



DEMOCRATIC REPUBLIC OF TIMOR-LESTE

GOVERNMENT

GOVERNMENTAL DECREE LAW NO. 1/2006

Dated 20th September

GENERAL QUARANTINE REGULATIONS

The present General Regulations develop the basic norms of Decree Law N^o 21/2003 of 31st December on the legal requirements for quarantine, establishing practical rules and general procedures relating to the sanitary control of the export, import or relocation from one sanitary district of the country to another, for plants, animals and their by-products, as well as other items, including practical rules on the phytosanitary certification or animal health, the quarantine measures for pre- and post-export, the procedures and practical steps requesting authorization for the import, export or movement from one district to another, indicating the points of entry and exit and export, the regime for issuing and validating phyto- and zoosanitary certificates, the definition of pests and diseases subject to quarantine, determining the taxes and costs, breaches of law and their penalties.

The present General Regulations do not deal with the practical rules and procedures relating to the import and export of one item or another subject to quarantine, leaving such treatment to specific regulations that will be produced later.

Pursuant to Article 72 of Decree-Law 21/2003 dated 31st December the Government decrees the following regulations which shall have the force of law:

**TITLE I
GENERAL RULES**

**Article 1
(Definitions)**

1. The expressions, terms and concepts found in the present General Regulations and those used in Decree-Law 21/2003 dated 31st December have the same legal significance, scope of application and understanding that is given to them here.
2. Without prejudice to that foreseen by the previous number and for the purpose of these present General Regulations the following are intended:
 - a) “Disease”, an animal disease;

- b) “Inspector”, the official veterinarian, any veterinarian, the phytosanitary officer, the phytosanitary technician or any agent in the quarantine service designated by the authorising bodies to carry out the duties of health inspector;
- c) “IATA”, International Air Transport Association;
- d) “List A Diseases”, animal diseases classified as such by the International Office for Epizootic Diseases (OIE);
- e) “International Protection of Plants Convention” (IPPC), the Convention of this name, adopted in 1952¹;
- f) “Plants”, any species of plants in any state or form, including sub-aquatic plants and algae;
- g) “Quarantine control”, the sanitary control;
- h) “Category I Pests”, pests and other organisms classified by International Protection of Plants Convention as pests and being part of a list approved by Ministerial Order, whose prevention or elimination is not achieved even after treatment;
- i) “Category II Pests”, pests and other organisms classified by International Protection of Plants Convention as being part of a list of pests approved by Ministerial Order, whose prevention or elimination is achieved after treatment;
- j) “Elements of plant propagation”, the plants or part of plants, including seeds, fruits, flowers and pollen that can be used by whatever means for the multiplication or propagation of plants;
- k) “List B Diseases”, animal diseases classified as such by OIE;
- l) “Border Control”, the zones controlled by the appropriate authorities responsible for the entry and exit of people and goods from the Country, located at the international ports and airports and at international border crossings;
- m) “Quarantine pests or diseases”, plant pests or diseases of animals and their respective by-products that are subject to sanitary control;
- n) “Ports”, the maritime ports and airports;
- o) “Sanitary District”, that part of the territory of Timor-Leste formed by the enclave of Oecusse Ambeno or that part of the territory formed by the combined eastern part of the island of Timor, the islands of Atauro and Jaco.
- p) “District”, the sanitary district;
- q) “Quarantine (measures)”, all measures which seek to prevent the introduction into or export from the national territory of quarantine pests or diseases, as well as the prevention of the spread of quarantine pests or diseases from one area of the national territory to another;
- r) “Matter of animal origin”, obtained animal material which can be reprocessed;
- s) “Matter of plant origin”, obtained plant material which can be reprocessed;
- t) “Quarantine diseases”, any infectious animal disease denoted as such by law that must be the subject of preventative measures in order to avoid their introduction and dissemination in the national territory or export from the national territory to other countries;
- u) “Entry posts”, the same as points of entry;
- v) “Export posts”, the same as points of export;
- w) “Points of entry”, the international ports and airports, as well as the international land borders where items subject to sanitary control enter the national territory;
- x) “Points of export”, the international ports and airports, as well as the international land borders where items subject to sanitary control leave the national territory;
- y) “Director”, the Director of the Quarantine Service;
- z) “DSQ”, the Quarantine Service Directorate;
- aa) “PRA”, pest risk analysis²

¹ According to FAO International Standards IPPC was deposited in Rome 1951 and subsequently amended.

**Article 2
(Objective)**

The objective of these present General Regulations is to establish procedures, practical rules and general requirements necessary to implement the rules of Decree Law N^o 21/2003 dated 31st December, on the sanitary control of the import and export, as well as the movement within the national territory, of any item subject to quarantine, so as to avoid the introduction or spread of pests and diseases in the national territory or their introduction and spread in other countries coming from the national territory or even their introduction into a district of the Country, originating from another sanitary district.

**Article 3
(Scope of Application)**

1. The present General Regulations are applicable to the control of pests and diseases, establishing general practical regulatory measures relating to:
 - a) The import and export, as well as the relocation within the national territory by any person, singular or collective, national or foreign of any item, including: cargo or merchandise; live animals and living plants; products derived from or having animal or plant origins; machinery; equipment and used vehicles, and soils;
 - b) A presence in the coastal waters, in the territorial sea and in the national ports, of commercial and private ships, coming from third countries and oceanic areas, that are not exercising the right of safe passage;
 - c) A presence in the national airports of commercial or private aircraft, coming from third countries.
2. The present law does not apply to the quarantine of people who are found on board vessels anchored or aircraft parked in the Country's ports and airports, or cross the frontier posts in vehicles, carrying or suspected of carrying transmissible human illnesses that represent a danger to public health, without prejudicing the emergency measures that can be taken, as per law, for the national sanitary and veterinary service, to the extent of its powers on the sanitary control of vessels and aircraft anchored in the Country's ports or vehicles crossing the terrestrial borders.

² PRA is the process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it (FAO 2002, ISPM).

TITLE II

IMPORT, EXPORT AND MOVEMENT OF ANIMALS AND PLANTS, THEIR BY-PRODUCTS AND OTHER ITEMS

**CHAPTER I
GENERAL RULES**

**SECTION I
GENERAL CONDITIONS FOR QUARANTINE**

**Article 4
(Subjection to quarantine measures)**

Any item that is referred to in the previous article, carrying or under suspicion of carrying pests or diseases imported from outside the national territory or exported these outside or relocated from one sanitary district to another within the national territory, is subject to quarantine measures provided by these present General Regulations and further applicable legislation.

**Article 5
(Location for carrying out quarantine)**

1. Quarantine must be carried out at any entry or export or exit point of the item, under terms defined by the present General Regulations and any other applicable legislation.
2. Quarantine measures executed outside of the entry, export or exit points are regulated by their own laws.

**Article 6
(Quarantine facilities)**

1. Quarantine measures are carried out in State quarantine or temporary quarantine facilities.
2. In those cases where quarantine is carried out in temporary facilities the Director will decide on the temporary facilities and their requirements.

**Article 7
(Access to the facilities)**

1. Nobody, except service inspectors, should have access to the quarantine facilities or temporary facilities, without prior written authorisation from the head or person in charge of the entry, export or exit post.
2. If the quarantine facilities or temporary facilities are situated far from the entry, export or exit post, the competent veterinarian for animal quarantine or phytosanitary officer may decide and give written authorisation to that which the previous number refers.

**Article 8
(Veterinary surgeons' duties)**

1. The quarantine measures of animals and by-products should be carried out by a veterinarian in the quarantine service or other designated official.
2. The veterinarian must carry out his/her duties according to the professional standards set for veterinary surgeons.
3. In the performance of his/her duties, the designated veterinarian is assisted by DSQ inspectors.
4. When carrying out his/her duties at the entry, export or exit posts, the designated veterinarian is subordinate to the respective head of post.
5. In helping the designated veterinarian carry out the day-to-day activities of the entry, export or exit post, the Director may designate quarantine inspectors to carry out the quarantine measures in the said posts, making such inspectors subordinate to the head of the respective post.
6. The head of entry, export or exit posts is the agent responsible for carrying out the quarantine measures for animals and animal by-products in the temporary facilities.

**Article 9
(Phytosanitary officers' duties)**

1. The quarantine of plants and plant by-products should be carried out by a DSQ phytosanitary officer or other designated official.
2. The phytosanitary officer must carry out his/her duties according to set professional standards, being assisted by DSQ inspectors.
3. The phytosanitary technician designated to carry out the day-to-day duties at the entry, export or exit posts is subordinate to the head of the respective post.
4. In helping the designated phytosanitary officer execute the day-to-day activities of the entry, export or exit post, the Director may designate quarantine inspectors to carry out the quarantine in the said posts, making such inspectors subordinate to the head of the respective post.
5. The head of the entry, export or exit post is the agent responsible for carrying out quarantine for plants and plant by-products in the temporary facilities under the control of the respective post.

**Article 10
(Prohibition)**

It is prohibited to:

- a) Keep, slaughter or kill animals inside the area of the port, airports, facilities or temporary facilities without the authorisation of the animal quarantine veterinarian or keep plants

within the area of the ports, airports, facilities or temporary facilities without the authorisation of the designated phytosanitary officer;

- b) Throw out cadavers, residue hay or animal foodstuffs, materials or other articles that have been in direct contact with the transported animals, inside the area of the port, airport, installation or temporary installation;
- c) Throw out plants or parts of living plants, materials and other articles that have been in direct contact with the transported plants, inside the area of the port, airport, installation or temporary installation.

