



DEMOCRATIC REPUBLIC OF TIMOR-LESTE

THE GOVERNMENT

Decree-Law No. 21/2003

of 31st December 2003

Quarantine and Sanitary Control on Imported and Exported Goods

To a great extent the Democratic Republic of Timor-Leste has been spared from the introduction, establishment and spread of exotic diseases and pests inside its territory. This is due to centuries of the country having relative isolation from the rest of the world and historically has experienced a low level of international commercial exchange and movement of people beyond its borders.

While on the one hand isolation has been preventing the Democratic Republic of Timor-Leste from fully integrating itself into the global trade and restricting the movement of people from and into its territory, on the other, isolation has made a positive effect on the preservation of Timor-Leste's flora and fauna as these have rarely been affected by exotic diseases and pests.

Consequential factors arising from the dynamics of independence which are necessary for the development of the country, and the resultant vast increase in the movement of people and goods from the outside world, will increasingly expose the national territory, including its flora and fauna, to the danger of new diseases and pests carrying the potential for irreparable harm to public health, as well as to the national animal and plant heritage, the environment and the economy of the country.

There is therefore an urgent need to adopt legislative measures establishing effective sanitary control and quarantine mechanisms for the import and export of goods as well as for the movement of people and goods, ships, aircraft and motor vehicles as they interact with the outside world, thereby protecting the environmental conditions of the country and its flora and fauna from non-endogenous pathogenic agents.

Thus, considering the need to take measures aimed at protecting the country from exotic diseases and pests and to protect its population as well as the animal and plant heritage

from communicable diseases through plants and animals or their by-products imported from abroad;

In accordance with article 115.1 of the Constitution of the Democratic Republic of Timor-Leste, the Government decrees the following, which shall have the force of law:

CHAPTER I GENERAL PROVISIONS

Article 1 Definitions

For the purposes of the present statute and other applicable regulations the following shall mean:

- a) “Area” - a country, a part of a country, or all or parts of several countries;
- b) “Pest” - any organism, focus, or biotype of a plant or animal, or any pathogenic agent harmful to plants or to plant products;
- c) “Entry of a pest” - the displacement of a pest to an area wherein its presence had not been previously established;
- d) “Establishment” - the perpetuation over time of the presence of a disease or pest in an area after its entry into that area;
- e) “FAO” - the Food and Agriculture Organisation;
- f) “OIE” - the International Office for Epizootic Diseases;
- g) “Area free from pests” - an area wherein there is no occurrence of a specific pest(s) as demonstrated by scientific proof;
- h) “Animal product” - any part of an animal, an animal product, or a product made from an animal product or from a part of an animal;
- i) “Plant product” - any part of a plant, a plant product, or a product made from a plant product or from a part of a plant;
- j) “Animal by-product” - any product deriving from an animal;
- k) “Plant by-product” - any product deriving from a plant;
- l) “Manure” - animal excrements utilised as soil fertilisers;
- m) “National maritime waters” - the coastal maritime waters, the territorial sea and the exclusive economic zone;
- n) “Sanitary control” - the phytosanitary and/or zoosanitary control, including physical and documental control;
- o) “Inspection” - the official visual examination of animals, plant products, their derivatives or other items with the objective of establishing the existence of diseases or pests and/or determining compliance with the conditions and requirements demanded by the legislation on phyto- and zoosanitary control;
- p) “Legislation” - any law, order, regulation, directive, instruction or other administrative measure issued by the relevant authorities;
- q) “Pest risk assessment” - the determination of whether a pest is susceptible to quarantine and the assessment of the potentiality of its introduction in the country;

- r) “Beef meal” - the product obtained by the heating, drying and grinding of all or part of warm-blooded land animals, wherein the flesh may have been partially extracted or separated by physical processes;
- s) “Bone meal” - the product obtained by the drying, heating and the fine grinding of bones of warm-blooded land animals wherein the greater part of the flesh was extracted or separated by physical processes;
- t) “Blood meal” - the product obtained by drying the blood of slaughtered warm-blooded animals;
- u) “Poultry meal” - the product obtained by the heating, drying and grinding by-products derived from the slaughtering of fowl;
- v) “Animal fats” - the product made up of fats from warm-blooded land animals;
- w) “Directorate of Quarantine Services” - the service of the Ministry of Agriculture, Forestry and Fisheries that deals with the issues relating to the monitoring of the implementation and compliance with laws and regulations applicable to phyto- and zoosanitary control and quarantine;
- x) “Cargo” - any object, goods or merchandise, including live animals, live plants as well as animal and plant products that are transported aboard ships, aircraft or vehicles;
- y) “Quarantine” - the holding of animals or plants in total isolation and without any contact with other animals or plants with the objective of submitting them to prolonged observation and to test controls relating to diseases or pests;
- z) “Quarantine regime” - the detention of animals or plants in complete isolation and without any contact with other animals or plants with the objective of submitting them to prolonged observation and to test controls relating to diseases or pests or to sanitary inspection, control or treatment;
- aa) “Pre-Export Quarantine” - the procedure of isolating from other animals or plants the animals or plants to be exported that are infected or susceptible of being infected, with the objective of reducing the risk of transmitting diseases or pests, while simultaneously offering an opportunity for a more rigorous observation, veterinary and phytosanitary inspection as well as for a diagnosis and treatment of diseases or pests, with a view to detecting and curing short-lived infections, thereby minimising the risk of exporting infected animals or plants;
- bb) “Post-Import Quarantine” - the procedure of isolating from other animals or plants recently arrived imported animals or plants into the country with the objective of reducing the risk of transmitting diseases or pests while simultaneously offering an opportunity for a more rigorous observation, veterinary and phytosanitary inspection as well as for a diagnosis and treatment of diseases or pests, with a view to detecting and curing short-lived diseases, reducing the possibility of disease or pest transmitting agents which may remain undetected prior to releasing post-import quarantined animals or plants, thereby minimising the risk of releasing infected animals or plants;
- cc) “Diagnostic analysis” - the analysis aimed at detecting diseases in asymptomatic infected animals, or at detecting pests in plants, with a view to reducing the risk of transmitting diseases or pests;

