

**GOVERNMENT NOTICES
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**SOUTH AFRICAN POLICY ON EXPORT CERTIFICATION FOR ANIMALS AND
ANIMAL PRODUCTS**



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1. Definitions/Glossary of terms

Animal	Means any mammal, bird, fish, reptile or amphibian which is a member of the phylum vertebrates, including the carcass of any such animal.
Animal product	Means any part or portion of, or product derived from, any animal, including any such part, portion or product in any processed form.
Assignee	Means any person, undertaking, body institution or association designated under section 4(1) of the Meat Safety Act.
Certifying Officer	Means the official veterinarian or any other person authorized by the Controlling Authority to sign certificates.
Code	Means the OIE Terrestrial Animal Health Code.
Codex Alimentarius	Means a collection of standards, codes of practice, guidelines and other recommendations developed by the Codex Alimentarius Commission of the FAO/WHO. It includes principles covering food import and export inspection and certification.
Commodity	Means animals, products of animal origin intended for human consumption, for animal feeding, for pharmaceutical or surgical use or for agricultural or industrial use, semen, embryos/ova, biological products and pathological material.
Competent Authority	Means the Governmental Veterinary Service having authority in the whole country for implementing the animal health measures and the international veterinary certification process which the OIE recommends as well as supervising and auditing their application.
Importing country	Means a country that is the final destination to which commodities are sent.
Exporting country	Means a country from which commodities are sent to another country.
Genetic material	Means any ova, embryos, semen and any other material originating from an animal through which the hereditary factors of such animal can be transferred.
International animal health	Means a certificate issued by an official veterinarian of

certificate	the exporting country, certifying the state of good health of the animal/animals, and giving particulars where applicable of the biological test/tests to which the animal/animals has/have been subjected and the vaccination /vaccinations carried out on the animal/animals which is/are the subject of the certificate. It may be either individual or collective certificates depending on the species of animals under consideration or the particular conditions of the shipment; this term also applies to a certificate covering semen, embryos/ova, hatching eggs, brood-combs of bees, giving particulars of the measures taken to prevent the spread of epizootics.
International sanitary certificate	Means a certificate issued by an official veterinarian certifying that the meat or animal products destined for food conforms to the recognised international standards for veterinary food hygiene and/or animal health.
International trade	Means importation, exportation and transit of commodities.
Official Veterinarian	Means a veterinarian authorised by the Competent Authority of the country to perform animal health and/or public health inspections of commodities and, when appropriate, perform certification in conformity with the provisions of Chapter 1.3.2 of the Code.
Landrace	Means a specified breed of a kind of animal indigenous to or developed in the Republic.
Listed Diseases	Means the list of transmissible diseases agreed by the OIE International Committee and set out in the Code.
Sanitary Protection	Means the measures aimed at protecting human and animal health as provided for under the SPS Agreement of the WTO.
Veterinary Authority	Means a Veterinary Service, under the jurisdiction of the Competent Authority, which is directly responsible for the application of animal health measures and for supervising the issuing of international animal health and international sanitary certificates in a specified area of the country.

2. List of abbreviations

CCFICS	Codex Committee on Food Import and Export Inspection and Certification
CITES	Convention for International Trade in Endangered Species
FAO/WHO	Food and Agricultural Organisation / World Health Organisation
OIE	Office Internationale des Epizooties (World Organisation for Animal Health)
SAVC	South African Veterinary Council
SOP	Standard Operational Procedure
SPS	Sanitary and Phyto-Sanitary
VPN	Veterinary Procedural Notice
WTO	World Trade Organisation

3. INTRODUCTION AND BACKGROUND

Export certification is a logical outflow of a process to verify the preparation of commodities for export. The preparation of commodities for export is a series of actions taken to ensure that the exporting country does not export products that may contain chemical, physical or biological hazards that pose a risk for human and animal health to an importing country. Because of the likely variations in animal health situations in different countries, the Code offers various options.

The animal disease status of the exporting country, the transit country or countries and in the importing country should always be considered before determining the requirements, which are to be met for trade purposes. The appropriate level of sanitary protection required by the importing country determines the intensity of the verification. Reliable certification is essential because according to the WTO series of SPS Agreements it is the only protection an importing country can insist upon. Any loss of credibility in the exporting country's certification could mean the loss of an export market. Once lost, it is very difficult to restore the export credibility of a country.

To harmonise the sanitary aspects of international trade, the Competent Authorities of Member Countries should base their import requirements on the standards,

guidelines and recommendations of the OIE as supported by the Codex Alimentarius, where applicable, for human health purposes.

Where applicable, food export certification should, as far as possible, be based on the criteria and requirements specified in the guidelines developed and published by the CCFICS.

