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PLANT & ANIMAL QUARANTINE REGULATIONS 2004

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In exercise of the powers conferred on it by Section 38 of the Agricultural Quarantine Act 1999, the Cabinet has made the following Regulations:-

PART I - PRELIMINARY

1. SHORT TITLE

These regulations may be cited as the Plant and Animal Quarantine Regulations 2004

2. REPEAL

All the previously issued Plant and Animal Quarantine Regulations are repealed.

3. PURPOSE

The purpose of these Regulations is to protect and regulate the agricultural and animal activities for the general well-being of the people of Nauru. Part I through Part X of these regulations deals with method of preventing the introduction and further spread of injurious insects, pests, and diseases into the Republic of Nauru, provide procedures and conditions to ensure the safe movement of plants and animals and plant and animal products into and out of the Republic of Nauru; and to fulfill international obligations to prevent the movement of pests in international trade and traffic.

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4. INTERPRETATION

Unless the context otherwise requires, the following terms shall apply in the interpretation and enforcement of these regulations;

“Agent” includes any person performing functions on behalf of or instead of an owner or importer in relation to an import, or an exporter in relation to the export, of a live plant, plant material, live animal, animal product or goods which include plant or animal product in their composition.

“Agricultural Quarantine Facility” means a certified government facility, equipped and specifically designed and set aside for holding or for growing imported plants or plant materials or for holding imported animals.

“AI Centre” means a facility for the production of semen approved by the veterinary administration of the exporting country and used exclusively for donor animals and conforming with internationally accepted standards.

“Approved Place for the Performance of Quarantine” means a place other than an agricultural quarantine facility where the quarantine of plants, animals or goods may take place.

“Approved treatment” means any treatment approved by the Chief of Quarantine.

“Authorized Official” Means the Chief of Quarantine, Inspectors, or any other person authorized by the Minister through Gazettal notice to exercise such powers or perform such duties under Section 5 (2) of the Act.

“Bulbs and tubers” means a commodity class for dormant underground organs of plants intended for planting (includes corms and rhizomes).

“Chief of Quarantine” means Chief Quarantine Officer authorized by the Minister through Gazettal notice in accordance with section 5 (2) of the Act.

“Contaminate” means infestation or infection by plant or animal pests or having in association with it animals, animal products, unauthorized plant material or soil adhering to or in company with the goods.

“Contraband Goods” means any goods imported into or transported within the RON by any person in contravention of these regulations.

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“Cutting up establishment” means a slaughterhouse, export cutting plant, export cold store, butchery, cannery, or poultry plant where meat is cut into smaller cuts than half carcasses, cut into three wholesale cuts, prepared for retail sale or totally deboned.

“Declaration” refers to a written or oral statement certifying as to plants, plant material, animals, and animal products or other prohibited or restricted goods under these regulations which accompanies a person on their arrival from overseas or as their cargo.

“Disease” in relation to animals, means any disease, parasite or pest declared by the Minister by proclamation in the Gazette to be a disease affecting animals. For the purposes of these regulations, goods of animal origin shall be deemed to be diseased if they are in a deteriorated or abnormal condition, whether or not that condition is dependent on the presence of, or is due to the operation, development, growth or effect of a disease.

“Dunnage” means any timber used in the stowage of goods in conveyances such as vessels or cargo containers.

“Examination” includes inspection and shall include the inspection of any document, the taking of any sample, the conduct of any test or other procedure used to determine the conformity or otherwise with the conditions under which an importation of plants, plant materials, animal or animal material or other regulated goods has been approved.

“Examination” includes inspection and shall include the inspection of any document, the taking of any samples, the conduct of any test or other procedure used to determine the conformity or otherwise with the conditions under which an importation of plants, plant materials, animal or animal material or other regulated goods has been approved.

“Export” means to take a thing or cause it to be sent out of the country by any means of conveyance.

“Export Inspection” means the inspection or examination of agricultural produce and animals, conveyances, vessels, aircraft or goods, for the purpose of ensuring that the goods comply with the country of destination sanitary and or phytosanitary quarantine requirements.

“Fish” means any aquatic animal, whether piscine or not, and includes any mollusc, crustacean, coral, sponge, holothurian (beche-de-mer), and reptile and their young and eggs.