- dd) “Vaccination” - the vaccination against specific agents with a view to reducing the risk of animals originating from infected regions or countries becoming infected and/or showing signs of diseases;
- ee) “Treatment” - the officially authorised treatment procedure aimed at eliminating or reducing the pathogenic load of disease-transmitting agents, thereby reducing the risk of animals and plants originating from other regions or countries becoming infected and/or showing signs of diseases;
- ff) “Veterinary inspection” - the procedure aimed at reducing the probability of disease-transmitting agents to remain undetected, thereby avoiding the export of such agents with the animals;
- gg) “Authorised evaluation of the exporting country” - the procedure through which the veterinary authority of the exporting country certifies that the conditions for the import of live animals or plants have been met by the exporting country;
- hh) “Qualified authority of the exporting country” - the phytosanitary or veterinary authority of the exporting country that certifies that the conditions for the import of live animals and plants, as well as of other products subject to sanitary certification, have been met by the exporting country;
- ii) “Zoosanitary certificate” - the document issued by the veterinary authority of the exporting country and signed by an official veterinarian, certifying that the conditions for the import of live animals or of animal products have been met by the exporting country;
- jj) “Phytosanitary certificate” - the document issued by the phytosanitary authority of the exporting country and signed by an official phytosanitary agent, certifying that the conditions for the import of live plants and of plant products have been met by the exporting country;
- kk) “Official veterinarian” - a veterinarian, a civil servant, or a person specifically appointed by the authorities of the exporting country, to carry out zoosanitary inspections and/or sanitary inspections on merchandise and to issue certificates, whenever appropriate, in accordance with Chapter 1.3.2 of the Zoosanitary International Code of the International Organisation of Epizooties;
- ll) “Official phytosanitary agent” - a phytosanitary agent, a civil servant, or a phytosanitary inspector specifically appointed by the authorities of the exporting country to carry out sanitary inspections of plants or plant products;
- mm) “Code” - the International Zoosanitary Code of 1951, adopted within the framework of the International Organisation of Epizooties;
- nn) “Animals”¹ - the animal or set of animals of the same species or of different species that are kept in research facilities;
- oo) “Bovine cattle” - the domesticated bovine (cow), such as *Bos taurus* and *Bos indicus*, the breeding buffalo (*Bubalis bubalis*) and animals that derive from these species;
- pp) “Equines” - the domestic or wild animals belonging to the equine species, including horses, ponies, colts, zebras, donkeys and mules, or other animals resulting from their crossbreeding;

¹ “Animal” is also defined at uu

- qq) “Bands” - a group of fowl that have the same sanitary status, that are bred in the same place or precinct and that constitute a single epidemiologic unit;
- rr) “Incubation centre” - the facility designed for the incubation of eggs aimed at their hatching and day-old chicks;
- ss) “Post-mortem examinations” - the anatomical, histopathological and bacteriological examinations aimed at isolating the Mycobacterium types of bacteria;
- tt) “Sanitary slaughter” - the slaughter of all disease infected or suspected of being disease infected animals in such a way to prevent the introduction, establishment and spread of diseases;
- uu) “Animal” - any animal or organism that is not a plant;
- vv) “False or misleading certification” - any phytosanitary or zoosanitary document or any certificate issued by unauthorised people or entities with the aim of deceiving or misleading the sanitary authority, evading sanitary controls, or of presenting any phyto- or zoosanitary document or certificate which has been fraudulently adulterated or falsified;
- ww) “Fowl” - hens, turkeys, ducks, geese, quails, pigeons, as well as pheasants, partridges and ostriches bred or held in captivity with a view to their reproduction, to the production of meat or eggs for consumption, or to the supply of the species for repopulation;
- xx) “Day-old chicks” - fowls of less than 72 hours of age which have not yet been fed;
- yy) “Research facilities” - a facility, a stable or construction or, in the case of open air breeding, any place where the animals are held, bred or handled;
- zz) “Applicable regulations” - the statutes that authorise technical and regulatory norms or any directive or administrative measure towards the implementation of the general grounds established by the present statute;
- aaa) “Designated agent of the Directorate of Quarantine Services” - designated employee of the Directorate of the Quarantine Services who carries out sanitary, phyto- and zoosanitary inspections and who monitors the enforcement of laws and regulations with regard to quarantine;
- bbb) “Import licence” - an import licence issued by the Directorate of Quarantine Services;
- ccc) “Genetically modified seed” - an organism whose genes have been technologically modified;
- ddd) “Genetically modified organism” - an organism whose genetic heritage has been technologically modified;
- eee) “Vehicle” - any equipment that moves on wheels by means of animal, mechanical or electrical traction, or by physical human force, such as means of transport for passengers or cargo, automobiles, wagons and tractors;
- fff) “Item” - any plant, animal, animal and plant product, organism, object, as well as any merchandise, which is subject to import and export as well as to phyto- and zoosanitary control;
- ggg) “Exotic” - anything that originates from a third country or from an area outside of the national territory or whose presence has not yet been established in the national territory;