Export certification should be exact and concise and clearly convey the exported commodities compliance with the various veterinary requirements of the importing country. The certificate must be designed in such a way that it makes logical sense and clearly provides the importing country with all of its required information and veterinary guarantees. Negotiations between the Competent Authorities of both countries are frequently required to ensure the successful establishment of a veterinary export certificate.

It is the responsibility of the exporting country's Competent Authority to ensure that certifying officers are exposed to proper training in certification processes. The certifying officials must also keep themselves informed on export certification procedures. The SAVC provides rules that all Certifying Veterinarians must comply with. These rules must be borne in mind whilst certifying for exports. The VPN/17 on "Principles of Certification" must also form the basis of the certifying process and must be in the possession of the certifying official.

Certifying officers must always certify data that they have personal knowledge of or data based on another certificate obtained from an authentic source. Trainees and students should not be allowed to certify as stipulated by rule 5 of the SAVC. Certification by officers may be restricted to commodities originating from a specific region or specific establishment.

Certification may be done electronically and if done in this way, must be sent directly from the Competent Authority of the exporting country to the Competent Authority of the importing country. Electronic certification should contain the same information provided for in conventional certificates. Electronic certification has not been fully implemented in the Republic of South Africa. It is however a field that still needs to be explored.

Export certification for animals and animal products is in most cases done by the Veterinary Services of the provinces. There are a few instances where private

veterinarians, Department of Agriculture (National) and other relevant Departments are involved. Most countries insist that the Competent Authority of a country be held responsible for export certification for animals and animal products. According to the Constitution of South Africa, the Competent Authority comprises the Veterinary Services of both the National and Provincial Departments of Agriculture. This does however not mean that the Veterinary Services cannot appoint other agents to do certification. If such agents are appointed as provided for in both the Animal Diseases Act, 1984 (Act 35 of 1984) and Meat Safety Act, 2000, (Act 40 of 2000), then the Veterinary Services must conduct thorough audits to ensure compliance with national and international norms and standards for certification. This is further defined in the VPN on Principles of Certification.

This policy document together with the relevant VPN's form the foundation of export certification protocols for different commodities of animals and animal products.

4. PROBLEM STATEMENT

The exportation of animals and animal products should be done responsibly at all times even if the importing country does not require any certification for the commodities in question. In the past, where no certification by the Competent Authority of the importing country was required, commodities of animal origin could be exported without verification or any concern for the protection of the country of destination. This approach resulted in the spread of animal diseases with devastating economic and public health impacts. To curb the international spread of animal and animal-borne diseases, the OIE requires that exporting countries must prevent the spread of diseases to other countries.

4.1 Detention, rejection and destruction of consignments

Presently, South African veterinarians are issuing health certificates for export purposes. Occasionally, some consignments are rejected, detained or destroyed in the importing countries because of non-conformance. In some instances, certificates are forged and negotiated clauses are deleted thus giving insufficient guarantees to the importing countries. These actions may lead to loss of income for the country's industries as the importing countries may not want to do business with South Africa in future.

4.2 Litigations

There is always a probability that if a commodity is detained, destroyed or rejected in a foreign country, the certifying authority could be sued for damages. To minimise this possibility, it is important to have a policy on export certification and give guidelines as to who must do the certification.

4.3 The involvement of various other departments to enable the safe export of animals and animal products.

At any one time, there are a number of organisations, Departments and Directorates involved in export certification. The Provincial Directorates of Veterinary Services are often called upon to certify live animals and other animal products including trophies for export. The argument is, "they are the people who have a thorough understanding of the disease situation in those areas." In most export approved food processing establishments, veterinarians from the Department of Agriculture are responsible for export certification. These veterinarians however, have to depend on the certification provided to them by the provincial veterinarians, with regards to the origin of the animals and the health status of these establishments of origin.

There are also situations where there are conflicts of interest between Departments. A typical example is the certification for dairy products like cheese, which is an animal product that is partially under the jurisdiction of the Department of Agriculture e.g. the control of animal diseases. The new National Health Act 2003 (Act 61 of 2003 hereinafter referred to as "the Health Act"), controls the production and transport of milk from the milking parlours up to the milk processing establishments. The food safety and health related standards and requirements of the foodstuffs concerned, when manufactured, imported and sold on the local market are controlled under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972) The National Department of Health administers the above mentioned Acts and the regulations related to, amongst others, animal products, published thereunder by the Minister of Health. The new National Health Act assigns the responsibility for monitoring and law enforcement aspects related to the mentioned facilities and foodstuffs to the Provinces for imported foodstuffs and/or Metro and District municipalities for foodstuffs marketed locally.