Article 11
(Measures for minimum impact)

Quarantine must be consistent with the risks of the pests and diseases involved, but have the minimum possible restrictions that result in the least impediment to the movement of people, goods and means of transport.

Article 12
(Conflict resolution on quarantine measures)

In cases of dispute between Timor-Leste and another country on quarantine measures, resolution of the dispute shall prioritise the bilateral technical level, without prejudice to international mechanisms for peaceful resolution of disputes.

Article 13
(Means of transportation in transit)

1. The means of maritime or aeronautical transportation, in transit through the national territory, shall be authorised to enter the port or airport as long as the following conditions have been fulfilled;
 - a) During the stop over the animals, plants and the animal and plant products are not allowed to disembark;
 - b) The animals, plants or animal or plant products must be accompanied by a zoo- or phytosanitary certificate, according to the case, and no quarantine diseases should have occurred in the country of origin of the means of transportation or at the previous port of call;
 - c) From the inspection made by the designated veterinarian or by the phytosanitary officer where animals or plants or by-products do not appear to be infected by Quarantine List A Diseases, as referred in line f) of N^o 2, article 1 of this legal document or by Category I pests, as referred to in line j), N^o 2 of article 1 of this legal document;
2. The results of the inspection referred to above in line c) of the previous number must be explained in the accompanying documents.
3. Disembarkation of the animals, plants and their by-products, in transit and for transfer to another means of transportation should only be permitted in cases of necessity and should be done under the supervision of the veterinarian or by the phytosanitary officer designated by DSQ.
4. If, during the course of inspection on board the means of transportation, a List A quarantine disease or Category I pest is encountered, the means of transport must leave the port or

airport as rapidly as possible by order of the administrator of the port or airport involved, taking action by recommendation of the DSQ.

5. If the animals and the plants or their by-products have already been unloaded and after inspection, an infectious disease consistent with quarantine List A is detected in an animal or a Category I pest in plants, such items should be destroyed immediately.
6. If the animals, plants and their by-products have already been unloaded and after inspection, an infectious disease is detected consistent with quarantine List B in the first case, as referred to in line m), N° 2, Article 1 of this legal document or an infestation of Category II pests in the second case, as referred to in line k) of N° 2, Article 1 of the present legal document, such items must be reloaded into the means of transportation that brought them which should leave the port or airport in the period fixed by the relevant sanitary authorities, otherwise such items, as well as the respective means of transportation, will be destroyed.

Article 14
(Maintaining the lists)

From time to time the lists of pests and diseases referred to in the previous article must contain the respective scientific names and must be revised by Ministerial Order.

Article 15
(Importation of Plants)

1. Without prejudice to that which is established by specific regulations, only government services, public institutions and non governmental organisations involved in projects to improve agriculture or forestry approved by the Government, can import plants into the national territory, under the terms of the present General Regulations and further applicable legislation.
2. Without prejudice to that foreseen in the previous number, living plants, nominated as ornamental, cannot be imported by private persons or organisations.

SECTION II
QUARANTINE MEASURES

SUBSECTION I
MEASURES

Article 16
(Quarantine Measures)

1. When implementing the present General Regulations and further applicable legislation, the following quarantine measures may be taken:
 - a) Inspection;
 - b) Isolation;
 - c) Observation;
 - d) Treatment;
 - e) Detention;

- f) Refusal for entry into the Country;
 - g) Destruction;
 - h) Release.
2. The Director must be informed immediately of any incident that affects or has repercussion on the sanitary control, who will decide on the measures to be taken.
3. The communication referred to in the previous number is made in accordance with that approved by Ministerial Order.

SUBSECTION II INSPECTION

Article 17 (Inspection)

Any item susceptible of carrying pests or diseases and subject to sanitary control, imported into or exported from the national territory, or even moved from one district to another of the national territory, must be submitted for veterinary or phytosanitary inspection before its embarkation, disembarkation or movement, conforming to the present law and further applicable legislation.

Article 18 (Inspection objectives)

The inspection seeks to:

- a) Verify the existence of the required documentation as per the present General Regulations, the law in general as well as with the legal requirements of the importing country;
- b) Verify the content and authenticity of legal stamps;
- c) Verify the information and the facts mentioned in the documentation that is referred to in line a) above;
- d) Detect in any item the existence or the absence of quarantine pests or diseases.

Article 19 (Diagnostic analysis)

In order to confirm the results of the inspection, a diagnostic analysis should be supplied by the quarantine laboratory or by another authorised laboratory nearby, at the request of the official veterinarian, inspector or phytosanitary inspector, according to the case.

Article 20 (Time of day for undertaking inspections)

The inspection of any item should be made during the day, between sunrise and sunset, except in cases which, according to circumstances, the official veterinarian or the phytosanitary inspector decide that such inspection can be made at night.

**Article 21
(Promptness for inspecting plants)**

Any inspection to be undertaken on plants or any other measures of phytosanitary quarantine on plant products must take into account their susceptibility to deterioration.

**SUBSECTION III
ISOLATION AND OBSERVATION**

**Article 22
(Isolation and observation of an item)**

Once the inspection referred to in the previous subsection has been made, isolation may be decided upon in order to observe any item susceptible of carrying pests or diseases that, by their nature and to this effect, will require a long and indefinite period, as well as special facilities and special environmental conditions appropriate for the detection of such pests and diseases.

**SUBSECTION IV
TREATMENT**

**Article 23
(Treatment of an item)**

1. Any item susceptible of carrying pests or diseases subject to sanitary control must be treated in order to guarantee its being free from infestation or infection of such pests or diseases.
2. The treatment referred to in the previous number must be made if, upon inspection or isolation for observation, there are indications that the item:
 - a) Is infested or infected or there are suspicions of it being infested or infected by pests or diseases subject to sanitary control;
 - b) Is not free or it is suspected that it is not free from pests and diseases subject to sanitary control;

**Article 24
(Methods and manner of treatment)**

The methods and manner of treatment will be defined in specific regulations.

**SUBSECTION V
SEIZURE**

**Article 25
(Seizure of an item)**

1. Any item subject to sanitary control can be retained by the DSQ with the effect of quarantine control, but a Seizure Form as approved by Ministerial Order, must be completed.

2. Having seized the item, a Certificate of Retention, as approved by Ministerial Order, will be delivered to the respective owner.
3. Once quarantine control has been carried out the item may be destroyed, re-exported, treated or released as foreseen by the present General Regulations and further applicable legislation.
4. If, after inspection, it clearly follows that the requirements for importation into or for export outside or for movement from one district to another of the national territory have not been totally fulfilled, the kept item should be seized.
5. Having seized the item under the terms of the previous number, the Director or any designated DSQ agent should immediately make and implement one of the following decisions, according to the case:
 - a) Terminate the item's journey or send it back to the place of departure since its reshipping but in the case of animals, not endangering their health and well-being;
 - b) Accommodate and dispense the necessary care for the item where the journey is interrupted;
 - c) Make the decision to destroy the plants or slaughter the animals, defining the outcome of the respective remains or carcasses;
 - d) Send it to the appropriate administrative body without prejudice to the costs, taxes, fines or other sanctions foreseen by law and in the present General Regulations.
6. Dealing with items imported or exported by postal service, such items should be removed of their respective packaging by the designated DSQ agent who will send certification of its removal, in the manner approved by Ministerial Order.
7. The items removed in accordance with the previous number are apprehended and have one of the outcomes referred to in N^o 5 of the present article.

SUBSECTION VI REFUSAL OF ENTRY

Article 26 (Refusal of entry)

1. The entry of any item carrying pests or diseases subject to sanitary control, imported into the national territory or relocated from one district to another of the national territory, must be denied if:
 - a) After the inspection on board the item's means of transport ascertaining that the item is infested or infected by certain pests or diseases subject to sanitary control or is found in a state of deterioration or damage, or features among the goods whose import is prohibited;
 - b) The requirements of the phyto- or zoosanitary certificate, according to the case, or of the place of entry, export or exit or otherwise as demanded by DSQ, are not observed;
 - c) Where the item has been seized and it is impossible to fulfill the requirements referred to in the previous line within the stipulated period;
 - d) After treatment on board the means of transport of the item, does not guarantee it being free from infestation of or infection by pests and diseases subject to sanitary control.
2. The owner or donor of the destroyed item is responsible for its return to the place of origin.

**SUBSECTION VII
DESTRUCTION**

**Article 27
(Destruction of the item)**

Any item carrying pests and diseases, subject to sanitary control, imported into the national territory, or relocated from one district to another of the national territory, must be destroyed if it clearly shows that:

- a) After disembarkation and subsequent inspection, the item is infected by certain pests or diseases subject to quarantine control or is found in a state of deterioration or damage, or features among the species whose introduction is prohibited;
- b) After refusal of entry, under the terms of the previous subsection, the item is not removed by its owner outside the national territory or to its destined area, within the stipulated period;
- c) After observation made during isolation, the item is not free from infestation or infection by pests or diseases subject to quarantine control;
- d) After disembarkation and subsequent treatment, the item is not free from infestation or infection by pests or diseases subject to quarantine control.