- hhh) “Exotic organism” - any organism that originates from a third country or from an area outside of the national territory or whose presence has not yet been established in the national territory;
- iii) “Sequestration of ship” - the quarantine measure applied to a ship in order to isolate it from people, animals and plants and submit it to a prolonged observation period and to test controls relating to diseases or pests;
- jjj) “Sequestration of aircraft” - the quarantine measure applied to an aircraft in order to isolate it from people, animals and plants and submit it to a prolonged observation period and to test controls relating to diseases or pests;
- kkk) “Release” - the handover of any imported item to its owner or holder, or the unloading of a ship, aircraft or vehicle by the sanitary authority after meeting the phyto- and zoosanitary formalities and legal requirements;
- lll) “Sanitary authority” - the Directorate of Quarantine Services;
- mmm) “Phytosanitary authority” - the Directorate of Quarantine Services;
- nnn) “Veterinary authority” - the Directorate of Quarantine Services;
- ooo) “Coastal waters” - the interior maritime waters and the territorial sea, as defined by law;
- ppp) “Minister” - the Minister in charge;
- qqq) “Epidemiological unit” - a set of existing persons in certain geographical areas who share identical handling techniques and frequent or periodic contacts among themselves, thereby constituting a whole from the epidemiological viewpoint;
- rrr) “Repatriation” - the return of animals or plants to the place of origin due to non-compliance with legal sanitary and quarantine requirements provided;
- sss) “Destruction” - the sanitary slaughter of imported animals or plants on the quarantine authorities’ decision as a way of preventing the introduction, establishment and spread of diseases and pests;
- ttt) “Milk product” - liquid or powdered milk as well as any milk-based product or any powdered product made from milk;
- uuu) “Fresh meat” - fresh meat from a slaughtered animal, including meat-based products;
- vvv) “Fresh fish” - fish freshly captured as well as frozen fish;
- www) “First port of entry” - a port that, for reasons of phyto- and zoosanitary control, has been designated as the first port of entry for ships or aircraft originating from a third country, from maritime zones of a third country, or from the High Seas;
- xxx) “Fine” - any monetary sanction administratively imposed by the act of breaching the law;
- yyy) “National territory” - the territory formed by the landmass of the country, as defined in Section 4 of the Constitution of the Republic, its coastal waters and its national territorial seas as defined by law;
- zzz) “Import for commercial purposes” - the import of any animal, plant, product, goods or merchandise intended for commercial purposes and not for personal use;
- aaaa) “Derivative products” - all animal or plant products or all goods or merchandise deriving from the use, wholly or partially, of animal and plant products;
- bbbb) “Physical monitoring” - the monitoring of an animal itself, and may include gathering of matter as well as laboratory analysis of such matter.

Article 2
Objectives

1. The present statute shall establish the basis of the legal quarantine regime with the objective of preventing and controlling the introduction, establishment and spread of exotic pests and diseases and other harmful organisms in the national territory; protecting the environment, agricultural production and livestock as well as aquiculture production originating from the country; controlling the pests and diseases already existing in the country; protecting human beings and the public health from diseases transmitted by animals, plants or their derivatives, or by other organisms, in the event of:
 - (a) Importation of any item, cargo or merchandise, including live animals and plants, derivative products of animal or plant origin, machines, equipment and used vehicles;
 - (b) Commercial or private ships originating from third countries and oceanic regions being present in the coastal waters, in the territorial sea, and in the national ports;
 - (c) Commercial or private aircraft originating from third countries being present at the national airports.
2. The present statute shall not apply to the quarantine of people aboard ships anchored in the ports or aircraft parked at the airports of the country, or to the quarantine of people carrying or suspected of carrying communicable diseases, that represent a danger to public health, crossing border posts in vehicles, but without prejudice to emergency measures which may be taken by the national sanitary and veterinary service in accordance with the law within the scope of its authority regarding sanitary control of aircraft and ships anchored in the ports of the country or of vehicles crossing the land border.
3. The export of any item referred to in paragraph 1(a) of this article must follow, *mutatis mutandis*², the same conditions and requirements provided for in the present statute as in the case of its import.

Article 3
Territorial scope of application

The present statute shall be applicable to the entire national territory and to national ports.

Article 4
Personal scope of application

The present statute shall be applicable to individuals or corporate bodies, foreigners or nationals.

² with the necessary adaptations

Article 5
State-owned ships and aircraft

The present statute shall not apply to foreign military or State-owned ships or aircraft used in non-commercial navigation, without prejudice to their compliance with technical and sanitary quarantine norms or to the applicable technical or administrative conditions of international navigation.

Article 6
International standards

In the implementation of its sanitary policy, the Ministry shall be governed by international and regional standards, directives and recommendations.

Article 7
Cooperation with other organisms

In monitoring compliance with this statute and applicable regulations, the Minister shall secure the best and strictest cooperation with other public services, namely customs, the immigration services, the environmental authorities, the health authorities and the national police.

Article 8
Emergency situations

1. Following a proposal made by this Service, the Minister may declare a given area of the country as a threat and subject to sanitary control.
2. Where there is an outbreak of animal diseases or plant pests, the Minister shall immediately take the necessary measures, including resort to international and regional technical and scientific cooperation, in order to contain and fight the introduction, establishment and spread of such diseases, and shall also conduct an extensive awareness raising campaign among the population regarding the means to be used and the attitude the population should adopt in its combat.

CHAPTER II
MONITORING AND POWERS

Article 9
Monitoring

The execution and monitoring of compliance with the provisions of this statute and with the other approved regulatory statutes that are seen to develop the general basis of the legal quarantine regime contained in this statute shall be the responsibility of the Minister who may delegate such responsibility wholly or partially to the Vice-Minister, the

Directorate of Quarantine Services, the Regional Directorates of Agriculture, or to other services without prejudice to the authority conferred by law to other public services and agencies.