“Free area” means a clearly defined territory within a country in which no case of a specified disease has been reported during a defined period for such disease, and within

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which and at the borders of which official veterinary control is effectively applied for animals and animal products, and their transportation.

“Fruit and Vegetables” means the edible portion of any plant, whether attached to the plant or not, and includes any peel, skin, shell or seed, whether edible or not, including vegetables, in the raw or unprocessed state.

“Gazette” means the Nauru Gazette published by the order of the Government and includes supplements thereto and any extraordinary gazette so published.

“Goods” means any movable property and includes plants and plant material, animals and animal products.

“Handicrafts” shall include native artifacts, decorative goods or adornments made from containing plant material including but not limited to seeds, vines, leaves, wood, grass, gum, dried flowers; animal materials including but not limited to untreated feathers, skin, hair, fur, wool, dried flesh, teeth, bones; sea shells and other items such as the external shells of animals, coral and like materials.

“Inspection” means the examination of plants or plant material, animals or animal products, goods or other regulated material for the purpose of determining conformity with the Republic’s entry requirements. Inspection shall include the examination of any conveyance, container or packaging of any kind on which or in which such goods have been carried or stored or on or in which it is intended to carry or store such goods and any place where such goods, conveyance or packaging have been or are being held prior to clearance by an Inspector.

“Inspector” means an Inspector appointed by the Minister to enforce the provisions of the Plant and Animal Quarantine Regulations, quarantines and controls. Inspector also includes temporary inspectors appointed by the Minister.

“Intermediate Quarantine” in the case of plants, means the growing of plants intended for consignment to the Republic in a place approved by the Chief of Quarantine for where the plants are screened for plant pests, including disease, and certified by the plant health authority to the effect that the plants have been grown in the approved place and as far as can be determined are free of plant pests. In the case of animals, intermediate quarantine means the performance of prescribed quarantine conditions by animals or animal products intended for import into the Republic in a place approved for the purpose by the Chief of Quarantine.

“International Animal Health Certificate” means a certificate issued by an official veterinarian of the exporting country, certifying the state of good health of the animal, and giving particulars where applicable of any tests to which the animal has been

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subjected, the vaccinations carried out on the animal which is the subject of the certificate and giving particulars of the measures taken to prevent the spread of disease.

“International Health Certificate” means a certificate issued by an official veterinarian of the exporting country, certifying the wholesomeness of animal products, and giving particulars where applicable of the measures taken to prevent the spread of disease.

“In Transit” means consignment which passes through a country without being imported and without being exposed in that country to contaminations of infestation by pests.

“Noxious weed” means any plant declared by the Chief of Quarantine to be a noxious weed.

“O.I.E” means the Office International des Epizooties.

“Official Veterinarian” means a civil service veterinarian or a veterinarian appointed or authorized by the veterinary administration of the exporting country.

“Person” means both singular and plural and shall include individuals, corporations, companies, associations, societies, partnerships and natural persons.

“Phytosanitary Certification” means use of phytosanitary procedures leading to the issue of a phytosanitary certificate.

“Plant and Animal Quarantine Permit” means a written authorization for the purpose of facilitating the movement of any plants, plant materials, animals, animal products or goods as designated in these regulations as requiring a permit for such movement and where such plants, plant materials, animals, animal products or other regulated goods are intended for importation from overseas issued by the Chief of Quarantine.

“Plant Products” means un-manufactured material of plant origin (including grain) and those manufactured products that, by their nature or that of their processing, may create a risk for the introduction and spread of pests.

“Point Of Entry” means the designated, official seaport, airport or post office in the Republic through which any conveyance or goods must first enter the Republic

“Quarantine Area” means any land which has been declared by the Secretary to be a quarantine area on account of the presence or suspected presence of a quarantine pest or in or on which measures are to be taken to prevent the entry to, exit from or spread of a quarantine pest.

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“Quarantine Pest” means a pest of potential national economic importance to the endangered country and is not yet present there or is present but not widely distributed and being actively controlled.

“Quarantine Station” includes a temporary quarantine station, a quarantine check point, a pre-entry or post-entry quarantine station, a place approved by the Secretary for intermediate quarantine and all facilities and services related to a quarantine station or check point.