**Article 28
(Supervision of the item)**

1. The destruction of animals, plants and their by-products must be carried out under supervision of a veterinarian or phytosanitary inspector in the quarantine service.
2. The destruction must be witnessed by the donor, police officer or other agent.
3. For each operation of destruction as referred to in the previous article there must be a registered certificate as approved by Ministerial Order, ordering the destruction in triplicate, with one copy for the owner, one sent to the DSQ and the other filed at the entry, exit or export post.

**Article 29
(Non compensation for destroyed items)**

The owner of the animals, plants or their by-products which are destroyed because of quarantine reasons, do not have the right for any compensation from the State.

**SUBSECTION VIII
RELEASE**

**Article 30
(Imported items)**

1. The Application for Release of any item imported and subject to quarantine must be in form approved by Ministerial Order, accompanied by the cargo manifest, authorisation of importation and documentation sent by the quarantine services of the exporting country,

according to applicable legislation and the formalities are processed as foreseen by Ministerial Order.

2. Upon completion of the formalities and requirements as foreseen in the law and these present General Regulations, any item imported into the national territory or relocated from one district to another of the national territory, must be released if it clearly shows that:
 - a) After inspection, the item is free from infestation or infection of pests and diseases;
 - b) After observation made during the period of isolation, the item is free from infestation or infection of pests and diseases the subject of quarantine control;
 - c) After treatment, the items can be guaranteed free from infestation or infection of pests and diseases the subject of quarantine control;
 - d) After apprehension, the requirements for release have all been fulfilled.
3. The release referred to in the present article is accompanied by a Certificate of Release on a form approved by Ministerial Order.
4. The Certificate of Release referred to in the previous number contains the following information, namely:
 - a) The name of the owner of the item or his/her representative;
 - b) The address, telephone number and email address of the owner or his/her representative;
 - c) A description of the item to be released;
 - d) The signature of the owner and the designated quarantine officer.

**Article 31
(Exported items)**

1. Upon completion of the formalities and requirements as foreseen in the law and these present General Regulations, any item being exported from the national territory or relocated from one district to another of the national territory, must be released if it clearly shows that:
 - a) After inspection, the item is free from infestation or infection of pests or diseases the subject of quarantine;
 - b) After observation made during the period of isolation, the item is free from infestation or infection of pests or diseases the subject of quarantine;
2. The release referred to in the present article must be accompanied by the delivery of a phyto- or zoosanitary certificate, according to the case.

**SUBSECTION IX
SCOPE OF APPLICATION**

**Article 32
(Scope of application)**

The measures foreseen in Section II may be applied to living animals and plants, animal and plant products, people, means of transport or containers, equipment, water or packaging that is carrying or suspected of carrying pests diseases of animals or plants, and susceptible to quarantine.

**SECTION III
POWERS AND ATTRIBUTION**

**Article 33
(Powers)**

1. It is the Director or superior designated DSQ officer's responsibility in the various entry, export or exit posts to take quarantine measures as foreseen in the present Section, either inside or outside the quarantine facilities.
2. The Director has authority over the inspectors and other quarantine officers, who are the superior officers in the various entry, export and exit posts.

**Article 34
(Measures in the exercise of duty)**

1. In exercising his/her fiscal duties the fulfilment of the rules of the present decree and applicable regulations and without prejudicing the constitutionally mandated human rights of individuals, the Director or any other agent of the sanitary service and designated national veterinarian, can, at any moment and whenever deemed necessary, visit any area or building that is not a domestic residence, visit and carry out zoo- and phytosanitary control to whatever vessel or aircraft anchored in the national ports or airports or that is found in the inshore waters or national maritime waters, exercise zoo- and phytosanitary control of any cargo, post, baggage, packaging, contents, vehicle or any other item, area or building that is not a human residence, with the objective to inspect animals, animal products, plants, animals and plant by-products, or any other item.
2. If they think it opportune and necessary and in pursuance of the objectives referred to in the previous number, the Director or designated DSQ officer has the authority to require the ship's or aircraft's captain, as well as the owner or agent of any merchandise, to proceed promptly to open the contents or the merchandise packaging or, allow immediate access to any log-book, manifest, declaration of goods, passenger and crew lists or any other documentation on board the vessel or aircraft.
3. Without prejudice to legal proceedings foreseen by law, the Director, or a designated veterinarian or sanitary officer, may still be able to order and remove to quarantine facilities animals, plants, their by-products, soil, machinery, equipment and vehicles, animal rations, animal organisms and exotic plants, including genetically modified organisms, any goods or merchandise or any document, registered information or anything attracting attention in relation to any imported item, or sealed or order to be sealed grounds, facilities, containers, equipment, machinery and vehicles or command the quarantine of a vessel or aircraft, in situations where diseases or pests are detected and represent a risk to the environment, the national economy or public health.
4. Having strong indications or suspicions of the existence of diseases or pests on board the vessels or aircraft referred to in the previous number, the Director or veterinarian and sanitary service officer will immediately proceed to the respective sanitary control providing the necessary supporting evidence and analysis to familiarise him/herself with the sanitary situation of the vessels, aircraft and respective cargo, and applying measures foreseen in the previous number, if the evidence and analysis turn out positive.

5. The Director or designated DSQ official can make announcements, warnings and information on the sanitary state and isolation or quarantine imposed on the facilities, investigations, grounds, vehicles, equipment, vessels or aircraft or any item, by way of advising the people about the sanitary situation of such items.
6. The Director or designated DSQ official must proceed to the inspection or sanitary control of any person, animal, plant, vehicle or any other item that comes into contact, crosses or penetrates an area that is under sanitary isolation for quarantine, being able to do one by one searches and apprehend things and objects, according to the law.

Article 35
(Director's or DSQ officer's identification)

1. Whenever in the exercise of his/her duties the Director or the designated DSQ officer intends to take steps referred to in the previous article, he/she must start by introducing him/herself and official function to the captain of the ship or aircraft or to the people of whom he/she expects cooperation to fulfil his/her duties and must inform, with the courtesy that the discharge of such duties demands, his/her intentions and objectives of the steps that are intended to be taken.
2. Without prejudicing that established in the previous number, any person affected by the decisions or steps taken or announced by the Director or designated DSQ officer have the right to demand of him/her, before fulfilling the orders received under the terms of the previous article, or at any time, his/her identification and explanation as to his/her intended objectives and actions.

Article 36
(Communications)

The Director must inform:

- a) Those countries and organisations for zoo- and phytosanitary protection of the region, countries exporting items to the national territory, the FAO and the Sanitary and Phytosanitary Standard the requirements, restrictions and prohibitions stated in the General Regulations immediately after they come into force;
- b) Lists of pests and diseases initially published, as well as their recent characteristics, together with the countries and organisations for the phyto- and zoosanitary protection of the region, countries exporting items to the national territory, the FAO and the Sanitary and Phytosanitary Standard and the International Organisation of Epizootology;
- c) Immediately the occurrence, sudden appearance or propagation of pests and diseases of plants and animals that might present an immediate or potential threat to countries and organisations for phyto- and zoosanitary protection in the region, countries exporting items to the national territory, the FAO and the Commission for Phytosanitary Measures and the International Organisation of Epizootology.

Article 37
(Modernisation of quarantine measures)

1. It is the Director's responsibility to propose modifications to the way in which quarantine measures are instructed as to the changes of conditions and the emergence of new scientific facts.

2. The modifications referred to in the previous number must be notified to the bodies referred to in the previous article.

Article 38
(DSQ duties)

The DSQ duties are, namely:

- a) By having adequate equipment and facilities to perform inspections, tests, verification of items, to protect cargoes or consignments, as well as by following the correct procedure for phyto- and zoosanitary certification;
- b) Send the certificates foreseen in these General Regulations and further legislation relating to the importation, export and movement within the national territory of plants, animals and their by-products;
- c) Control the occurrence and sudden appearance and propagation of pests and diseases;
- d) Perform inspections of any item for quarantine and carry out further foreseen quarantine measures;
- e) Eradicate infestation and disinfect items as per these General Regulations and further applicable legislation;
- f) Control and take steps to protect threatened areas;
- g) Suggest to the Ministry the designation, maintenance and inspection of areas free of pests or with a low presence of pests;
- h) Conduct risk analyses of pests and diseases;
- i) Authorise the importation of items from outside and send the respective certification;
- j) Propose the Ministry's approval for:
 - (i) The list of prohibited or restricted items for importation, for quarantine reasons;
 - (ii) The list of pests and diseases subject to quarantine control and keep them up-dated;
 - (iii) The list of entry, exit and export points.

Article 39
(Nomination of veterinarians for quarantine service)

The Minister names the official veterinary surgeons and phytosanitary officers on the advice of the Director of the Quarantine Service, as well as other DSQ officials.

Article 40
(Ministerial supervision)

1. The Minister must supervise the implementation of steps to refuse, prevent, eradicate and treat animals and plants, and the Director must report monthly to him, with the facts and statistics on such measures.
2. The Director must immediately inform the Minister of the occurrence or appearance, firstly of quarantine pests and diseases, as well as situations of such pests and diseases being introduced or of situations that require emergency procedures.

**Article 41
(Ministerial powers)**

1. It is the Minister's responsibility, without prejudice to that stipulated in the present General Regulations, to decide upon:
 - a) The designation, maintenance and inspection of areas free from pests or diseases or with a low presence of pests or diseases;
 - b) Approve the list of pests and diseases subject to quarantine control;
 - c) Approve the list of items prohibited or restricted for importation for quarantine purposes;
 - d) Approve the list of points for entry, exit and export.
2. The designation of ports and airports for entry and export is made after consultation with the Ministers who supervise such infrastructure.