Article 10
Exercising powers

1. The powers delegated to the Directorate of Quarantine Services shall be exercised by its Director and by other agents of this service, in accordance with the law.
2. In exercising his/her delegated authority to monitor compliance with the provisions of this statute and applicable regulations, and without prejudice to the individual rights and guarantees provided by the Constitution, the Director or any other designated national agent of the sanitary and veterinary services may, at any time and whenever deemed necessary, visit any area, building or aircraft which does not constitute a person's residence; visit and conduct phyto- and zoosanitary control in any ship or aircraft anchored in the national ports and stationed in airports or that are found in the coastal waters of the national territorial sea; conduct phyto- and zoosanitary control of any cargo, mail, luggage, packages, containers, vehicles or any other item, area or building that does not constitute a person's residence, with the objective of inspecting animals, animal products, products derived from animals and plants, or any other item.
3. In fulfilling the objectives referred to in paragraph 2 above, the Director or the designated agent of the Directorate of Quarantine Services, where he/she deems it necessary, shall have authority to order the captain of the ship or of the aircraft, as well as the owner or agent of any merchandise, to immediately open the container or package containing the merchandise or to immediately allow his/her access to the log-book, the cargo manifest, the airway bill or bill of lading, the lists of passengers and crew, or any other document aboard the ship or aircraft.
4. The Director or designated agent of the sanitary and veterinary services shall also, without prejudice to the procedures foreseen by law, order and transfer to the quarantine facilities any animals, plants, their products, soil, machines, equipment and vehicles, animal feed, exotic animal and plant organisms, including genetically modified organisms, any other good or merchandise or any document, computerised record or magnetic recording relating to any imported item, or seal or cause to be sealed areas, facilities, compartments, equipment, machines and vehicles, or order the quarantine of any ship or aircraft in the event any disease, pest or pests that pose a threat to the environment, national economy, or public health is detected.
5. Where there are strong indications or suspicions of the existence of diseases or pests aboard ships or aircraft referred to in paragraph 4 above, the Director or the designated agent of the sanitary and veterinary services shall immediately undertake a sanitary control by promoting necessary tests and analyses deemed necessary to determine the sanitary status of the ships, aircraft and respective cargoes and by

applying the measures provided for in paragraph 4 where the results of tests and analyses are positive.

6. The Director or the designated agent of the Directorate of Quarantine Services may post publications, notices and information flyers about the status and sanitary isolation or the quarantine regime imposed on facilities, research centres, areas, vehicles, equipment, ships or aircraft or on any item as a way of informing people about the sanitary status of such items.
7. The Director or the designated agent of the Directorate of Quarantine Services must conduct the inspection or sanitary control of any person, animal, plant, vehicle or any other item that comes into contact with, or that crosses or penetrates an area that is under the regime of sanitary isolation or quarantine and he/she may carry out searches and seize property in accordance with the law.

Article 11

Identification of the Director or agent of the Quarantine Services Directorate

1. In performing his/her duties, whenever the Director or the designated agent of the Directorate of Quarantine Services wishes to take the measures referred to in article 10 above, he/she must commence by informing the captain of the ship or aircraft or the people from whom he/she expects cooperation in carrying out his/her work of his/her identity and official role and, with the courtesy required by the position, must also make known the intentions and objectives of the measures he/she wishes to take.
2. Without prejudice to the contents of paragraph 1 above, any person affected by the decisions or measures taken or announced by the Director or by the designated agent of the Directorate of Quarantine Services shall have the right to demand, prior to compliance with the orders received under paragraph 2 above or at any time, his/her identification and an explanation regarding his/her intentions and objectives to be attained with such measures.

Article 12

Responsibilities and functions of the Directorate of Quarantine Services

The responsibilities and functions of the Directorate of Quarantine Services, of its Director or agents shall be defined by law or Ministerial Order.

**CHAPTER III
SANITARY REQUIREMENTS FOR IMPORT**

**SECTION I
IMPORT REGIME**

**Article 13
General regime for imports**

1. No person shall be allowed to import any animal, animal product, plant, plant products, organisms, seeds, genetically modified organisms or seeds, micro-organisms, soil, animal feed, machines and used vehicles and any other goods or merchandise except where the terms and conditions foreseen by law have been observed.
2. Without prejudice to other conditions and requirements foreseen by law, the import conditions and requirements may specify the origin of the animal or plant or products derived thereof, organisms or any goods or merchandise, as well as inspections, treatments, points of entry and exit, proofs, analyses and tests, or isolation in the country of export in a quarantine facility.
3. Conforming with the law and directives, and taking into account the risks posed by the introduction of diseases, pests and other exotic organisms, the import licence shall contain the import conditions specific to the case and the international standards and recommendations.

**Article 14
Import licence**

The following items shall be subject to the previous import licence to be issued by the Directorate of Quarantine Services:

- (a) Live animals;
- (b) Live plants;
- (c) Animal or plant products as specified by law;
- (d) Any other goods, or merchandise, animal or plant organism as specified by law.

**Article 15
Applications**

Application for the import of animals, plants and any product subject to approval prior to import shall be forwarded to the Directorate of Quarantine Services on and conforming with the respective approved style of application forms.

Article 16
Basis for decision

For an import licence to be granted, the decision on its respective application must assess the risk factor for the introduction, establishment and spread of diseases or pests, as well as the risk that such introduction, establishment or spread might result in damage to people, animals, plants, environment and economic activities and must be governed by the need to reduce such risk to an acceptably low level.

Article 17
Exemption of Import licence

By decision of the Minister, and based on the risk assessment referred to in article 16 above, the requirement to have prior authorisation for the import of any item for educational or empirical purposes or for experiments aimed at improving the quality of animals, plants, or the environment, or when such import is intended for use in botanic gardens or exhibitions approved by the Minister or, following his delegation, by the Vice-Minister, can be waived.

Article 18
Rejection of application

In the case of the application for import authorisation being rejected, a copy of the order of rejection containing the justification for its dismissal shall be sent to the applicant.

Article 19
Revocation of authorisation

1. Even after an import licence has been granted, the body granting it may revoke it or impose new conditions and requirements.
2. A copy of the revocation order or of the order imposing additional conditions and requirements shall be sent, for informational purposes, to the bearer of the revoked authorisation and to all public services and bodies which, under the present statute, have the authority to file the violations of the provisions of the present statute and of applicable regulations.

Article 20
Release of cargo

1. The release of cargo falling under quarantine regime may be authorised only upon presentation of appropriate documents, after the payment of fees, as well as the costs and the possible fines as foreseen in the present statute, and after any other legal requirements and conditions have been complied with.