“Regulated article” means garbage, soil, pest and other materials, substances or goods, including but not specific to, plant or plant material, animals or animal products, the importation or movement of which is controlled under these regulations.

“Re-ship or Re-export” in relation to any imported plant, plant material, animal or animal product, or regulated material, means to remove or to take a thing or cause it to be sent out of the Republic by any conveyance.

“RON” means the Republic of Nauru.

“Soil” means the loose surface material of the earth in which plants grow and which may serve to harbor plant pests, in most cases consisting of disintegrated rock with an admixture of organic material and soluble salts including among other things gravel, rock aggregate, compost, clay, sand or silt.

“Special Purposed” means any official purpose that requires importation of plants, plant materials, animals, animal products or goods by the Government of the Republic in its instrumentalities.

“Timber” includes logs, poles, dunnage, branch wood, firewood and all wood, which has been split, hewn, sawn or dressed or otherwise manufactured and includes furniture partly or wholly manufactured with timber, pre-fabricated building units, shakes, shingles, wooden cases or boxes and the like.

“Tissue Culture” means plants in a clear aseptic medium in a sealed, transparent container.

“Veterinarian” means a qualified veterinarian resident in the Republic and approved by the Minister for the purposes of these regulations.

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5. CODES OF PRACTICE TO BE RECOGNIZED

(1) Except in so far as the same are contrary to the provisions of these Regulations, the following shall be adopted as codes of practice and their provisions shall generally be applied in the Republic:

- (a) The International Animal Health Code of the Office International des Epizooties;
- (b) The Manual of the International Embryo Transfer Society;
- (c) The International Air Transport Association Live Animal Regulations.

PART II - GENERAL REQUIREMENTS (PLANT AND ANIMAL)

6. POINTS OF ENTRY

(1) No plant, plant material, animal, animal product or other regulated material may be imported into the Republic except through a designated official point of entry.

(2) All ports or aerodromes that accept foreign conveyances are declared official point of entry including the following:

Airport: Nauru International Airport

Seaport: Nauru Boat Harbour and/ or Anibare Community Channel

Post Offices: Nauru General Post Office

7. REQUIREMENTS OF ALL PERSONS ENTERING THE REPUBLIC

(1) Every person on entering the Republic shall be required to make a written or oral declaration with respect to plants, plant material, animals, animal products, soil, cultures or any other thing that is the subject of these regulations.

(2) No person may introduce into the Republic any plant, plant material, animal, animal product, or any other thing that is the subject of these regulations unless the provisions of these regulations have been duly complied with in respect of such plants, plant material, animal, animal product, or other regulated material.

(3) Every person who makes any false declaration or gives false certification shall be guilty of a criminal act.

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8. NOTIFICATION OF THE ARRIVAL OF REGULATED ARTICLES INTO THE REPUBLIC

(1) It is the duty of the importer, agent, Customs Officials, Harbor Master, Postmaster and/or Airport Manager to notify the Chief of Quarantine or his delegate of the intended arrival of regulated material under these regulations and provide such information as the Chief of Quarantine may require.

9. AVAILABILITY OF DOCUMENTS, MANIFESTS AND CONVEYANCE MOVEMENT INFORMATION

(1) The master or agent of any conveyance entering or moving within the Republic shall on the request of an Inspector provide cargo manifests, ship's logs, crew lists and such other documents as are considered necessary to determine the quarantine status of such conveyance.

10. POWERS OF THE CHIEF OF QUARANTINE

(1) In addition to any powers granted under these Regulations the Chief of Quarantine

(a) May in writing delegate specific powers designated in these Regulations to authorized officials and these delegations will remain effective until revoked in writing;

(b) Cannot delegate his power of delegation;

(c) Shall determine appropriate conditions for the entry of plants, plant products, animals, animal products and goods so as to prevent the introduction of plant and animal diseases and quarantine pests into the Republic as far as is reasonably practicable and desirable for the benefit of public, plant and animal health, and livestock production generally and to preserve the flora and fauna.

11. LANGUAGE OF DOCUMENTS AND LABELLING OF GOODS

(1) All documents and certificates accompanying imports made under these regulations shall be presented in the English language;

(2) No goods may be imported into the Republic under these regulations unless evidence of origin and contents is presented in the English language.