**SECTION IV
POINTS OF ENTRY, EXIT AND EXPORT**

**Article 42
(Points of entry exit and export)**

1. The points of entry, export or exit of any item liable to be carrying pests or diseases subject to quarantine are defined by Ministerial Order.
2. The Minister will, in certain and exceptional cases, be able to authorise points of entry, export or exit different from those referred to in the previous number.

**Article 43
(Notification)**

1. Except for items transported by hand, the owner must notify the quarantine officer at the point of entry, with a minimum of 48 hours notice before arrival, embarkation or entry into the facilities of any item that has the potential to be carrying animal or plant pests or diseases that are subject to quarantine.
2. On arrival of the item referred to in the previous number the proprietor or his/her representative must submit it, with the required documentation, to the quarantine officer at the point of entry.
3. Passengers in vehicles entering the Country through authorised entry points must declare items subject to quarantine that they are carrying with them in the Arrival Declaration Form and present it to the available quarantine officer.

**Article 44
(Installation)**

If an item needs to be transferred to an installation on entry into the national territory, it must be cleaned and disinfected before and after its use.

Article 45
(Accompanying documentation)

The entry of any item must be accompanied by the required importation documentation for any item subject to quarantine under terms of the present General Regulations or of specific applicable regulations.

Article 46
(Posts of entry, export and exit equipment)

1. The posts of entry, export and exit must be equipped in such a way as to enable:
 - a) The observation of living animals and plants;
 - b) The clinical examination and laboratorial diagnosis of pests and diseases;
 - c) The isolation of infected or suspected of being infected animals or plants;
 - d) Disinfection and destruction;
 - e) Fulfilment of other quarantine seeking objectives.
2. The entry, export and exit posts together with the international ports and airports, as well as the Central Post Office, besides the conditions referred to in the previous number, must possess facilities for incineration and sterilisation.

SECTION V
PHYTO- OR ZOOSANITARY CERTIFICATION

Article 47
(Subjection for certification)

Any item having the potential of carrying pests or diseases requiring quarantine control is subject to phyto- or zoosanitary certification, according to the case, and is being:

- a) Imported into the national territory;
- b) Exported from the national territory;
- c) Relocated from one district to another of the national territory.

Article 48
(Certification contents)

1. The phytosanitary certificate must only contain information and facts consistent with the model referred to in line b) of article 2 of the International Protection of Plants Convention reproduced in the Ministerial Order.
2. Any additional element to the form referred to in the previous number must be limited to essential technicalities.
3. A zoosanitary certificate must be issued as per the form approved by Ministerial Order,
4. Phyto- or zoosanitary certification will not be demanded for pests or diseases that are not subject to quarantine control or in specific cases foreseen in the present General Regulations and in specific laws.

Article 49
(Certificate signature)

The zoo- or phytosanitary certification is only valid if it is signed, accordingly, by the official veterinary surgeon or by the official phytosanitary officer who have actually carried out the inspection.

Article 50
(Requirements for issuing certification)

The issue of zoo- or phytosanitary certification is subject to the prior verification of the item, cargo or remittance to export, completing the following requirements:

- a) The demands by the country of importation;
- b) The provisions in the present General Regulations and other legislation.

Article 51
(Certificate annexes)

Certificate annexes, with concluding zoo- and phytosanitary information, must contain the number of the certificate and must be dated, signed and authenticated in the same way as the certificate.

Article 52
(Verification of the issuing authority of the certificate)

1. For those certificates sent by a foreign authority, the DSQ must verify the identity of the issuing authority.
2. Where there is doubt as to the authenticity of the certification, the DSQ must ascertain by the most appropriate means the identity of the issuing authority.

Article 53
(Absence of certification)

All importation, export or relocation from one district to another of the national territory of any item liable to be carrying animal and plant pests and diseases, made in violation of the norms of the present Section V, is treated, for the purpose of the present General Regulations, as import, export or relocation of the item without an authorised phyto- or zoosanitary certificate, accordingly.

Article 54
(False or misleading certification)

1. For the effect of the present General Regulations and other applicable legislation and without prejudice to the criminal responsibility of the respective actors false, misleading certification or that issued by unauthorised bodies under the terms of applicable legislation, as well as fraudulently adulterated certificates are treated as an import, export or movement of an item without the lawful zoo- or phytosanitary certification, according to the case.

2. In the case of false or misleading certification as referred in the previous number, the issuing body must be notified of the fact immediately.
3. For the effect of the previous article, the following documents are considered false:
 - a) Those not authorised by the DSQ;
 - b) Those issued in a format different to the approved style;
 - c) Those issued by people or organisations or other bodies, not authorised by the DSQ;
 - d) Those that contain false or misleading information.

Article 55
(Language and style of writing)

1. The certificates must be written in one of the Country's two official languages and translated into English, as the most commonly used language in international commerce in the Southeast Asian/Pacific Region.
2. The composition of the certificates can be typed or handwritten, but in the latter case, capital letters must be used.

Article 56
(Period of certification validity)

The certificate is valid for the period that is stated within it.

Article 57
(Certification with alterations and erasures)

All zoo- or phytosanitary certification that is presented with alterations not certified by the signatory body of the certification or with erasures is invalid and has the same effect as the absence of certification.

Article 58
(Electronic issue of certification)

Electronic zoological or phytosanitary certification can be issued under the following conditions:

- a) When the electronic certification and the security system for its issue are acceptable to the importing countries;
- b) When the information supplied is consistent with the appropriate model under the terms of the present General Regulations.

Article 59
(Invalid certification)

The zoo- or phytosanitary certificate is not valid, namely, when:

- a) The certificate is illegible;
- b) The information contained within the certificate is incomplete;
- c) The valid period for the certificate has expired or is not stated therein;
- d) The certificate shows erasures or alterations that have not been authorised;

- e) The certificate includes contradictory or inconsistent information;
- f) The certificate uses declarations inconsistent with the style of certification approved by the present General Regulations;
- g) The certificate is in respect of prohibited products;
- h) The certificate is an unauthenticated copy.

Article 60
(Certificate for re-export)

1. The same rules of the present General Regulations relating to export are applicable for certification for re-export, with the necessary adaptation.
2. The re-export certificate must be issued according to the style of export certification approved by Ministerial Order.

SECTION VI
TARIFFS AND COSTS

Article 61
(Tariffs and costs)

1. The utilisation of quarantine services foreseen in the present General Regulations for any person gives rise to the payment of costs and tariffs which will be determined by Ministerial Order.
2. The amounts collected under the terms of the previous number constitute State income and must be paid into the Treasury.

Article 62
(Responsibility for damage to the facilities)

1. The owner is responsible for the security and treatment of animals, plants or their by-products during the period of quarantine.
2. If, during the course of quarantine, damages occur in the facilities as a result of services rendered to the proprietor of the item, he/she must support all of the resultant costs of repairing such damages.

**CHAPTER II
IMPORTATION**

**SECTION I
GENERAL CONSIDERATIONS**

**SUBSECTION I
APPLICATION FOR IMPORT AUTHORISATION**

**Article 63
(Application for import authorisation)**

The application for import authorisation of any item which is subject to the terms of the present General Regulations and other applicable legislation must be produced conforming to the form approved by Ministerial Order.

**Article 64
(Contents of the application form)**

The form referred to in the previous article must contain the following elements, namely:

- a) The item(s) to import;
- b) The name of the Country and regions from which the item originates;
- c) The volume of intended importation;
- d) When dealing with living animals and plants, the sanitary situation;
- e) An indication that the country exporting the living animals and plants has the necessary technical conditions, during the pre-export quarantine, to carry out the sanitary inspections, controls and treatments and to guarantee that such animals or plants are free from any pests or diseases;
- f) The name and address of facilities, the profession or activity, telephone number and email address of the petitioning person or business;
- g) The itinerary following importation of the items;
- h) The destination given for the items to import;
- i) The point of entry for the items into the Country;
- j) The scientific name of the item, if there is one.

**Article 65
(Documentation accompanying the application)**

1. The application for import authorisation must be accompanied by the following documents:
 - a) Certificates of origin sent by the local livestock or agricultural service, according to the case, stating that:
 - (i) The referred item originates from an area known to be free of quarantine pests and diseases.
 - (ii) The animal or plant by-products originate from an area or animal free of quarantine List A diseases or Category I pests;
 - b) Authorisation to import the goods under the terms of applicable commercial legislation.
2. If the requirements foreseen in line a) of the previous number are not fulfilled the application is rejected.

Article 66
(Application delivery and procedure)

1. The application for import authorisation is delivered to the DSQ.
2. The application can only be received if it is completed according to the law and the present General Regulations.
3. Having received the application, it must be informed of the necessary information and sent within 48 hours to the Director for his/her decision.
4. The decision on the application should be taken by the Director within the period stated in the present General Regulations and further specific regulations.
5. The decision referred to in the previous number should be communicated to the applicant or his/her representative within a maximum period of 24 hours.
6. Where there is a need for additional information or facts, the Director can solicit it from the applicant within a maximum period of 48 hours.
7. Having received the information or facts referred to in the previous number, the decision of the DSQ on the application must be made without delay in the following 24 hours.