2. The decision of the Directorate of Quarantine Services to release imported items as well as vehicles, ships and aircraft from quarantine shall only be made upon payment receipts of the respective fees, costs and fines, if there are any, and other fees, costs or fines imposed by other public services, or against the payment of customs duties, if there are any.
3. The process of releasing imported cargo from quarantine regime must be followed in accordance with applicable regulations.

Article 21
Responsibility

Responsibility for the presentation of documents referred to in paragraph 1 of article 20 above falls upon the importers or their agents.

Article 22
Restrictions

Where there is a change in the international and regional standards, directives and recommendations barring or restricting the import of certain items or items originating from certain areas, with the objective of containing and fighting diseases and pests, the Minister may temporarily suspend the import of any item referred to in this article or temporarily impose prohibitions, restrictions, conditions and requirements on the import of such items, including the requirement to have previously obtained an import licence so long as the law is not amended to accommodate such change.

Article 23
Precaution

Until such time as there are quarantine facilities in the country, efforts shall be made to ensure that the import of plants, animals, products, goods and merchandise is made primarily from countries that are known to be free from diseases or pests, as well as from countries where the export of such items is preceded by treatment.

Article 24
Records

The Directorate of Quarantine Services shall keep records of the imports and exports, importers and exporters or of operators involved in the import, export and transportation of live animals, live plants, as well as of any animal and plant product subject to the previous acquisition of an import licence or of a phyto- or zoosanitary certificate.

Article 25
Sanitary slaughtering

In the case of rapidly spreading diseases or pest, the Directorate of Quarantine Services may determine, in accordance with the law or on its own initiative, the sanitary slaughtering of all animals or of the epidemiological unit or the destruction of infected plants, and there shall be no indemnification or compensation on the part of the State for such slaughter or destruction.

Article 26
Absence of certificate

The shipping of animals or plants or their by-products without the respective sanitary certification or without meeting the necessary conditions and requirements may result in their detention under quarantine, repatriation, or destruction, in accordance with the law, without any obligation for compensation or indemnification on the part of the State and without prejudice to fines or other applicable sanctions, in accordance with the law.

Article 27
Certification

When importing specific species of animals, such as bovine cattle, sheep, goats, pigs, equines, and dogs, including fowl, as well as specific species of plants, the respective phyto- or zoosanitary certificate must indicate that the specific requirements provided for by law for the import of any of those specific species have been complied with.

Article 28
Import ban

1. Without prejudice to specific bans or exclusions imposed by the present statute or law, the entry of plants, animals, goods, merchandise or any animal or plant organism into the country may be banned by ministerial statute if such items represent a high sanitary risk for the country following scientific evidence or recommendation from an international or regional organisation.
2. The ban referred to in paragraph 1 above may either be general or may be limited only to items that originate from certain areas.

**SECTION II
LIVE ANIMALS AND ANIMAL PRODUCTS**

**Sub-Section I
General provisions**

**Article 29
Zoosanitary certificate**

1. Shipping live animals, animal products, or their derivatives, must be accompanied by a zoosanitary certificate issued by the relevant authority of the exporting country and must meet the other requirements and conditions foreseen by law.
2. The certificate referred to in paragraph 1 above cannot be left blank or incomplete and can only be signed by an official veterinary surgeon or other veterinarian officer who has personally carried out the inspection.

**Sub-Section II
Animals**

**Article 30
General quarantine measures**

1. Any live animal to be imported, except for day-old chicks, must undergo a pre-export quarantine regime in the exporting country for a minimum period of 14 days, if no other length of time is fixed by regulation, in order to enable the necessary inspections and veterinary treatment and to ensure that the animal is exempt from diseases before it is transported.
2. Without prejudice to the contents of paragraph 1 above, any animal, excepting day-old chicks, must immediately upon arrival in the country undergo a post-import quarantine regime in a quarantine facility approved by the Directorate of Quarantine Services for a minimum period of 14 days, if no other length of time is fixed by regulation, in order to provide another opportunity for observations and diagnosis of diseases and thereby to reduce the risk of introducing diseases and pests associated with the imports in the country.
3. Animals intended for immediate slaughter shall also be subject to a post-quarantine regime for a period to be determined by order of the Minister.
4. While the facility referred to in N^o 2 of the present article does not exist, the requirements for a post-quarantine regime shall be indicated in the import licence issued by the Directorate of Quarantine Services.

Article 31
Veterinary inspection and treatment

1. As a general requirement, any animal being imported or exported must be inspected by a veterinary surgeon at least once during the pre-export quarantine period or, in the case of day-old chicks immediately before they are exported, in order to ensure the early detection of infectious and communicable diseases, including external parasites and also to ensure that the animal is fit for travelling.
2. Any animal under pre-export quarantine shall be submitted for its first veterinary inspection immediately upon arrival at the pre-export quarantine facility, and the last inspection shall take place 24 hours before the animal leaves the pre-export quarantine facility for the port of export.
3. In order to ensure animals are free of parasites, any animal must undergo an external and internal treatment for parasites before it is exported.
4. Any animal submitted to a diagnostic analysis during the quarantine period whose test result is positive may be treated, repatriated, or destroyed, in accordance with the norms and regulations established for specific cases.

Article 32
Temporary ban on transactions

Where a group of animals imported from a third country is introduced into a research centre, no animals of such research centre may be traded for a period of 30 days from the date of its entry, unless the imported animal has been completely isolated from the other animals in the research centre.

Sub-Section III
Animal products for human consumption

Article 33
Incubation of domestic hen's eggs

1. The import of eggs for incubation shall be subject to the import licence.
2. Any shipment of incubation eggs must be accompanied by the licence referred to in N° 1 above and any other relevant certificates.
3. The eligibility for quality of a country exporting eggs for incubation into the national territory shall be determined by the Directorate of Quarantine Services in accordance with the indications contained in applicable regulations.

4. The import of eggs for incubation shall only be permitted where the exporting countries have been approved to this effect by the Directorate of Quarantine Services in accordance with the previous number.
5. Incubation eggs must originate from non-vaccinated bands, from bands vaccinated with inactive vaccine, or from bands vaccinated with active vaccine, so long as the vaccination has taken place at least 60 days before the collection of the incubation eggs.