(3) No person shall import or offer for entry any plant, plant material, animal product or other regulated material unless the case, box, package, crate, container is plainly and

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correctly marked to indicate the country of origin, name and address of shipper and name and address of consignee.

12. INSPECTION AND TREATMENT OF ANY CONVEYANCE ARRIVING FROM OVERSEAS

(1) Immediately on the arrival of any conveyance from any overseas country the conveyance, together with its cargo, baggage, garbage and provisions may be inspected, examined and ordered for treatment by an Inspector for the purpose of enforcing these regulations and no person shall enter the conveyance or remove any baggage or cargo from the conveyance without the authority of the Inspector until such inspection, examination or treatment is completed.

(2) Inspection and treatment of a conveyance may include:

(i) Inspection of the conveyance, its cargo and stores as well as treatment, if necessary, at the expense of the owner or agent of the conveyance; and

(ii) Treatment of every compartment of the conveyance;

(iii) Inspection of a document certifying that a treatment has been carried out or is purported to have been carried out in relation to the conveyance for the control of pests in any conveyance; and

(iv) Any other inspection or examination deemed by an Inspector to be necessary to prevent the introduction or spread of pests into or within the Republic.

(3) In the case of a conveyance entering other than an official port of entry, all costs associated with the quarantine inspection are to be met by the owner or agent of the conveyance.

13. DISPOSAL OF GARBAGE

(1) No garbage shall be allowed into the Republic from any conveyance without the express authorization of an Inspector.

(2) All garbage arriving on board conveyances, including vessels and aircraft must be retained on the conveyance in leak proof, covered containers and in the case of sea vessels, kept inside the vessel's railing.

(3) Garbage must not be dumped at sea within the territorial seas of the Republic, from any conveyance.

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- (4) All costs associated with the supervision, treatment or destruction of garbage shall be at the expense of the importer.

14. PLACEMENT INTO QUARANTINE

(1) Where an Inspector is not satisfied that the imported plants, plant material, animals, animal products and/or goods are free of disease or quarantine pests, which in his opinion constitute a risk to the Republic, he shall advise, where appropriate, the importer or his agent, the Controller of Customs, the Harbor Master and/or the Postmaster that the plants, plant material, animals, animal products and/or regulated goods are to be held under quarantine and not released to the importer or his agent until such time as an Inspector or authorised officer is satisfied that the disease or quarantine pest has been eliminated.

15. SECURITY OF QUARANTINE AREA

(1) No person shall enter a quarantine area or quarantine station without the permission of the Inspector in charge.

(2) Any person damaging, interfering with or in any way reducing the effectiveness of any measures taken to secure a quarantine area or quarantine station, or of any plants, plant material, animals, animal products and related articles therein, shall be guilty of an offence under these regulations.

(3) An Inspector may lock, seal or otherwise prevent the entry to and exit from any quarantine area or quarantine station, regardless of the ownership of such quarantine area or quarantine station.

16. REMOVAL FROM QUARANTINE

(1) No plants, plant material, animals or animal products or other regulated goods may be removed from any quarantine area, quarantine station or other place where quarantine detention or treatment is or has been performed without written permission from an Inspector.

(2) Any person who removes any plant, plant material, animal, animal products or other regulated material in contravention of these regulations or who takes from the control of an Inspector any plant, plant material, animal, animal products or other regulated material under these regulations shall be guilty of an offence.

17. SAMPLES, TESTING

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(1) An Inspector or authorised official may take any sample, make any test, fumigate, disinfect, or in any way treat any plants, animals, or goods subject to quarantine and any conveyances carrying the same at any time that such plants, animals or goods are subject to quarantine control or may order that such action is taken, and shall give written notification of such action to the owner or agent.

18. RELEASING OF PLANTS, PLANT MATERIAL, ANIMALS, ANIMAL PRODUCTS OR GOODS.

(1) An Inspector shall advise the importer or his agent, the Controller of Customs, the Harbor Master and/or Postmaster, as the case may be, that such imported plants, plant materials, animals, animal products or goods may be released to the importer or the owner. Provided all requirements of these regulations for the import and clearance of plants, plant materials, animals, animal products or goods have been met and subsequent to satisfactory inspection or satisfactory conclusion of a treatment.

