

DRAFT LAW
ON SANITARY AND PHYTOSANITARY REGULATIONS

Rev.3

26 March 2015

PREAMBLE

[Considering the obligations of the Agreement on the Application of Sanitary and Phytosanitary Measures on Members of the World Trade Organization and other international obligations undertaken by the Republic of Liberia;

Desiring to improve the human health, animal health, and phytosanitary situation in the Republic of Liberia;

Recognizing the important contribution that international standards, guidelines and recommendations can make in this regard;

Desiring to create a framework of rules to guide the development, adoption, and enforcement of sanitary and phytosanitary measures in the Republic of Liberia in line with a harmonized approach to international standards, guidelines, and recommendations developed by the relevant international organizations, including the Codex Alimentarius Commission, the

PART I

Article 1: Scope

This Law applies to all official measures taken by the Republic of Liberia whose purpose is to protect:

1. human or animal health from food-borne risks;
2. human health from animal- or plant-carried diseases;
3. animals and plants from pests or diseases; and
4. the territory of a country from damage caused by pests.

Article 2: Definitions

1. The following definitions apply to this Law:

1.1. Sanitary or phytosanitary measure:

1.1.1. Any measure applied:

1.1.1.1. to protect animal or plant life or health within the territory of the Republic of Liberia from risks arising from the entry, establishment, or spread of pests, diseases, disease-causing organisms, or disease-causing organisms;

1.1.1.2. to protect human or animal life or health within the territory of the (in the) 5.A

- 1.1.2.5. provisions on relevant statistical methods, sampling procedures, and methods of risk assessment; and
 - 1.1.2.6. packaging and labelling requirements directly related to food safety.
- 1.2. Harmonization: The establishment, recognition, and application of common sanitary and phytosanitary measures by different countries.
- 1.3. International standards, guidelines and recommendations:
- 1.3.1. for food safety, the standards, guidelines, and recommendations established by the Codex Alimentarius Commission relating to food additives, veterinary drug and pesticide residues, contaminants, methods of analysis and sampling, and codes and guidelines of hygienic practice;
 - 1.3.2. for animal health and zoonoses, the standards, guidelines, and recommendations developed under the auspices of the International Office of Epizootics;
 - 1.3.3. for plant health, the international standards, guidelines, and recommendations developed under the auspices of the Secretariat of the International Plant Protection Convention in cooperation with regional organizations operating within the framework of the International Plant Protection Convention; and
 - 1.3.4. for matters not covered by the above organizations, appropriate standards, guidelines, and recommendations promulgated by other relevant international organizations to which the Republic of Liberia may accede.
- 1.4. Risk assessment: The evaluation of the likelihood of entry, establishment, or spread

PART II – Administration

Article 3

1. By regulation the Government of Liberia shall mandate the competent body or bodies that are responsible to conduct inspection procedures for all produc

- 4.1. to enter and search any area or premises and require any person to produce any documentation required under the law;
 - 4.2. to inspect, examine, and make copies of such documentation, or take extracts of registers or records and seize the same;
 - 4.3. to stop and search any person, baggage, packaging, conveyance, or any other regulated article, upon entry into, movement within, or exit from the country;
 - 4.4. to stop the distribution, sale, or use of any plant, plant product or any other regulated article, which the inspector has reason to believe is harboring a regulated pest, for a specific time period; and
 - 4.5. to seize, destroy, detain, treat, or otherwise dispose of any plants, plant products, or other regulated articles, or order that any such action be taken
5. the laboratory scheme; and
 6. the establishment and functioning of the advisory protection boards for animal and plant health.

PART III – Plant Health

Article 4

1. The Government of Liberia, as a member of the International Plant Protection Convention (IPPC), shall abide by its international commitments in the IPPC on the elaboration, adoption, and application of sanitary and phytosanitary measures impacting on the sphere of plant health.
2. The Government of Liberia, through its competent bodies in the area of plant health as laid out in Part II of this Law, shall ensure that its sanitary and phytosanitary measures impacting on the sphere of plant health fully in line with relevant international standards, guidelines, best practices, and recommendations, as appropriate and including those promulgated under the IPPC.
3. In order to abide by the commitments in paragraphs 1 and 2 of this Article, the Government of Liberia shall only promulgate sanitary and phytosanitary measures impacting on the sphere of plant health in accordance with the rules and procedures set forth for all sanitary and phytosanitary measures in Part VI below.

Article 5

1. To the extent that other laws of the Government of Liberia impacting on the sphere of plant health conflict with the provisions of this Law, such conflicting provisions of those other laws (but only such conflicting provisions, which are severable from the remainder of the provisions of the law in question) are hereby repealed.

2. The laws of the Government of Liberia impacting on the sphere of animal health referenced in paragraph 1 of this Article include but are not limited to, the following:
 - 2.1. Chapter 1 on “Plant and Animal Quarantine” Title 3 of the Liberian Code of Laws Revised (“Agriculture Law”) of 1966;
 - 2.2. the Act Adopting the Environment Protection and Management Law of Liberia of 2003; and
 - 2.3. the Act creating the Forestry Development Authority of 1976.

PART IV – Animal Health

Article 6

1. The Government of Liberia, as a member of the World Organisation for Animal Health (OIE) and through its competent bodies in the area of animal health as laid out in Part II of this Law, shall ensure that the elaboration, adoption, and application of sanitary and phytosanitary measures impacting on the sphere of animal health are fully in line with relevant international standards, guidelines, best practices, and recommendations, as appropriate and including those promulgated by the OIE.
2. In order to abide by the commitments in paragraph 1 of this Article, the Government of Liberia shall only promulgate sanitary and phytosanitary measures impacting on the sphere of animal health in accordance with the rules and procedures set forth for all sanitary and phytosanitary measures in Part VI below.