Article 67
(Title to authorisation for importation)

1. The title to import authorisation should comply with the form approved by Ministerial Order.
2. The title referred to in the previous number must contain the following information, namely:
 - a) The name, residence or address of the facilities, the profession or the activity, the telephone number and email address of the person or business applying;
 - b) The items whose importation is covered by the authorisation;
 - c) The valid period of the authorisation;
 - d) The exporting country and region;
 - e) The itinerary following importation of the goods;
 - f) The destination given for the goods being imported;
 - g) The point of entry of the goods into the Country.
3. The issue of title referred to in the previous article raises a service charge, which amount is established by Ministerial Order.
4. The title referred to in the present article must be presented to the authorities in charge, whenever asked, namely at the points of entry.

**SUBSECTION II
REQUIREMENTS AND CONDITIONS**

**Article 68
(Requirements for importation)**

1. Unless the present General Regulations establish differently, and without prejudice to other specific requirements foreseen by the present General Regulations or by applicable legislation, the importation of any item liable to be carrying pests or diseases the subject of quarantine must obey the following requirements:
 - a) The item must be accompanied by:
 - (i) A zoo- or phytosanitary certificate;
 - (ii) Certificate of origin issued by the local sanitary service, declaring that the referred item originates from an area known to be free of quarantine pests and diseases;
 - (iii) Authorisation for commercial importation, as foreseen by applicable legislation;
 - b) Importation must be through designated points of entry;
 - c) The person transporting an item should present a written declaration on possible mutations in the case of animals and plants and the absence of contamination in the case of animal or plant by-products, as well as a record of the temperatures in the case of animal and plant by-products which should be kept low during transportation.
2. On arrival, the item must be submitted for DSQ controls.
3. Any imported item in violation of the rules of N° 1, line a) (i) and (ii), of the present article cannot enter the Country and must be destroyed unless the respective proprietor or his/her representative is committed to fulfil the requirements referred in the said N° 1, line a) (i) and (ii), within the period of 7 days of the item's arrival.
4. The item must be detained in the facilities, during the documentary regularisation process as referred to in the previous number.
5. Where there are no facilities or in the case of non-fulfilment of the requirements under the terms stipulated in N° 3 of the present article, the item must be destroyed.
6. If the imported item is not accompanied by a written declaration as referred in N° 1, line c) of the present article, the item:
 - a) If it is an animal or plant, must be detained in the facilities, unless a mutation has occurred, suspecting that it is affected by a quarantine disease from List A or from Category I, in which case it must be destroyed;
 - b) If it is animal or plant matter or animal or plant by-products, unless there was suspicion of contamination or suspicion of deterioration due to temperature during its transport, it must not enter the national territory and must be destroyed.

**Article 69
(Additional requirements)**

When plant matter is being imported for propagation, the following requirements must be completed in addition to the general requirements under the terms of the present General Regulations:

- a) A quarantine certificate issued by the relevant authorities from the exporting state;
- b) Submission for post-importation quarantine.

Article 70

(Refusal for entry or destruction of plant matter for propagation)

1. Plant matter for propagation imported without phytosanitary certification or authorisation for import or that does not fulfil the requirements foreseen in the previous article will not be allowed entry into the Country, and must be returned to source or destroyed.
2. If plant matter for propagation, is imported in such a damaged or poor state that clinical inspection deems unfeasible, it must be destroyed immediately.

Article 71

(Refusal of entry or destruction of plants or plant by-products)

1. Plants or plant by-products imported without phytosanitary certification and where there is no exemption of such certification, are not allowed to enter the Country and must be returned to source or destroyed.
2. If plants or plant by-products are imported in such a poor or damaged state that clinical inspection deems unfeasible, they must be destroyed immediately.

Article 72

(Entry without authorisation for commercial importation)

1. When any item enters without authorisation for importation of commercial goods, under the terms of economic or applicable commercial legislation, the owner of such item, or his/her representative, must be given an opportunity to present the missing documents within seven days of the arrival of such item.
2. On expiry of the period referred to in the previous number without presentation of the missing documents, the item must be destroyed.

Article 73

(Prohibitions)

1. The DSQ must not authorise the import of any item proceeding or originating from a Country of areas undergoing an occurrence of pests or diseases the subject of quarantine or which are listed in CITES – Convention on International Trade In Endangered Species (of wild fauna & flora).
2. Without obstructing the disposition of the previous number, the import of an item carrying pests or diseases destined for scientific research in a governmental laboratory might however be allowed, if all the necessary measures for its sanitary safety have been taken.

**SECTION II
REFUSAL FOR ENTRY OF ANIMALS AND PLANTS**

**Article 74
(Refusal for entry of animals and plants arriving by sea)**

If, during the inspection on board a maritime means of transport before docking, the item is suspected of being infected by disease or pests the subject of quarantine control in List A or Category I, or when such item originates from a Country or area in which there is an outbreak of disease liable for quarantine, the following are observed:

- a) In the case of item entering from overseas, its entry will be refused and it will not be authorised to unload, and the means of transport must leave the port as soon as possible;
- b) When dealing with an item entering from another district, proceeding or originating from another district of the national territory, the item must be destroyed.

**Article 75
(Refusal of entry for animals and plants arriving by air)**

If, during the course of inspection on board the aircraft, the item is suspected of being infected by a quarantine List A disease or by Category I pests, subject to quarantine control, or when the item originates from a Country or area in which there is an outbreak of the disease or pests subject to quarantine control, the following are observed:

- a) In the case of an item entering from overseas, its entry will be refused and will not be permitted to unload, and the aircraft must leave the airport immediately;
- b) When dealing with the entry of an item from a district, proceeding or originating from another district of the national territory, the item should be unloaded and taken to a place considered safe by the veterinarian or phytosanitary technician, where it must be destroyed if the pests or disease are still non-existent at the reception place of the item, which should be treated according to guidelines for the control of infectious pests and diseases prevailing at that place, and the aircraft must be submitted for disinfection.
- c) If during the course of an inspection on board the aircraft, the item does not demonstrate signs of a quarantine List A disease or Category I pests and there have been no deaths due to a List A disease or Category I and the item does not originate from a Country or area in which there is an outbreak of List A disease or Category I pests and the species, as well as the amount of the item is the same as that mentioned in the accompanying documents, the item, after being declared free of ectoparasites, can be unloaded.

**Article 76
(Given destination of the item)**

To verify the presupposition in line c) of the previous article, the item must be:

- a) Directly on the way to quarantine facilities by order of a veterinary or phytosanitary official in order to be subjected to additional quarantine measures, if the item has to be subjected to quarantine under the terms of the present regulation;
- b) Directly on the way to being slaughtered, in the case of animals, after issuing the owner with an entry certificate, first notifying the veterinary service;
- c) Release after issuing the owner with an entry certificate.

**Article 77
(Behaviour during quarantine)**

1. On arrival at the facilities referred to in line a) of the previous article, the plants and animals should be put together in a confined area.
2. During such time that the plants or animals are in quarantine, they must be observed for possible outbreaks of pests or diseases requiring quarantine.
3. If any Category I pest for quarantine is detected in the facilities, all the plants must be destroyed.
4. If any List A disease is detected in the facilities, all the animals must be destroyed.
5. If any quarantine disease from List B or pest from Category II appears, the following are observed:
 - a) In the case of animals imported from overseas or proceeding from one national territorial district to another, the dead animals must be destroyed and the infected animals must be separated and treated according to directives for the treatment of infectious diseases until they are considered incapable of disseminating diseases;
 - b) In the case of plants imported from overseas or proceeding from one national territorial district to another, if the plants are infected they must be separated from the others and must be treated according to directives for the treatment of pests, until they are considered incapable of propagating further pests.
6. If, at the end of the quarantine period, the phytosanitary officer or the veterinarian, accordingly, is convinced that the plant or animal is free of quarantine pests or diseases, the plant or animal must be released, after the respective owner has paid the eventual fees and costs.

**Article 78
(Inspection on board the means of transport)**

The animal or plant products are not allowed entry into the Country or will be destroyed in the area or port or airport facilities if, during the inspection such materials or products, it is evident that:

- a) The amount is uncertain;
- b) The shipment was contaminated or appears to have been changed in such a way that puts human or animal health into danger, as well as the health of the plants.
- c) The shipment originates from a Country or area from which the entrance of the animal or plant products is prohibited or in which there is an outbreak of a List A disease or Category I pests.

**Article 79
(Inspection in the area of the maritime port or the airport)**

1. If it is impossible to carry out the inspection on board the means of transport, it will be performed in the port or airport area, in the facilities or temporary facilities and if considered

necessary a laboratory test must be undertaken, with the animal or plant products being detained in the referred places while awaiting the results.

2. An inspector must supervise the transport of the products referred in the previous number to the facilities, in order to carry out the inspection.

Article 80
(Port of call in case of emergency)

1. In cases of emergency, if a vessel or aircraft transporting animals, plants or animal or plant products, makes a port of call or lands at an airport that is not indicated as the entry port or airport, the captain of the vessel or aircraft must communicate the fact, immediately, to the nearest quarantine officer or the local government.
2. The officer referred to in the previous number must immediately inform the Director of the matter.
3. Animals, plants or animal or plant products and other articles or matter that has come into contact with them may not unloaded or leave the vicinity of the emergency port of call until they have been inspected and released by the designated veterinarian or phytosanitary officer.
4. If, in the case of an emergency port of call in a port or airport, the means of transport is unable to continue its journey, the animals, plants and animal and plant products must be submitted for treatment, in accordance with applicable rules of entry into the area of such items.