19. PLANT AND ANIMAL QUARANTINE ENTRY PERMITS.

(1) It shall be unlawful to import into the Republic any plants, plant material, animals, animal products or other regulated material except in conformity with the conditions of a permit issued for such movement.

(2) Applications for Plant and Animal Quarantine Entry Permits shall provide specific information in s form as listed under the Third Schedule including:-

- (a) Full name, residential and postal address of the importer;
- (b) Name and address of the exporter of the goods;
- (c) The country of origin of the goods;
- (d) The quantity, the common and scientific name (where applicable) of the goods proposed to be imported;
- (e) The mode of transport, point of entry, and the approximate date of arrival; and
- (f) Such information as the Chief of Quarantine may from time to time specify.
- (g) Applications for Plant and Animal Quarantine Entry Permits shall be made prior to importation, and

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(h) In the granting of any Plant and Animal Quarantine Entry Permit the Chief of Quarantine may specify such conditions as he considers necessary to take into account the risks of importing plant disease, animal disease and quarantine pests.

(i) Plant and Animal Quarantine Entry Permits may be issued for single or multiple importations and the alternative shall be indicated on the permit.

(3) The following items may be imported without a permit:

(a) Fully manufactured foods, hermetically sealed and not requiring refrigeration for permanent storage, but excluding foods derived from animals and preserved only by drying;

(b) Fully manufactured personal clothing and footwear;

(c) Fully tanned or processed leather, feather, fleece and hair goods except used saddlery, harnesses and other equipment used with animals;

(d) All fish and fish products with the exception of live fish;

(e) Where the animal or plant disease or pest status of the exporting country has changed or has been reported to have changed since the issue of a Plant and Animal Quarantine Entry Permit or if any other condition prevails whereby the entry of the plants, plant material, animals, animal products or other regulated goods would constitute a quarantine risk such permits may be cancelled at any time without notice.

20. ANY PLANTS, PLANT MATERIALS, ANIMALS, ANIMAL PRODUCTS GOODS OR REGULATED ARTICLES MAY BE ORDERED BACK INTO QUARANTINE

(1) An Inspector may examine any imported plant, plant material, animal, animal products, goods or regulated material that has been released from quarantine.

(2) Where, after examination of any imported plant, plant material, animals, animal products, goods or regulated material that has been released from quarantine the Inspector is of the opinion that there is a danger of spreading pests and/or diseases, the Inspector may order such plant, plant material, animal, animal product, goods or regulated material back into quarantine for tests or treatment as prescribed and the owner shall be responsible for all costs.

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21. SEIZURE AND DESTRUCTION

(1) Any plants, plant material, animals, animal products; or other regulated article introduced or entered into the Republic without a permit may be seized by an Inspector and destroyed by order of the Inspector provided the declared value of such goods does not exceed two hundred dollars. Where the value of such goods exceeds two hundred dollars the goods may be destroyed by order of the Chief of Quarantine and such destruction shall be at the owner's expense.

(2) Any person who imports plants, plant material, animals, animal products or other regulated in contravention of these regulations shall be guilty of an offence.

22. DESTRUCTION OF REGULATED MATERIAL CARRYING OR SUSPECTED TO BE CARRYING A PEST

(1) Any plant, plant material, animal, animal product or goods imported in accordance with these regulations which on examination or re-examination by an Inspector is shown to be or is suspected to be carrying a pest which in his opinion cannot be effectively treated shall:

(i) in the case of an animal infected or believed to be infected with an OIE List A disease or other disease not present at that time in the Republic be ordered by an Inspector to be destroyed immediately; and

(ii) in all other cases the importer or owner shall be ordered by an Inspector to re-export or destroy the plants, plant material, animal, animal product or other regulated goods within a specified period and in default of such order, such plants, plant material, animal, animal product or other regulated goods shall be destroyed at the importer's expense.

(2) Where the importer or owner of goods which have been ordered for destruction in accordance with clause (1) fails to take action to destroy the goods within the prescribed time an Inspector may arrange for such goods to be destroyed and to recover the costs of such destruction through action in a court of competent jurisdiction as a debt due to the Government of the Republic.

