this Act and including, but not necessarily restricted to:

(a) the isolation, detention, restraint, inspection, counting, examination, testing, immunization,
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- (b) the designation and quality of veterinary diagnostic and research laboratories and diagnostic or research laboratory services;
- (c) the import and export of animals, animal products and biological materials,
- (d) the safety and quality of animal products destined for human consumption or other commercial uses;
- (e)

- (vii) designation of ports of entry or exit in Afghanistan appropriate for the import and export of animals, animal products, biological materials and other regulated articles;
- (viii) the circumstances under which sanitary requirements for import may be modified based on disease risk analysis;
- (ix) procedures and guidelines for pre-clearance inspections;
- (x) the manner in which permits, licenses and certificates shall be issued under this Act and their form, content and language;
- (xi) the procedures by which an importer may apply for inspection to take place at any location other than the port of entry, and/or outside of regular business hours, and payment of any applicable fees.

(xxvii) procedures to ensure the safety and quality of products of animal origin, subject to veterinary oversight, destined for human or animal consumption or commercial purposes;

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- (2) The Chief Veterinary Officer shall respond to all applications or requests related to regulatory veterinary matters which are made to the General Directorate of Animal Health and Production according to Regulations, in the prescribed manner.
- (3) The Chief Veterinary Officer shall be responsible for the enforcement and administration of animal health, veterinary diagnostic laboratories, import and export of animals, animal products, biological materials and other controlled articles, food safety and animal welfare Regulations and procedures in a manner consistent with the Agreement on the application of Sanitary and Phytosanitary Measures (SPS Agreement) and, where possible, in accordance with the standards set in the Terrestrial and Aquatic Animal Health Codes and the Codex Alimentarius standards.
- (4) The Chief Veterinary Officer shall direct and coordinate the activities of Provincial Veterinary Officers with regard to declared sanitary emergencies, animal

- (ii) the Chief Veterinary Officer may, by notice in writing require the Provincial Veterinary Officer or any other person in possession of information required by the Chief Veterinary Officer for the purposes of

- (iii) formulate, review and revise, as necessary, procedures for implementation of an Emergency Preparedness Plan for the prevention and control of notifiable animal diseases;
- (iv) submit to the Minister proposed procedures for approval and publication by Notice in the Gazette;
- (v) under the direction of the Minister, establish sub-committees as and when necessary to facilitate the

organizations, receive such information from all relevant countries and international organizations, and respond to all enquiries from persons, relevant international organizations and trading partners concerning Afghanistan's sanitary measures.

- (2) A notice of the availability of drafts of proposed sanitary measures shall be made in mass media which shall include information on the manner of obtaining copies of the proposed sanitary measures.
- (3) All proposed sanitary measures that do not conform to international standards or for which no international standards exist, which may have a significant effect on export opportunities of interested trading partners, shall be notified through the SPS ENP no less than 60 days before preparing a final draft sanitary measure in accordance with the provisions of relevant international agreements.
- (4) The appointed officer of the Veterinary Authority within the SPS ENP shall, immediately following their receipt, provide copies of any such proposed changes in animal health or welfare laws, Regulations, procedures and notifications of animal disease outbreaks and related documentation to WTO members.
- (5) Upon request of any person of Afghanistan or any person of another country, the SPS ENP shall provide any information concerning sanitary measures or commodities subject to sanitary measures. Such information includes the following:
 - (i) lists of all controlled commodities;
 - (ii) designated ports of entry for different commodities;
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- (9) In the case of urgent circumstances, and also in the case of application of sanitary measures that reduce import restrictions, a condition or sanitary measure may come into force as of the date of adoption, provided it is subsequently published by Notice in the Gazette.