SECTION III
IMPORT OF SEEDS

Article 81
(Importation of seeds)

The import of seeds is classified into three groups:

- a) Exotic seeds which are prohibited for import;
- b) Seeds with restricted import;
- c) Seeds with no import restrictions.

Article 82
(Prohibited importation of seeds)

It is prohibited to import into the national territory exotic seeds as listed by Ministerial Order.

**Article 83
(Restricted importation of seeds)**

1. The importation of the following species of seeds is subject to import authorisation:
 - a) Rice
 - b) Maize
 - c) Coffee
 - d) Cassava
 - e) Bananas
 - f) Citrus fruit
 - g) Mangoes
 - h) Coconut
 - i) *Phaseolus vulgaris* [kidney beans]
 - j) *Vigna* spp [black eyed bean]
 - k) Garlic
 - l) Onions
 - m) Common [Irish] potatoes
 - n) Pineapples
 - o) Avocados
2. The importation of seeds referred in the previous number is subject to importation authorisation and phytosanitary certification.
3. Entry into the national territory must be refused for any seeds with restricted importation that are imported without the documents referred in the previous number.

**Article 84
(Unrestricted seeds)**

Any specie of seeds that is not included in the categories indicated in the two previous articles can be freely imported, not needing importation authorisation and phytosanitary certification, without prejudice to conditions demanded by specific regulations.

**Article 85
(Specific regulations)**

The conditions and procedures for importation, export and movement between districts for seeds with restricted importation and for unrestricted importation are established in specific regulations.

**SECTION IV
POST IMPORT QUARANTINE**

**Article 86
(Subjection to quarantine)**

Any item that is a potential carrier of pests or diseases the subject of quarantine, imported from outside, must be subjected to quarantine control as foreseen in the present General Regulations and further applicable legislation within facilities approved by the exporting Country.

**Article 87
(Periods of quarantine)**

1. The periods of post importation quarantine are as follows:
 - a) In the case of animals, the period of quarantine is a minimum of 14 days, depending on the type of animal being imported, as stipulated in the authorization for sanitary importation;
 - b) In the case of plants, the period of quarantine is a minimum of 21 days, depending on the type of plant being imported, as stipulated in the authorization for sanitary importation;
 - c) In the case of animals and plants moved from one national territory to another, the period of quarantine in the despatching district is a minimum of 10 days, plus four days in the destined district.
2. The periods established in the previous number may be altered by the Minister by Ministerial Order, based on a DSQ proposal.

**Article 88
(Release)**

After importation, the item may be released and declared free of quarantine control if accompanied by documents complying with the present General Regulations and further applicable legislation, and if:

- a) In the case of animals or plants, after inspection and observation during the quarantine period, they are considered as being sound and free of pests or diseases requiring quarantine;
- b) In the case of animal or plant matter or by-products, after inspection, the containers and seals are considered to be intact, sound and free from pests and diseases;
- c) In the case of pathological or biological substances, as well as other matter which is a potential disseminator of pests and diseases susceptible to quarantine, the respective containers are considered to be in good condition and are hermetically sealed such that pests and diseases cannot be disseminated.

**Article 89
(Infected animal or plant)**

If, during the course of clinical inspection, it is verified that the animals or plants are infected with a List A disease or a Category I pest respectively, the animals or the plants must be destroyed and, according to the case, the services responsible for the livestock or the plants must be informed of the fact.

**Article 90
(Suspicion of infection)**

1. If there are animals or plants suspected of being infected with a quarantine disease from List B or Category II accordingly, such animals or plants must be isolated and may not be allowed to leave the facilities and, after treatment which complies with controlling directives, must be returned to their owner.

2. The remaining animals and plants must be detained for re-observation and if necessary, treatment, until it is considered they are not a source of infectious diseases or pests.

**Article 91
(Animal in difficulties)**

If there are animals in a condition that prevents their departure, for reasons other than quarantine, such animals must be removed from the facilities and returned to their owner.

**Article 92
(Animals in good health)**

If the quarantine veterinarian is of the opinion that the animal to be transported is of good health and the means of transport is equipped with space, food and drinking water and sufficient medications, he may allow the embarkation of the animal and the zoosanitary certificate should be sent, witnessed, once the fees and costs foreseen in the present General Regulations and further applicable legislation have been paid by the owner, that the animal is in good health and fulfils the requirements of the Country of the area of importation.

**Article 93
(Animals or plants transported under the supervision of an inspector)**

Animals or plants being transported from a facility to the means of transport that will take them directly to the destined Country or area must not, en route, be allowed to disembark, nor may they be mixed or exchanged for any other animals or plants.

**Article 94
(Plant matter for propagation)**

The present Chapter equally applies to plant matter for propagation.

**CHAPTER III
EXPORT**

**SECTION I
GENERAL CONDITIONS**

**SUBSECTION I
GENERAL DISPOSTIONS**

**Article 95
(Requirements of the importing country)**

1. The export of any animal or plant or by-product from the national territory must observe the rules of the present General Regulations and further applicable legislation, as well as legislation and requirements of the importing country.
2. No animal or plant or by-product must be released for export until all requirements and conditions for quarantine demanded by the importing country have been fulfilled.

Article 96
(Veterinary or phytosanitary inspection and treatment)

1. As a general requirement, all animals and plants for export must be inspected by an official veterinarian or phytosanitary officer at least once during pre-export quarantine or, when dealing with day old chicks, immediately before export.
2. When submitting animals and plants for pre-export quarantine, the first inspection must have taken place immediately after their arrival at the pre-export quarantine facilities, and the last must happen within 24 hours prior to their leaving the quarantine facilities for the port of export.
3. All animals and plants must be treated against external and internal parasites.

SUBSECTION II
APPLICATION FOR AUTHORISATION

Article 97
(Application for export authorisation)

The owner of any item subject to quarantine control and destined for export must submit the respective application to the Directorate of Quarantine Service, under the terms of the present General Regulations.

Article 98
(Documents accompanying the application)

1. The application for export must be accompanied by the following documents:
 - a) Certificate of origin, sent by the local livestock department, stating that:
 - (i) The referred plants or animals originate from an area known to be free from quarantine pests or diseases;
 - (ii) By-products of animals that originate from an area, or derived from animals, are free of Quarantine List A diseases or Category I pests, according to the case.
 - b) Where appropriate, authorisation for export of the goods destined to be exported, under the terms of applicable commercial legislation.
2. If the requirements foreseen in line a) of the previous number are not fulfilled the application is rejected.
3. Where the provisions of line b) N^o 1 of the present article are not fulfilled, the animals, plants or their derived by-products are not permitted entry into the facilities and the owner must deliver the authorisation for export within 24 hours of the animals' or by-products' embarkation.
4. In the case of non-delivery of authorisation for commercial export in the stipulated period as per the previous number, the animals or their by-products cannot be exported but must leave the facilities and be returned to the owner.
5. Authorisation for sanitary export complies with that approved by Ministerial Order.

**SUBSECTION III
REQUIREMENTS AND CONDITIONS**

**Article 99
(Export requirements)**

1. Without prejudice to the applicable specific regime of certain items, as foreseen by specific regulations, the export of any item subject to quarantine must be obeyed in the following requirements:
 - a) The item must be accompanied by:
 - (i) Phyto- or zoosanitary certification;
 - (ii) Certificate of origin stating that the referred item originates from an area known to be free of quarantine List A or Category I diseases or pests, accordingly, stating that the animal was slaughtered in an approved abattoir, and for plants, stating that the legal requirements of the importing Country have been fulfilled;
 - (iii) Authorisation for export for goods destined to be exported, under the terms of applicable commercial legislation.
 - b) Export must be made through one of the designated points of export;
 - c) The designated quarantine officer at the export post should be notified by the exporter or his agent with at least 48 hours notice in order to carry out quarantine measures.
2. The item must be submitted to the official veterinarian or phytosanitary officer for quarantine before its shipment.

**Article 100
(Special requirements)**

The items destined for export must:

- a) Originate from an area free from quarantine pests or diseases from List A or Category I according to the case;
- b) Originate from an area or animals or plants free from List A or Category I diseases or pests, and for animal by-products, prove that the animals have been slaughtered in an approved abattoir.

**Article 101
(Prohibitions)**

The DSQ may not authorise the export of any item originating from any area in which there is an occurrence of pests or diseases susceptible for quarantine or which are listed in CITES – Convention on International Trade In Endangered Species (of wild fauna & flora).

**Article 102
(Export and relocation applications)**

The rules of the present General Regulations on the application for authorisation for sanitary import are also applied, with the necessary adaptations, to the export from one national territory to another, as well as for the relocation of any item from one sanitary district to another of the national territory.

**SECTION IV
PRE-EXPORT QUARANTINE**

**Article 103
(Subjection for quarantine)**

Any item subject to quarantine control, for export outside the Country or to be relocated from one district to another of the national territory, must be subjected to quarantine control foreseen by the present General Regulations and further applicable legislation.

**Article 104
(Periods of quarantine)**

The periods of quarantine for the export of any item are defined by legislation of the importing country.