(3) The importer or owner of goods which have been ordered for destruction in accordance with clause (1) shall have no legal proceeding of any nature in respect of such destruction.

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23. QUARANTINE FORMS AND DOCUMENTS

(1) The Chief of Quarantine may introduce forms at any time to facilitate the safe import into the Republic and export from the Republic of plants, plant material, animals, animal products and goods.

(2) The Chief of Quarantine may impose fees for the issuance of any forms.

24. OFFICIAL IMPORTATIONS BY GOVERNMENT

(1) All importations should be subject to the conditions set by the Chief of Quarantine.

25. APPROVED PLACES FOR QUARANTINE TO BE PERFORMED

(1) The Chief of Quarantine may, in writing, approve a place other than a quarantine station as a place where the quarantine of any plant, plant material, animal, animal product or other regulated material may take place and any quarantine action as an Inspector may direct may be undertaken at such approved place.

(2) Applications for registration of a place as an approved place for the performance of quarantine shall be made in writing on the approved form and submitted to the Chief of Quarantine.

(3) The Chief of Quarantine may apply such conditions or require such facilities as he deems necessary for the proper performance of quarantine related activities and when satisfied that such conditions have been met or are being met and that such required facilities are available he shall approve such place as a place for the performance of quarantine subject to such conditions or restrictions as he deems necessary.

(4) On payment of the prescribed fee the owner or operator of a place which has been approved for the performance of quarantine shall be issued with a certificate of registration.

(5) A certificate of registration of an approved place for the performance of quarantine shall remain current for a period of one year from the date of registration unless previously canceled by the Chief of Quarantine or there is a change in the ownership of such approved place or such approved place ceases to operate.

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26. QUARANTINE SEAL

(1) At any time after the arrival of a conveyance or goods in the Republic an Inspector may place a quarantine seal on any container or package of imported goods or on any cabin or locker in any conveyance from outside of the Republic, either for subsequent quarantine inspection, or for the holding of goods under quarantine while the conveyance remains in the territorial waters of the Republic.

(2) An Inspector may place a quarantine seal or lock on any container or package of imported goods which has been discharged from any conveyance arriving from outside of the Republic, either for subsequent quarantine inspection, treatment or detention prior to release or re-export of goods as the case may be.

(3) Any person who interferes with or removes a quarantine seal or lock without the permission of an Inspector shall be guilty of an offence.

27. OFFICIAL STAMP(S)

(1) The official quarantine stamp(s) shall be used in conjunction with the signature of an authorized officer to authenticate documents issued under these regulations.

(2) Any person other than an authorized official who uses an official quarantine stamp for any purpose shall be guilty of an offence.

28. QUARANTINE SCREENING OF LIVE PLANTS AND LIVE ANIMALS

(1) The Chief of Quarantine may prescribe as a condition of importation into the Republic a period of quarantine at an approved quarantine station or quarantine area where live plants or live animals are to be detained and undergo any inspection or examination or treatment as prescribed. Animals or plants detained in such quarantine shall be released when an Inspector is satisfied that the plant or animal meets the import requirements.

(2) The Chief of Quarantine may prescribe as a condition of entry into the Republic completion of a specified period of quarantine at an approved quarantine facility located outside of the Republic where plants or animals are screened for prescribed pests and diseases prior to entry into the Republic.

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29. TREATMENT

(1) Where imported plants, plant material, animals, animal products, regulated material or goods have been detained in quarantine on the evidence of infection, infestation of a pest, or suspected infection or infestation of a pest an Inspector may order a treatment as prescribed to be carried out at the importer's expense.

30. TRANSPORT, STORAGE, UNPACKING, TREATMENT, GROWTH IN QUARANTINE - IMPORTER'S EXPENSE

(1) Prior to the release from quarantine detention of any imported plants, plant material, animal, animal product and/or goods, the importer or owner shall pay the prescribed fees including the cost of transport, examination, unpacking, security, storage, treatment, cleaning, sorting, and in the case of live plants, growth and care in post-entry quarantine, and in the case of live animals in post-entry quarantine, care and feeding of such animals.