The majority of importing countries however, demand that the Competent Authority of the exporting country be responsible for the approval, registration and auditing of these establishments and provide the required export certification. It is often difficult to sign the certificates for export purposes under circumstances where the full chain of production has not been deliberately monitored. A refusal to sign export certificates because of these uncertainties can lead to the loss of much-needed foreign revenue for the establishments and the economy of the country as a whole.

5. POLICY OBJECTIVES

The objectives of this policy are to:

- 5.1 facilitate accurate certification of animals and animal products for export purposes.
- 5.2 to promote and facilitate cooperation between various Departments of the State, private practitioners and other organisations in export certification for animals and animal products.
- 5.3 Assist in the promotion of international trade in animals and animal products.
- 5.4 Ensure internationally acceptable export certification by negotiations (Nationally and Internationally)

6. POLICY TO ADDRESS THE PROBLEM

6.1 General considerations

The policy on export certification of animals and animal products should take the following into consideration:

- (a) Certification of animals and animal products should be based on the highest possible standards and with due consideration to the long-term benefits for both the importing and the exporting countries. The professional integrity of the certifying officials must be respected and safeguarded at all times. To

be able to trade in animal products on the international platform, it is important to comply with international requirements. Most live animals and products of animal origin leave this country under cover of a veterinary certificate issued by the provincial state veterinarians and / or national state veterinarians at the ports of exit.

- (b) Even though the Animal Diseases Act, 1984 (Act No 35 of 1984) does not give sufficient guidelines on export certification, the Meat Safety Act, 2000 (Act No 40 of 2000) does prescribe export certification. The international community expects us to conform to the guidelines and recommendations of the OIE. The OIE recommends that animals and animal products be exported only if they are safe in all respects for the importing country and the countries through which the commodities are going to move. This is applicable to all situations even if the importing country does not have any import requirements. The OIE holds the Competent Authority of each member country responsible for all exports of animals and animal products.
- (c) Contributions toward this certification could come from other knowledgeable officials from other departments and organisations and even other practitioners.
- (d) According to the recommendations of the OIE, paper certificates that are pre-printed and serially numbered should be used for export certification. Where possible, these paper certificates should be issued on officially headed notepaper and be printed in such a way that they will not be easily forged. This policy recommends that all certificates should be issued in compliance with the OIE recommendations.
- (e) Certifying officials should consult section 17 of the Animal Improvement Act, 1998 (Act 62, 1998) before certifying for the exportation of any animals and genetic material of a Landrace. The export should be authorised in writing by the Registrar of Livestock Improvement. It is also important to consult with

other organisations like CITES to ensure that the veterinarian adheres to a proper procedure before certification.

- (f) Animal welfare issues, especially pertaining to transportation of live animals, should always be considered by the certifying officers. The issues may include the stage of gestation and the available space on the vessels transporting the animals. Similarly, welfare issues pertaining to humane slaughter of animals at the abattoir should be considered at all times.
- (g) In accordance with international requirements, the Competent Authority, should ensure that certifying veterinarians have a satisfactory knowledge of the veterinary legislation as regards the commodities to be certified and, in general, are informed as to the rules to be followed for drawing up and issuing the certificates and – if necessary – as to the nature and extent of the enquiries, tests or examinations which should be carried out before certification. A thorough knowledge of the relevant VPN's is imperative and should be enforced.
- (h) The Competent Authority should also provide a "help-line" type of information service, especially for unusual exports, for which it is not worth setting up an export policy. In all instances where an export policy can be devised this should be done so that official veterinarians know how to address all common exports.
- (i) Without prejudice to any legal proceedings or penalties, the Competent Authority should carry out investigations or checks and take appropriate measures to penalise any instances of false or misleading certification, which are brought to their attention. Such measures may include the temporary suspension of the certifying state veterinarian from their duties until the investigation is over. Other measures may include reporting the veterinarian to the Veterinary Council for possible de-registration.

6.2. Certification by Veterinary Services on the basis of contributions from all the departments and organisations involved in the production and processing chain.

Provincial state veterinarians certify for most of the live animals and animal products that leave South Africa. Some products are also certified for by national state veterinarians at the ports of exit. There is good communication between provincial and national state veterinarians. As expected by most countries, the Competent Authority of the country sets the required conditions of registration for export purposes and provides guidelines for export certification. The setting of these standards for veterinary export certification should be done in collaboration with the various provincial veterinary services. The provincial state veterinarians are *au fait* with the disease situation in their provinces and national state veterinarians have an overall understanding of the disease situation throughout the country. To ensure this, good communication between provincial and national state veterinarians is essential.