Article 34
Hen's eggs for consumption

Hen's eggs imported for consumption must originate from commercial establishments, must be free of diseases or contamination such as feathers and faeces, and must not be eggs for incubation.

Article 35
Fish

1. The import of fresh fish for human consumption is allowed and is not subject to an import licence³.
2. The import of fresh fish for fish consumption is allowed to an import licence.
3. The import of dried fish is subject to veterinary inspection for detection of insect infestation upon its arrival in the country. Where insect infestation is detected, the shipment of dried fish must be treated, repatriated, or destroyed.

Article 36
Importation of fresh meat

1. Fresh meat may be imported without restrictions provided that it is packed in hermetically sealed packages or containers, meat content is less than 5% of its weight and does not require refrigeration in order to maintain quality, or if it is canned meat and not requiring refrigeration.
2. Shipments of fresh meat that do not meet the requirements established in N^o 1 above may only be imported once the legal conditions and requirements have been met.
3. The import of fresh meat of diseased animals or of animals suspected of having had a disease shall be prohibited.

³ The Portuguese original has a double negative which does not make sense in English. Fish for human consumption should be governed by separate regulations from Department of Fisheries.

4. For public health reasons, applicable regulations might prohibit the import of certain parts of animals or the import of animals that have been submitted to certain chemicals or treatments.

Article 37
Milk products

1. All imported milk products must be commercially produced and packaged, and must be derived from pasteurised milk.
2. Without prejudice to the provisions laid down in articles 56 and 57 of the present statute, the import of fresh milk, powdered milk, or milk by-products that have been produced from raw milk derived from infected animals or from animals that show clinical signs of Foot-and-Mouth disease or that show clinical signs of Bovine Spongiform Encephalopathy shall be prohibited.

Sub-Section IV
Other Animal Products

Article 38
Import of animal vaccines

Animal vaccines may be imported without prior acquisition of an import licence, except for those vaccines which, in accordance with the law, do require prior acquisition of an import licence from the Directorate of Quarantine Services.

Article 39
Animal skins and skin-made products

1. Imported finished products that are wholly or partially made from animal skin, fur, bones, horns and nails shall be subject to veterinary inspection upon their arrival in the country. Imported saddles and spurs shall be subject to additional control, in accordance with the law.
2. The imported products referred to in N^o 1 above intended for veterinary or agricultural use shall be subject to specific treatment upon their arrival in the country, in accordance with the law.
3. The imported products referred in N^o 1 above, intended for permanent exposure in museums, public exhibitions, cultural demonstrations, or that are intended for *in vitro* scientific purposes, may be exempt from treatment so long as there are guarantees concerning their phyto- and zoosanitary safety.

4. The import of skins or hair of non-treated animals shall be subject to quarantine requirements and to an import licence in accordance with the law.

**SECTION III
LIVE PLANTS AND PLANT PRODUCTS**

**Article 40
Live plants and plant products**

Subject to compliance with the conditions and requirements as foreseen by law, the import of live plants, seeds for agricultural purposes, fresh fruit and vegetables, logs, wood and wooden products, as well as any other plant product, shall be authorised.

**Article 41
Prohibition**

For sanitary reasons, the import of certain plants or their derivatives may be prohibited by Ministerial order or regulation.

**Article 42
Phytosanitary certificate**

1. Shipments of live plants and plant products must be accompanied by a phytosanitary certificate issued by the appropriate authority of the exporting country and must meet all other conditions and requirements foreseen by law.
2. The certificate referred to in N^o 1 above cannot be left blank or incomplete and can only be signed by an authorised official conducting the respective inspection.

**Article 43
Quarantine of plants**

1. Any live plant being imported must undergo a pre-export quarantine regime in its country of origin and a post-import quarantine regime in the importing country at a quarantine facility approved by the Directorate of Quarantine Services in order to allow inspections, control and sanitary treatments to be conducted and to ensure that the plant is free of diseases or pests prior to its transportation.
2. The quarantine period, the frequency of inspections, and the types of analyses, tests, proofs and treatment of plants under quarantine shall be governed by applicable regulations.

**SECTION IV
OTHER IMPORTS**

**Article 44
Machinery, Equipment and Used Vehicles**

The import of machinery, equipment and used vehicles shall be subject to sanitary inspection by the SSTN⁴ and are made according to the legal conditions and requirements.

**Article 45
Soil samples**

1. The import of soil samples must be accompanied by an import licence issued by the Directorate of Quarantine Services and shall be subject to legal conditions and requirements.
2. The import of soil samples obtained from drill-holes shall be exempt from an import licence and shall be subject to legal conditions and requirements.

**CHAPTER IV
INTERNATIONAL NAVIGATION REQUIREMENTS**

**SECTION I
SHIPS**

**Article 46
Types of ships covered**

1. All ships, whether national or foreign, commercial or private, originating from a port or maritime zone of a third country, or from the high sea, shall be subject to sanitary inspection and control and must enter the “first port of entry” approved by the appropriate authorities and, for sanitary reasons, no ships shall be authorised to proceed to another national port before this is carried out.
2. All ships referred to in N^o 1 above navigating from the Oecussi-Ambeno enclave to the rest of the national territory or from that part of the country to the said enclave shall be subject to inspection and sanitary control and to other provisions of the present article even if they have fulfilled the sanitary conditions and requirements and they have been released from the quarantine regime in their national port of origin.
3. The sanitary inspection or control referred to in N^{os} 1 and 2 above shall include the cargo or any other item aboard the ship.

⁴ Quarantine services

4. Except for cases of *force-majeure*⁵ and without prejudice to compliance with possible further requirements imposed by other national navigational bodies and agencies, the entry, docking, or anchoring of a ship in a port other than the port referred to in N^o 2 above shall require the prior authorisation from the Directorate of Quarantine Services.