(2) Upon notification by an Inspector of the release from quarantine detention of imported plants, plant material, animals, animal product and/or goods such imported plants, plant material, animals, animal product and/or goods must be removed from the place of detention within five working days and in default shall be subject to the payment of prescribed fees for each additional day or part thereof during which the imported plants, plant material, animals, animal product and/or goods remain at the place of quarantine.

(3) Notwithstanding the provisions of (2) the owner of importer of any live animal which has been released from post-entry quarantine but which has not been removed immediately following release shall be responsible for meeting the cost of all food provided to such animal/s until they are removed from quarantine.

31. IN-TRANSIT MOVEMENT OF REGULATED MATERIAL AND GOODS

(1) Any plants, plant material, animals, animal products, or goods in transit through the Republic to another country may be subject to quarantine safeguard measures and permission to transit shall be required.

32. DECLARATION OF NATIONAL QUARANTINE EMERGENCY

(1) The Minister, on the advice of the Chief of Quarantine, may by notice in the gazette, declare a state of national quarantine emergency for the eradication or control of a quarantine pest of economic, public health or environmental importance.

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33. EMERGENCY MEASURES FOR THE ERADICATION/CONTROL OF A QUARANTINE PEST

(1) During a declared state of national quarantine emergency the Chief of Quarantine may take such actions as are deemed necessary to control or eradicate a pest or disease affecting plants, animals or goods and such measures may include but not be limited to:

- (a) Declaring specific pests including noxious weeds to be a quarantine pest;
- (b) Defining a geographic area within the Republic as a quarantine area;
- (c) Controlling the movement of persons, plants, animals, conveyances or goods into or out of a quarantine area;
- (d) Notifying the owner or occupier of the land, in writing, of the measures to be taken to eradicate or control any quarantine pest; and
- (e) Undertaking or arranging to undertake measures to eradicate or control any quarantine pest if the owner or occupier of land on which the quarantine pest occurs, or is believed to occur, cannot be contacted.
- (f) Where it is deemed necessary for an Inspector to carry out control measures or destruction or to arrange to carry out control measures or destruction of plants, plant material, animals or animal material in the absence of the owner the cost of such control measures or destruction may be recovered through action in a court of competent jurisdiction as a debt due to the Government of the Republic.

34. EXPENSES, FEES AND CHARGES FOR IMPORTERS AND EXPORTERS

(1) All costs and expenses of, and attendant upon, any importation or exportation including any documentation, tests, inspections, treatments, detention in quarantine, destruction or re-export, or of any other procedure or action taken or brought about under the provisions of these regulations shall be borne by the importer or exporter as the case may be and no compensation shall be payable by the Government of the Republic for any loss or reduction in value caused by such action.

(2) If any plants, plant materials, animal, animal products or goods are required by these Regulations to be inspected, examined, treated, destroyed or held in quarantine, the importer or consignee in the case of imports and, in the case of Part X of these Regulations the exporter, shall pay the appropriate fee as determined by the Minister.

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35. EXCLUSION OF LIABILITY

(1) Neither the Department responsible nor the Chief of Quarantine, Authorized Officers or Inspectors shall be liable for any loss or damage resulting from the exercise of their authority under these regulations unless the loss or damage was caused otherwise than in the reasonable exercise of their authority.

PART III – APPOINTMENT AND POWERS OF INSPECTORS

36. AUTHORITY TO SEARCH AND EXAMINE

(1) An Inspector may enter any conveyance, land or building other than a dwelling house to search for and examine plants, plant materials, animals, animal products or any other goods subject to these regulations that he reasonably believes may be infested with quarantine pest or disease or may have come into contact with a quarantine pest or disease.

(2) An Inspector may only enter a dwelling house for the purpose of conducting an inspection if he has obtained the express permission of the owner or if he is authorized to do so by search warrant issued for such inspection by a Magistrate or Judge.

(3) When requested to do so, an Inspector shall present written evidence of his appointment as an Inspector.

37. ACCESS TO DOCUMENTS

(1) An Inspector may examine any log, manifest, cargo stowage plan, passenger list, crew list or other necessary document in carrying out his functions under these regulations.

38. POWER TO OPEN SHIPMENT

(1) An Inspector may require the importer or the agent to open any mail, box, case, receptacle, space, or container and when the importer or agent fails to do so, the Inspector may arrange for the opening of such mail, box, case, receptacle, space, or container at the importer's expense.