**Article 105
(Inspection)**

1. Any item the subject of quarantine and destined for export or relocation from one district to another of the national territory must be submitted for veterinarian or phytosanitary inspection before its embarkation.
2. The inspection referred to in the previous number must find out that:
 - a) The documents required by the present General Regulations conform to legislation of the importing Country and other applicable legislation;
 - b) Verification that the containers and their seals are intact.

**Article 106
(Diagnostic test)**

In order to confirm the inspection result, a diagnostic test must be administered in the quarantine laboratory or in another approved laboratory nearby, upon request of the official veterinarian, phytosanitary officer or other designated inspector.

**Article 107
(Time of day to perform the inspections)**

The inspection of any item must be made during the day, between sunrise and sunset, except in cases where, dictated by circumstances, the official veterinarian, phytosanitary officer or inspector considers that such inspection should take place at night.

**Article 108
(Release of the item for export)**

The item is declared free from quarantine and its export authorised in the following conditions:

- a) If accompanied by the required documents, as foreseen by the present General Regulations and by regulations of the importing country;

- b) In the case of animals and plants, if after inspection and observation during the quarantine period, it is considered that they are free of quarantine pests and diseases;
- c) In the case of animal or plant by-products, if after inspection the containers and seals are considered to be hermetically sealed, sound and free of pests and diseases;
- d) In the case of pathological or biological substances, as well as other matter which could disseminate pests and diseases susceptible to quarantine, if upon inspection, they are considered as being in good condition and the respective containers are hermetically sealed in such a way as to prevent the dissemination of pests or diseases.

Article 109
(Infected animals or plants)

If during the course of clinical inspection the animals or plants are found to be infected with either a quarantine List A disease or a Category I pest according to the case, the animal or plant must be destroyed and the relevant responsible services for livestock or plants must be informed of the fact.

Article 110
(Suspected infected animal)

1. If there are animals or plants suspected of being infected with a disease or pest for quarantine in List B or Category II, such items must be isolated and not authorised to leave the facilities and, after their treatment according to control guidelines, must be returned to their owner.
2. The other items must continue to be detained for observation and, if necessary, treatment until they are considered not to be a source of infectious diseases.

Article 111
(Animal in difficulties)

If there are animals in such poor conditions that it is impossible for their departure, for reasons other than quarantine, such animals must be kept back in the facilities and returned to their owner.

Article 112
(Animals in good health)

If the quarantine veterinarian decides that the animals to be transported are in good health and there is space, food, drinking water and sufficient medications on board the means of transport, he must allow embarkation of the animals and the respective zoosanitary certificate must be issued, stating that the animals are in good health and that the requirements of the country or area of importation are fulfilled.

Article 113
(Animals transported under the supervision of an inspector)

Animals or plants to be transported from the facilities by a means of transport that takes them directly to the destined country or area must not, en route, be authorised to disembark, nor must they be mixed or exchanged with other animals, and their passage to the means of transport must be supervised by a quarantine inspector.

**Article 114
(Export of animal and plant by-products)**

1. The clinical inspection of animal or plant by-products for export must be executed within the port or airport area, including:
 - a) The required documentation;
 - b) Verification that the containers and the seals are intact.
2. If the inspection referred to in the previous number cannot be carried out in the port or airport area, it must be performed in facilities or designated temporary facilities by the DSQ.
3. If the inspection is performed outside of the port or airport area, the transport of the animal by-product from the place of inspection to the means of transport must be made under the supervision of an inspector.
4. If the requirements foreseen by law in relation to the time scale for delivering the documentation that must accompany the application were fulfilled and the animal or plant by-products have been submitted for quarantine measures as demanded by the importing country and declared sound, their shipment will be authorised depending on the phyto- or zoosanitary certificate, accordingly, issued to the owner after he/she has fulfilled his/her obligations relating to costs and fees, foreseen in the present General Regulations and other applicable legislation, as well as any obligations for damages arising in the facilities during the execution of quarantine measures as referred in the previous article.

**CHAPTER IV
MOVEMENT OF ITEMS FROM ONE DISTRICT TO ANOTHER**

**Article 115
(Requirements)**

Unless established by other specific regulations on certain items, any item subject to quarantine control being relocated from one sanitary district to another of the national territory should:

- a) Be accompanied by a phyto- or zoosanitary certificate, according to the case;
- b) Enter and depart through the designated entry and exit posts;
- c) Be notified to the designated quarantine officer in the place of entry and exit.

**Article 116
(Redemption)**

The importation and export of items foreseen in the General Regulations is applied, with the necessary adaptations, to the relocation of an item from one district to another of the national territory.

**CHAPTER V
OTHER ITEMS**

**SECTION I
GENERAL RULES**

**Article 117
(Special regime)**

The import, export or movement from one sanitary district of the national territory to another for used agricultural and mining machinery, used vehicles, tree trunks, wood and wooden products, fresh fruit, fresh vegetables, as well as cut flowers and soils are subject to a special regime foreseen in this Chapter. The general requirements and conditions foreseen in these General Regulations are not applicable to them.

**SECTION II
IMPORTATION OF SOIL**

Article 118

The importation of soil into the national territory or movement of soil from one sanitary district to another of the national territory is prohibited.

**SECTION III
IMPORTATION OF FRESH FRUITS AND VEGETABLES**

**Article 119
(Importation of fresh fruit and vegetables)**

1. Any fresh fruit or fresh vegetables imported into the national territory or moved from one sanitary district to another must be accompanied by a phyto-sanitary certificate issued by the country of origin or district of origin, under the terms of the present General Regulations, with the following declaration:
“It is declared that the plants or by-products described above have been inspected according to proper procedures and are free from pests and are considered as having fulfilled the regulations of the importing country or sanitary region.”
2. The shipments of any item referred to in the previous number that, on the way to the national territory or from one sanitary district to another, if entering the territory of a third country, must be consolidated and kept together in insect-proof containers, such as cartons wrapped in plastic or in nets.
3. If the shipments of any items referred to in N^o 1 of the present article are broken open before arriving in the national territory, thus exposing the item to possible insect attack and contamination, the phytosanitary certificate from the country of origin is invalid and a new phytosanitary certificate must be obtained from the relevant authorities in the country where the item was exposed to insect attack or contamination before its arrival in the national territory.

4. Phytosanitary certificates issued by the initial country of origin or by the sanitary district and the country of transit must be presented to the DSQ quarantine services for inspection.

Article 120
(Specific regulations)

The conditions and procedures of importation or relocation between districts of any item as referred in the previous article are defined in specific regulations.

SECTION IV
TREE TRUNKS, WOOD AND WOODEN PRODUCTS

Article 121
(Import and export of wooden products)

The import, export or relocation between districts of tree trunks, wood and wooden products are subject to the following requirements:

- a) Fumigation certificate issued by the exporting country;
- b) Inspection on arrival at the national territory of the sanitary district of importation;
- c) Export authorisation if required by the sanitary regulations of the importing country;
- d) Import authorisation when importing into the national territory.

Article 122
(Specific regulations)

The conditions and procedures for import, export or relocation between districts of any item as referred in the previous article are established in specific regulations.

SECTION V
CUT FLOWERS

Article 123
(Importation of cut flowers)

1. The importation of cut flowers is subject to various restrictions.
2. The conditions, requirements, procedures and the species of flowers that may be imported are defined in specific regulations.

Article 124
(Movement of cut flowers between districts)

The rules of the previous article are applied to the movement of cut flowers between districts of the national territory.

**SECTION VI
USED MACHINERY AND VEHICLES**

**Article 125
(Import, export or relocation)**

The import, export or movement from one district to another of the national territory of used agricultural or mining machinery and other vehicles are subject to inspection.

**Article 126
(Special regulation)**

The conditions and procedures for the importation, export and relocation from one district to another of the national territory of used agricultural and mining machinery and used vehicles are defined in specific regulations.

**SECTION VII
SANITARY INSPECTION OF VESSELS AND AIRCRAFT**

**Article 127
(Regime for quarantine)**

1. The sanitary inspection of vessels and aircraft, making international journeys, and anchored in the national ports or airports or moved from one district to another of the national territory is subject to quarantine controls, as per Ministerial Order approved format and the present General Regulations, together with specific regulations and other applicable legislation.
2. Unless such procedures have been waived, the release of the vessels referred to in the previous number is subject to rodent control procedures, as per the Release Certificate issued in a format approved by Ministerial Order.
3. The release of the vessel or aircraft under quarantine is made following certification in a form approved by Ministerial Order.
4. The quarantine inspection of vessels is preceded by notification by the DSQ, as per Ministerial Order approved format.
5. The forms referred to in the present article are used with necessary adaptations for aircraft.

**Article 128
(Specific regulations)**

The procedures for sanitary control of vessels and aircraft making international journeys, which are anchored in the national ports and airports or moving from one sanitary district to another of the national territory are defined in specific regulations.

**SECTION VIII
SANITARY INSPECTION OF VEHICLES CROSSING THE
TERRITORIAL BORDERS**

**Article 129
(Vehicles)**

Vehicles with national or foreign number plates, entering from a foreigner national territory, via the terrestrial borders, are subject to quarantine control, as per Ministerial Order approved format and the present General Regulations, with specific regulations and other applicable legislation.

**Article 130
(Specific regulations)**

The procedure for sanitary control of vehicles as referred to in the previous article is defined in specific regulations.