Article 47

Inspection of ships in national waters

All ships, whether national or foreign, commercial or private, while in national maritime waters, that come into physical contact with any ship originating from a port, from the maritime zone of a third country, or from the high seas, or with persons, animals, plants, or any item aboard the ship thereof, shall be subject to sanitary inspection and control and must comply with all legal quarantine conditions and requirements.

Article 48

Release of personal effects

Release from quarantine conditions and requirements of personal effects accompanying the luggage of passengers and crew members shall be subject to the filling out of a declaration of goods form and to sanitary inspection upon their arrival in the country.

Article 49

Ill passengers or crew members

Instances where passengers or crew members carrying communicable diseases represent a threat to public health, the captain of the ship shall inform the sanitary authority accordingly. The Director or the designated agent of the Directorate of Quarantine Services shall immediately take recognised legal emergency steps, shall immediately inform the relevant national authority of the event, and shall request its prompt presence on the site.

Article 50

Animals aboard ships

1. Captains of ships intending to enter a national port must inform the Directorate of Quarantine Services of the existence of any animal on board their ship 48 hours prior to their arrival.
2. Under no circumstance shall the animal referred to in N^o 1 above be allowed to disembark or to come into contact with other animals in the national territory.

⁵ acts of God; natural disasters

Article 51
Ballast water

No ship originating from ports or maritime zones of third countries, or from the high seas, shall be allowed to eject ballast water in the national ports and coastal waters.

SECTION II
AIRCRAFT

Article 52
Aircraft inspection

1. Any commercial or private aircraft originating from areas outside the national territory shall be subject to sanitary inspection and control and shall make its first stopover in the first port of entry as approved by the relevant authorities and shall comply with all sanitary control conditions and requirements foreseen by law.
2. The release from quarantine conditions and requirements of personal effects accompanying the luggage of passengers and crew members shall be subject to the filling out of a declaration of goods form and to sanitary control upon their arrival in the country.
3. Instances where passengers or crew members carrying communicable diseases represent a threat to public health, the captain of the aircraft shall inform the sanitary authority accordingly. The Director or the designated agent of the Directorate of Quarantine Services shall immediately take recognised legal emergency measures and shall immediately inform the relevant national authority of the event and shall request its prompt presence in the site.

**CHAPTER V
PROHIBITIONS, CONTRAVENTIONS AND SANCTIONS**

**SECTION I
PROHIBITIONS**

**Article 53
Animal proteins**

1. It is prohibited to import or use animal proteins for animal feed, whether in the form of meat powder, bone powder, meat and bone powder, blood powder or flesh obtained from animal tissues, as well as in the form of any compound substance incorporating these proteins.
2. It is also prohibited to import or use poultry meal for feeding ruminants.
3. Pig fat shall be exempted from N^o 1 above, which may be imported for exclusive use in the feeding of non-ruminant animals.
4. The raw materials or compound substances referred to in N^{os} 1 and 2 above must be incinerated or destroyed by any means deemed to be sanitarly appropriate.

**Article 54
Non-usable parts**

The entry into the human and animal food chain of certain parts of cattle, sheep and goats, in whatever shape or means, shall be subject to prohibitions as defined by applicable regulations.

**Article 55
Animals showing symptoms of Bovine Spongiform Encephalopathy**

1. It is prohibited to import or use, for any purpose cattle, sheep and goat products and products deriving from animals that show clinical signs of [Bovine] Spongiform Encephalopathy.
2. Where the products referred to in paragraph 1 above are intended for educational or investigative purposes by officially recognised institutions the Minister may exceptionally authorise the import or use of such products.

Article 56

Animal Diseases

It is prohibited to import any animal showing clinical symptoms of disease or the import of any animal product deriving from animals that show or showed clinical symptoms of diseases, namely Food-and-Mouth disease, Swine Contagious Paralysis (the Teschen disease), Contagious Bovine Peripneumonia, Bovine Pest, Ovine Catarrhal Fever, Bovine Tuberculosis, Swine Thrix, Cystercus Bovis or Cellulosae, Rabies, Brucellosis, Bactericidal Carbunculus, Enzootic Bovine Leucosis, Infectious Bovine Rhinotracheitis, Brucella Suis Infection, Transmissible Gastroenteritis, Aujeszky's Disease, Bird Flu, Newcastle's Disease, Salmonella Arizona, Paramyxoviridae Avian Type 2 and 3 Infection, Avian Typhoid, Salmonella Pullorum, and Salmonella Enteritidis Infection.

Article 57

Fats

The import of non-transformed fats shall be prohibited.

**SECTION II
CONTRAVENTIONS**

Article 58

Violations

The following shall constitute violations to the present statute:

- (a) False or misleading certification of phytosanitary or veterinary documents that must accompany imports covered by the present statute;
- (b) False sanitary declarations;
- (c) Non-indication of signals by ships concerning their sanitary or sanitary inspection;
- (d) Resistance or non-compliance with the instructions or decisions of the Director or by other designated agent of the DSQ thus obstructing or rendering unviable inspection and sanitary controls or otherwise compromising compliance with his/her monitoring duties of the quarantine law;
- (e) The import or the attempted import of any animal, plant or product whose import has been prohibited for sanitary reasons;
- (f) The shipment of animals, plants, or products whose import has been prohibited without the respective phytosanitary or zoosanitary certificate which must be issued by the veterinary or phytosanitary authority of the exporting country;
- (g) The deceitful or negligent import, or the attempt to import, animals, plants or their by-products without having first obtained an import licence from the Directorate of Quarantine Services, in the cases where the legislation so requires;