The current provisions of the Meat Safety Act, 2000 (Act No 40 of 2000), and the Animal Diseases Act, 1984 (Act No 35 of 1984) and the legislation of the health sector mentioned previously, do not authorise the Department of Agriculture to inspect some aspects of animal-derived food establishments like milking parlours and cheese processing establishments for the purposes of export. This creates a gap in the assurance process and often may lead to state veterinarians either refusing to certify export consignments, or certifying such export consignments without being certain of some conditions in the food production process. For more reliable certification to take place, the departmental officials need to be authorised to inspect all the processes in the production of food of animal origin. Other officials duly authorised by the respective Acts may regard this option as an infringement.

It is possible for all officials authorised by the respective Acts, including the Health Act and Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972) to contribute to export certification. This is with special reference to commodities like cheese and other milk products where the Department of Health is involved with the production aspects at milking parlours and at cheese factories. In the past, the possible contribution towards export certification that the Department of Health, provincial and local government

could provide for these products has not been utilised to the fullest. The activities of this Department are mostly concentrated on ensuring that food establishments conform to local requirements. When exports of animal products are to take place, the provincial state veterinarians are called upon to certify in accordance with international requirements. Without a complete certainty of the hygiene status and without complete history and proper records, it is difficult for the state veterinarians to sign such export certificates.

To solve the problems described above, good collaboration between the Department of Health, including provincial and local government and Department of Agriculture should be fostered. Good collaboration among these departments should lead to systems where officials from all Departments could contribute to certification for export purposes where there are regular meetings, workshops, training sessions, discussions and mutual auditing. This approach will lead to better utilisation of human and other resources in promoting the safe production of food and the promotion of the exportation of animals and animal products from South Africa.

In addition to registration, by the Department of Health's relevant health authority, the facilities must be registered for export by the Directorate: Veterinary Services (National). These should be audited for compliance with the importing countries' requirements in collaboration with the health authority concerned as expected by our trading partners. This may include other related aspects like water quality, medical records of staff and hygiene systems, where such aspects are required by an importing country.

If the Competent Authority is to be held accountable for the certification of all animal products, this approach poses a few problems as they will not have full control of the personnel that provide the required supporting documentation for this certification and do not have access to all required documents for auditing purposes.

The Veterinary Administration must foster cooperation with all other stakeholders and audit compliance with export requirements. Preferably, the Directorate must also be actively involved in the registration and auditing of establishments. Availability of officials will pose a few challenges for the clients and there may be unavoidable delays. The approach may also lead to confusion amongst the clients and slow decision-making.

6.3 Justification of recommendation

In terms of practicality, the specific provincial veterinary officials are in the best position to know the disease situation in their province, due to disease surveillance and reporting.

The provincial veterinary services are regarded internationally as being a part of the national veterinary services (Competent Authority) and their certification will be accepted without prejudice. Most provincial veterinarians also have a good working relationship with their counterparts of the health components of the relevant provinces local government, private practitioners and agents.

The Department of Health's health components of provinces and/or municipalities has a legislative mandate over certain animal derived food harvesting establishments like milking parlours and dairy establishments. Their inspection of such facilities and contribution to the certification process is acceptable internationally and will help address any manpower shortages experienced by the Department of Agriculture.

6.4 Anticipated consequences

Export approved establishments where the certifying veterinarians are in a position to verify the compliance with the required conditions, will be able to export. All the departments that are involved in the certification process should assist each other to reach and maintain the standards required by the importing countries. This assistance will be guided by the requirements of the relevant VPN's or SOP's

Owners/managers of establishments that do not comply with registration requirements for export purposes must be informed, assisted and encouraged to upgrade their facilities.

7. ORGANISATION AND ADMINISTRATION

The Department of Agriculture (National) will be the Competent Authority that will regulate the control of exportation of animals and animal products. The persons responsible for the implementation of this policy must be authorised by the Director Veterinary Services (National)

8. REFERENCE DOCUMENTS

Department of Agriculture, the Animal Diseases Act, 1984 (Act 35 of 1984)

Department of Agriculture, the Animal Improvement Act, 1998 (Act 62, 1998)

Department of Agriculture, the Meat safety Act, 200 (Act 40 of 2000)

Department of Agriculture, the South African Veterinary Council's Rules of certification

Department of Agriculture, the VPN/17 "Principles of Certification"

Department of Health, Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972)

Department of Health, National Health Act, 2003 (Act 61 of 2003)

Regulation of the European Parliament Directives on certification (EU)

The World Organisation of Animal Health, the OIE Terrestrial Animal Health Code

Anonymous: Export Certification of animals and animal products

9. POLICY OWNER

Department of Agriculture, Bio-security and Disaster Management, Directorate of Veterinary Services