**TITLE III
VIOLATIONS AND SANCTIONS**

**CHAPTER I
VIOLATIONS**

**SECTION I
INFRINGEMENTS**

**Article 131
(Violations)**

1. The following constitute an infringement to the present General Regulations and are punishable by fine.
 - a) Import of items without a phyto- or zoosanitary certificate, when it is required;
 - b) Import of items without authorisation for importation, when it is required;
 - c) Import of items without documents required by the present General Regulations or other applicable legislation;
 - d) Import through a non authorised entry post;
 - e) Movement of items from one sanitary district of the national territory to another without phyto- or zoosanitary certification when they are required;
 - f) Export of items without the required zoosanitary or phytosanitary certificates.
 - g) Violation of rules of transit by items through the national territory;
 - h) False declaration with the intention of deceiving the sanitary authorities;
 - i) Fake certification or that issued by an unauthorised body, or fraudulently adulterated phyto- or zoosanitary certificates;
 - j) Fake certification or that issued by an unauthorised body, or fraudulently adulterated import certificate or any document required under the terms of the present General Regulations;

- k) Unauthorised erasures in the phyto- or zoosanitary certificate, the import certificate, certificate of origin or any other necessary document for the sanitary disembarkation;
 - l) Non prior notification to the quarantine service for importing or exporting items subject to quarantine, when it should be made under the terms of the present General Regulations;
 - m) Non observance of obligations of the ship's captain or the aircraft's commandant under the terms of the present General Regulations and of specific regulations.
2. Without prejudicing the application of penalties, the violations referred to in the previous number may be equally punishable by secondary measures, under the terms of the present General Regulations and of general law.
 3. Penalties are imposed without prejudicing the legal fines that might eventually be punishable by penal sanctions that are in place under the terms of criminal legislation.
 4. The penalties and secondary sanctions are applied by the Director of the Quarantine Service.

Article 132
(Person responsible for the violations)

Among those answering for violations are:

- a) Individuals or collective bodies who committed them;
- b) The donor of an imported, exported or relocated item in violation of present General Regulations and other applicable legislation.

SECTION II
PROCEDURES

SUBSECTION 1
NOTIFICATION

Article 133
(Notification and proceedings)

1. Officers invested with the powers of inspection and notification who, in carrying out their duties, witness any violation to the present General Regulations and other applicable legislation, must give notification stating all the facts that it comprises, indicate the day, hour, the place and the circumstances in which it was committed and identify the offender and the owner of the imported, exported or relocated item.
2. The Government officer can determine measures of apprehension or other measures of quarantine foreseen by the present General Regulations and further applicable legislation.
3. The summons or proceedings is signed by the officer who raised it, by two witnesses, if any, and by the offender, if he agrees to the signing, to whom a copy must be given.

**Article 134
(Value of summons)**

1. The summons or proceedings prepared according to N° 1 of the previous article releases the investigation and must be presented to the relevant body to apply the penalty, within 24 hours.
2. The previous number does not hinder the authorising body, according to its own decision, to order an investigation for an inquiry of all relevant facts and circumstances involving the violation before deciding on the punishment.

**SUBSECTION II
INVESTIGATION**

**Article 135
(Investigation)**

1. Having the need to proceed to complementary investigation to try to find out the truth of the facts, if these were not however determined in the phase foreseen by N° 1 of article 133, the investigation begins with the notification.
2. Besides the witnesses, declarations, expert opinion and other things foreseen by law, can be admitted as evidence.
3. The non attendance in court of the alleged offender to render declarations does not impede the proceedings and the application of sanctions established in the present General Regulations.
4. The offender can be represented in the proceedings by a lawyer.

**Article 136
(Intention of investigation)**

The investigation of acts punishable under the terms of the present General Regulations and further applicable legislation, understands namely:

- a) The authentication of reports or information on punishable acts;
- b) The person's summons to testify in the investigation, either as the alleged offender, or as a witness;
- c) The search and apprehension of any object that serves as evidence of a punishable act, under terms permitted by the present law;
- d) The application for information and material evidence relating to the punishable act;
- e) Compilation and signature of the official reports.

**Article 137
(Period of instruction)**

Having set the instruction for the investigation process, the maximum period for its effect is of 5 days, counted from the reception of notification by the instructed body.

**Article 138
(Powers of the instruction process)**

Without prejudicing forthcoming rules in regulations and further applicable legislation, the DSQ has the responsibility to proceed to the investigation and instruction of the legal proceedings of contra-laws for the violations to the present General Regulation.

**Article 139
(Contents of the legal proceedings)**

Having prepared the notification or concluding instructions, when there is opportunity, the legal proceedings are presented to the relevant authority for applying penalties, the proceedings indicating the circumstances in which the violation was committed, the possible appropriate penalty and the penalty which should actually be fixed.

**Article 140
(Decision)**

The offender must be notified of the decision taken on the lawsuit and, if the domicile is unknown, the same must be notified by an announcement affixed to the door of the building where the entity imposing the punishment works.

**SECTION III
APPEAL**

**Article 141
(Appeal)**

1. The final decisions that apply fines and other measures of punishment are contestable by appeal, under the terms of the law.
2. The services of a lawyer are obligatory in appeals.

**CHAPTER II
SANCTIONS**

**Article 142
(Amount of fines)**

1. The contra-regulations foreseen by N^o 1 of article 131 are punishable with a fine, the minimum being US\$100 (One hundred US dollars) and the maximum of US\$50,000 (fifty thousand US dollars).
2. The fines are not convertible to prison sentences.

**Article 143
(Additional punishments)**

1. Without prejudice to the fines and other enforced sanctions, additional measures may be cumulatively imposed, in accordance with the law and the gravity of the violation to the

present General Regulations and other applicable legislation, resulting in the suspension for a period of one to two years of the authorisations, licences or permits.

2. Reoccurrence always carries the imposition of additional measures of punishment.

Article 144
(Payment of fines, taxes and costs)

1. Release of any item that has been imported or is being exported or moved between sanitary districts should only take place after payment by the person or persons, donor or owner of the referred item, of the overdue taxes and costs or the imposed fines.
2. Non payment of taxes, costs and fines gives rise to the detention of the item, without prejudicing the execution of measures for covering debts as per the law.

Article 145
(Reoccurrence)

1. It is a reoccurrence when, in the twelve months prior to the application of a sanction for carrying out an offence, the offender commits another violation, the same, or of equal or more seriousness.
2. In the case of a reoccurrence, the minimum and maximum limits of fines and appropriate additional measures are doubled.

Article 146
(Scale of applicable measures)

1. When determining what sanctions to apply, it should be take into consideration the damage or threat of damage caused by the violation, the degree of intention or negligence with which it was committed, the economic situation of the offender, technical and economic characteristics of the violation, the estimated benefit that the actor of the violation removed or might have removed from its practice and any other relevant circumstances.
2. Re-offence and accumulation of violations are, among others, aggravated circumstances.
3. The disposition of the previous number does not prejudice the application of additional punishment under the terms of the present General Regulations and other applicable legislation.

Article 147
(Payment of fines)

1. The fine is paid in the national currency.
2. Fines for violations to the present General Regulations and other applicable legislation must be paid within a maximum period of 24 hours of their being placed.
3. The timescale established in the previous number may be deferred for an equal period by the body that fixes the fine, but no more than one year.
4. They are free during the time of non payment of fines.

**Article 148
(Precept)**

Administrative proceedings for the application of fines and additional punishments are fixed at a period of one year, counting from the date of the violation.

**TITLE IV
FINAL AND TRANSITORY RULES**

**Article 149
(Exception for academic institutions)**

In spite of import restrictions and prohibitions on certain stated items in the present General Regulations, the importation of plants and animals or plant or animal products susceptible to quarantine, as well as other items, for educational purposes, scientific or laboratorial research is permitted, with exceptional title, since the laboratories or the State scientific or educational institutions or those controlled by the State are guaranteed the necessary measures for sanitary safety.

**Article 150
(Quarantine Service Emblem)**

The quarantine services emblem is approved by Ministerial Order.

**Article 151
(Language of documents)**

1. Authorisations, forms and other documents issued by the DSQ must be set out in one of the Country's two official languages.
2. Without prejudice to the disposition of the previous number, the documents referred therein must be accompanied by a translation in the English language, authenticated by the DSQ.

**Article 152
(Consent by Ministerial Order)**

In the present General Regulations, besides the redemptions specifically made to that effect, the following are approved by Ministerial Order:

- a) Lists of diseases in List A and List B as referred, respectively, in lines f) and m) of N° 2 of article 1;
- b) Lists of pests in Category I as referred to in article 1, N° 2, line j);
- c) Lists of pests in Category II as referred to in article 1 N° 2, line k).

**Article 153
(Revocation of previous legislation)**

All previous or subsidiary legislation that contradicts the rules of the present decree is revoked, however the rules of previous law relative to specific regulations, remain in force until the entry into force of new orders that cover the corresponding matters.

Article 154
(Preparation of specific regulations)

1. The Minister will make arrangements for the timely elaboration of the specific regulations necessary for the proficient execution of the present order.
2. Specific regulations referred to in the previous number will be approved by Government Decree.
3. Relative punctual questions to the execution of the present General Regulations and further applicable legislation will be regulated by Ministerial Order.

Article 155
(Entry into force)

The present law enters into force a fortnight (15 days) after its publication.
Approved by the Council of Ministers on the 4th day of August 2006

It is declared by:
The Prime Minister
Jose Ramos-Horta

The Minister of Agriculture, Forestry and Fisheries
Estanislau Aleixo da Silva