Article 7

1. To the extent that other laws of the Government of Liberia impacting on the sphere of animal health conflict with the provisions of this Law, such conflicting provisions of those other laws (but only such conflicting provisions, which are severed from the remainder of the provisions of the law in question) are hereby repealed.
2. The laws of the Government of Liberia impacting on the sphere of animal health referenced in paragraph 1 of this Article include, but are not limited to, the following:
 - 2.1. Chapter 1 on “Plant and Animal Quarantine” of the Agriculture Law of 1966;
 - 2.2. Chapter 2 on “The National Livestock Artificial Insemination Act” of the Agriculture Law of 1966; and
 - 2.3. the Animal Disease Law [TO BE DRAFTED AND PROMULGATED].

PART V – Food Safety

Article 8

3. The Government of Liberia, as a member of the World Health Organization (WHO) and the Food and Agriculture Organization (FAO) Codex Alimentarius Commission (CAC) and through its competent bodies in the area of food safety and food control in Part II of this Law, shall ensure that the elaboration, adoption, and application of sanitary and phytosanitary measures impacting on the sphere of food safety are fully in line with relevant international standards, guidelines, best practices, and recommendations, as appropriate and including those promulgated by the CAC.
4. In order to abide by the commitments in paragraph 1 of this Article, the Government of Liberia shall only promulgate sanitary and phytosanitary measures impacting on the sphere of food safety in accordance with the rules and procedures set forth for all sanitary and phytosanitary measures in Part VI below.

Article 9

1. To the extent that other laws of the Government of Liberia impacting on the sphere of food safety conflict with the provisions of this Law, such conflicting provisions of those other laws (but only such conflicting provisions, which are severable from the remainder of the provisions of the law in question) are hereby repealed.
2. The laws of the Government of Liberia impacting on the sphere of food safety referenced in paragraph 1 of this Article include but are not limited to, the following:
 - 2.1. Title 33 of the Liberian Code of Laws Revised (“Public Health Law”).

PART VI – Sanitary and Phytosanitary Measures

Article 10 – Regulations

1. In the elaboration, adoption, and application of sanitary and phytosanitary regulations by the Government of Liberia any competent central or local government body, as listed in Part II of this Law, or non-governmental other recognized bodies, shall respect the following principles:
 - 1.1. The Government of Liberia shall ensure that any sanitary or phytosanitary measure is:
 - 1.1.1. applied only to the extent necessary to protect human, animal, or plant life or health,
 - 1.1.2. based on scientific principles and
 - 1.1.3. not maintained without sufficient scientific evidence, subject to paragraph 4 below.
 - 1.2. Sanitary and phytosanitary measures shall not arbitrarily or unjustifiably discriminate between countries where identical or similar conditions prevail, including between the territory of the Republic of Liberia and that of other countries.
 - 1.3. Sanitary and phytosanitary measures shall be applied in a manner which would constitute a disguised restriction on international trade.
2. The Government of Liberia shall base its sanitary or phytosanitary measures on international standards, guidelines, recommendations, where they exist.
3. The Government of Liberia may introduce or maintain sanitary or phytosanitary measures which result in a higher level of sanitary or phytosanitary protection than would be achieved by measures based on the relevant international standards, guidelines or recommendations, if there is a scientific justification, or as a consequence of the level of sanitary or phytosanitary protection that it has determined to be appropriate.
4. In cases where relevant scientific evidence is insufficient, the Government of Liberia may provisionally adopt sanitary or phytosanitary measures on the basis of available pertinent information, including that from the relevant international organizations as well as from sanitary or phytosanitary measures applied by other countries. In such circumstances, the relevant authorities of the Government of Liberia shall seek to obtain the additional information necessary for a more objective assessment of risk and review the sanitary or phytosanitary measure accordingly within a reasonable period of time.

Article 11 – Risk Assessment

1. The Government of Liberia shall ensure that sanitary or phytosanitary measures are based on an assessment, as appropriate to the circumstances, of the risks to human, animal, or plant life or health, taking into account risk assessment techniques developed by the relevant international organizations.

1.1. Coordination: The ENA shall function as a centralized authority to coordinate the activities of elaborating, adopting, and applying sanitary and phytosanitary regulations by relevant ~~central or local~~ ^{central or local} authorities.

- 1.5.3. risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate levels of sanitary or phytosanitary protection;
- 1.5.4. the membership and participation of the Republic of Liberia, or of relevant bodies within its territory, in international and regional sanitary and phytosanitary organizations and systems as in bilateral and multilateral

PART VIII – Control, Inspection and Approval Procedures

Article 13

1. By regulation, the competent authorities of the Government of Liberia, as listed in Part II of this Law, shall determine the requirements of each inspection procedure, including:
 - 1.1. such procedures shall be undertaken and completed without undue delay within 30 days and in no less favorable manner for imported products than for like Liberian products;
 - 1.2. the standard processing period of each procedure shall be published on the websites of the Ministry of Agriculture, the ENA, Official Gazette, and in various newspapers and the anticipated processing period shall be communicated to the applicant upon request; when receiving an application, the competent body promptly shall examine the completeness of the documentation and inform the applicant in a precise and complete manner of all deficiencies; the competent body 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; even when the application has deficiencies, the competent body shall proceed as far as practicable with the

PART IX – Offences and Penalties

[THIS IS NECESSARY TO THE EXTENT THAT ANY PERSON MAY TRY TO EVADE