- (h) The exhibition for commercialisation, the commercialisation itself, or the attempt to commercialise any product, or parts thereof, that are prohibited for import or use;
- (i) The use, or attempted use, by any means, of products or parts thereof, that are prohibited for use in the human or animal food chain;
- (j) The shipment or attempt to ship animals prior to the expiry of the period referred to in article 30 of the present statute;
- (k) The import of animals, plants, or their by-products, as well as the import of any product, goods or merchandise whose import licence has been revoked;
- (l) The entry, or attempt thereof, of a ship or aircraft in a port other than the first port of entry without the prior authorisation from the Directorate of Quarantine Services to that effect;
- (m) The failure to declare in advance the existence of animals aboard ship, within the period provided for by the law;
- (n) The entry, or the attempt thereof, of any vehicle to pass into the national territory other than by the authorised border posts, by negligence or as a means of evading inspection and sanitary control;
- (o) The ejection into national coastal waters of ballast water of a ship originating from a port or maritime zones of a third country;

SECTION III SANCTIONS

Article 59 Fines

1. All violations shall be punished by fines, the amount of which shall be fixed by Ministerial order.
2. When determining the cost of fines referred to in N^o 1 above, any sanitary and environmental risk of the violation, the sanitary damages, as well as the potential or actual damages, public health, the volume of import and any recidivism must be taken into account.
3. All fines imposed by virtue of N^o 1 above shall be applied without prejudice to judicial fines which might be imposed or to penal sanctions which might be applied under criminal law;
4. All fines and accessory sanctions shall be applied by the Director of the Directorate of Quarantine Services.

Article 60
Accessory sanctions

Accessory sanctions may be imposed, in accordance with the law, to those actions provided for in article 59 above, resulting in the suspension of authorisations or licences for period of 1 to 2 years.

Article 61
Power to register and file lawsuits

1. The Directorate of Quarantine Services shall have power to take legal action for violations of the provisions of this statute and for applicable regulations.
2. The Immigration and Border Control Services, the Customs, the Environmental Services, and the National Police shall also have the power to take legal action for violations of the provisions referred to in N^o 1 above.
3. Once legal action is taken, notice should be immediately forwarded to the Directorate of Quarantine Services or to the regional agricultural services of the area where the violation occurred for starting the respective proceedings. In the latter case, once the proceedings have been instigated, it shall be sent to the Directorate of Quarantine Services for the imposition of the fine as foreseen by law.

Article 62
Destination of animals or plants in case of infraction

Without prejudice to the sanctions which may be applied in accordance with the law, the relevant authority, at the place where the violation of the provisions of this statute or of the applicable regulations has taken place, shall take the necessary measures to safeguard the plants and the health of animals, with a view to preventing the spread of pests and diseases. The relevant authority may:

- (a) terminate the trip or return any plants or animals to their place of origin as long as the return trip, in the case of the animals, does not endanger the health and well-being of the animals;
- (b) accommodate and dispense necessary care to plants or animals in case the trip is interrupted;
- (c) determine to destroy plants or to slaughter animals, once the destination of the carcasses has been defined.

Article 63
Imposition of fines and their allocation

A total of 75% of the proceeds of the fines shall constitute revenue of the State and the remaining 25% shall constitute revenue of the Ministry of Agriculture, Forestry and Fisheries for the quality of service it provided in registering the infraction and/or instigating proceedings.

Article 64
Loss of cargo for the State

The imported cargo of animals and plants, or the imported cargo of banned products or of products subject to the acquisition of previous licence, or the imported cargo of products that do not meet the conditions and requirements established in the legislation regarding their import, shall revert to the State and the Directorate of Quarantine Services shall either destroy the cargo through appropriate sanitary means or send the cargo to an appropriate destination, without prejudice to costs, fees, fines or other sanctions foreseen by law.

Article 65
Evidence

Any item, including any written, computerised, or digitised records apprehended by agents of the Directorate of Quarantine Services during sanitary inspection and control, may be presented as evidence in administrative proceedings for violations or before the courts.

CHAPTER VI
FEES, COSTS

Article 66
Fees

1. The granting of import licences, issue of phyto- or zoosanitary certificates, carrying out of inspections, treatments, proofs, analyses and tests, and the maintenance of items in quarantine facilities as well as the rendering of any other services in the commercial or private import of animals, plants, or of any other item subject to inspection, veterinary and phytosanitary control and quarantine, give rise to the payment of a service fee, the amount of which shall be defined in a joint ministerial order by the Minister of Agriculture, Forestry and Fisheries and the Minister of Planning and Finance.
2. The release of ships and aircraft from quarantine shall call for the payment of a fee the amount of which shall be determined in a joint ministerial order by the Minister of

Agriculture, Forestry and Fisheries, the Minister of Transport, Communications and Public Works, and the Minister of Planning and Finance.

Article 67
Costs

Any costs incurred from evidence, analyses, tests, treatment, inspection, transport, repatriation, destruction and warehousing of animals, plants, or any other imported product, and any other costs incurred from the carrying out of sanitary inspection or control of such animals, plants and products, shall be borne by their respective owners or by their agents.

Article 68
Exemption

Products, other than live animals or plants, which are packed into the personal luggage or holders of their owners shall be exempt from the payment of fees and costs referred to in articles 66 and 67 of the statute upon their arrival into national ports or airports.

CHAPTER VII
FINAL PROVISIONS

Article 69
Language of documents

All licences, applications forms, and other documents issued by the national sanitary and veterinary services must be drafted in one of the two official languages of the country.

Article 70
Statute of Annexes

Once approved by the Council of Ministers, annexes to the present statute shall have the same legal force and value and shall be an integral part thereof.

Article 71
Revocation of previous legislation

All previous legislation contrary to the provisions of the present statute shall be hereby revoked, except for the provisions of the previous law relating to technical and regulatory norms, which shall continue to be applicable until such a time as new norms and regulatory provisions are in force.

Article 72
Drafting of regulations

The necessary regulations for the effective implementation of the present statute shall be approved by a Government decree.

Article 73
Entry into force

The present decree-law shall enter into force two months after its publication.

Seen and approved by the Council of Ministers on 23 August 2003.

The Prime Minister
[signed]
Mari Bim Amude Alkatiri

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

Promulgated on 4 November 2003

To be published

The President of the Republic
[signed]

Kay Rala Xanana Gusmão