Article 13 Necessity of Sanitary Measures

- (1) The Chief Veterinary Officer shall apply sanitary measures only to the extent necessary to protect human and animal health and animal welfare.
- (2) Sanitary measures shall not be more trade-restrictive than required to achieve the appropriate level of sanitary

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- (2) Such procedures shall be undertaken and completed without undue delay; and
- (i) in no less favorable manner for imported animals, animal products, animal feedstuffs, biological materials and other controlled articles than for like locally produced animals or domestically produced commodities;
 - (ii) the standard or anticipated processing period of each procedure shall be published or shall be communicated to the applicant upon request;
 - (iii) when receiving an application, the Veterinary Authority shall promptly examine the completeness of the documentation and inform the applicant in a precise and complete manner of all deficiencies;
 - (iv) the Veterinary Authority shall transmit as soon as possible the results of the procedure in a precise and complete manner to the applicant so that corrective action may be taken if necessary; when the application has deficiencies;
 - (v) the Veterinary Authority shall proceed as far as practicable with the procedure if the applicant so requests; and
 - (vi) upon request, the applicant shall be informed of the stage of the procedure, with any delay being explained;
 - (vii) information requirements shall be limited to what is necessary for appropriate control, inspection and approval procedures;
 - (viii) the confidentiality of information on imported animal products arising from or supplied in connection with control, inspection and approval shall be respected in a manner no less favorable than for domestic products and in such a manner that legitimate commercial interests are protected;
 - (ix) any requirements for control, inspection and approval of individual samples of an animal, animal product or commodity shall be limited to what is reasonable and necessary;
 - (x) any fees imposed for the testing procedures on imported animals, animal products, biological materials or other commodity shall be equitable in relation to any fees charged on like domestic products originating in any other country and shall be no higher than the actual cost of the service;
 - (xi) the same criteria shall be used in locating official laboratory testing facilities for samples from imported animals, animal products, biological materials or other commodities as for domestically produced animals, animal products, biological materials or commodities so as to minimize the inconvenience to applications, importers, exporters or their agents;
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- (2) An appeal referred to in subsection (1) must be lodged in the prescribed manner within the prescribed period, and the prescribed fee must be paid.
- (3) The Minister or Governor, as the case may be, may designate one or more independent senior officers to investigate and report on the grounds of appeal.
- (4) The Chief Veterinary Officer, officer, assignee, or authorised person who made the decision and the appellant may appear or be requested to appear at an investigation referred to in sub-article (3), in order to be heard or to be questioned, and are entitled to legal representation.
- (5) The Minister or Governor, as the case may be, may after considering the report and other documents relating to the appeal, confirm, set aside or amend the decision or issue such order in connection therewith as may be fit.
- (6) If the Minister or Governor, as the case may be, sets aside a decision which is the subject of an appeal or amends it in favour of an appellant, the fee referred to in subsection (2) shall be refunded to the appellant concerned.

CHAPTER FIVE FINANCES OF THE VETERINARY AUTHORITY

Article 26 Budget and utilization of revenues or other sources of financing of the Veterinary Authority

- (1) For the purpose of enforcing the Animal Health, Diagnostic Laboratories, Import and Export, Food Safety, and Animal Welfare Regulations and providing regulatory services according to prescribed procedures, the Veterinary Authority shall receive a budget approved and agreed in the prescribed manner through the Ministry of Finance.
- (2) The Minister shall maintain an Emergency Fund to be utilized in the case of the declaration of a sanitary emergency or other declared emergency according to Article 11 (3) (a) of the Regulations, on the advice of
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- (6) The Chief Veterinary Officer shall maintain an accurate record of all revenues derived from the issuance of permits and licenses and from the provision of all regulatory and other services in the prescribed manner.
- (7) Any such revenues as contemplated in sub-article (6) shall be paid over to the Ministry of Finance in the prescribed manner.
- (8) All financial transactions of the Veterinary Authority shall be audited according to the rules laid down by the Ministry of Finance.

CHAPTER SIX ENACTMENT

Article 27 Citation

- (1) This Act may be cited as the Animal Health and Veterinary Public Health Act (2012)

Article 28 Entry into Force

- (1) This Act shall come into force upon signature of the President of Afghanistan, whereupon it shall be published in the Official Gazette.
- (2) Upon Notification in the Gazette of the enactment of the Animal Health and Veterinary Public Health Act, the Veterinary Services Act of 2002 is hereby repealed.

SIGNATURE
PRESIDENT OF THE
ISLAMIC REPUBLIC OF AFGHANISTAN