39. EMPLOYMENT OF ASSISTANTS

(1) An Inspector may, whenever necessary for the purposes of these regulations, and as may be approved by the Minister, employ any person or persons to assist him temporarily. Such person shall have the authority of an Inspector until the cessation of such temporary appointment.

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PART IV - PLANT QUARANTINE

40. REGULATIONS AND QUARANTINES - GENERAL

QP. 1 ENTRY OF FRESH FRUITS AND VEGETABLES

- (1) The entry of fresh fruit and vegetables into the Republic is prohibited except under permit issued by the Chief of Quarantine prior to the importation.
- (2) All importations of fresh fruits and vegetables from a place outside the Republic shall be accompanied by a phytosanitary certificate issued by the exporting country.
- (3) All fresh fruits and vegetables must be imported in new, clean packages which must state the country of origin and a description of the produce.
- (4) The entry of fruit fly susceptible species of fruits and vegetables is prohibited from all countries where fruit flies exotic to the Republic are known to occur unless such fruits or vegetables have been subjected to an approved quarantine treatment and/or conditions.
- (5) The import into the Republic of any fruits or vegetables after they have transitted through areas known to be infested with any fruit fly specie other than *Bactrocera frauenfeldi* (Caroline or mango fly), or other quarantine pests not established within the Republic is prohibited, unless such fruits and vegetables are maintained in the original package and that such packages have not been exposed to any quarantine pests between the point of origin and the entry point into the Republic.
- (6) All imported fresh fruits and vegetables shall be examined by an Inspector on arrival and if a pest is detected, a treatment as prescribed shall be applied before the consignment is released to the importer. In the absence of a suitable treatment the fruits and/or vegetables shall be directed to be destroyed or re-exported at the importer's expense.
- (7) Fruits and vegetables which have been cooked, hermetically canned, frozen, dried or candied, preserved or otherwise processed in such a manner as to preclude a pest risk and to render the product non-viable are exempt from the provisions of this Regulation.

QP 2. ENTRY OF LIVE PLANTS OR PARTS THEREOF (OTHER THAN SEEDS) FOR PROPAGATION

- (1) The importation of plants or planting material which can be propagated, other than seed, may be limited to the smallest quantity of propagating material consistent with standard horticultural practices to enable the satisfactory establishment and reproduction of the introduced cultivar.

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- (2) All imported plants shall be free from soil.
- (3) An approved packing material may be used around the roots of imported plants. Approved packing material may consist of sterile peat moss, sphagnum moss, perlite, vermiculite, sawdust, shredded paper or other inert materials.
- (4) All importations of live plants and planting material from a place outside the Republic shall be accompanied by a phytosanitary certificate issued by the exporting country and such certificate shall state details of any treatment given to the plants or planting material in the place of origin and include any other endorsements required as a condition of the importation.
- (5) Plant tissue cultures may be imported in aseptic, sealed flasks in a sterile medium such as agar. They shall be subject to inspection on arrival and any contaminated flasks and their contents shall be destroyed.

QP 3. IMPORTATION OF SEED.

- (1) Small commercial packets of flowers and vegetable seeds may be imported without a permit at the discretion of the Chief of Quarantine.
- (2) With the exception of seeds imported without a permit under section QP 3 (1), all seeds shall be accompanied by a phytosanitary certificate. The Chief of Quarantine may also require an official seed analysis report.
- (3) Upon arrival, samples of seed may be drawn for examination and if necessary, in the opinion of the inspector, treatment shall be applied.
- (4) All seeds shall be pure and free from injurious extraneous matter, including soil, noxious weed seeds, insects and diseases and shall be subject to such conditions as are determined by the Chief of Quarantine.

QP 4 CUT FLOWERS AND FOLIAGE.

- (1) subject to other relevant provisions of these regulations any cut flower, excluding members of the family Heliconiaceae (which are prohibited), including foliage may be imported, if on inspection at the point of entry the cut flowers are free from pests and contain no material capable of propagation.
- (2) Any cut flower that can be propagated shall be treated as prescribed to prevent propagation.

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- (3) Subject to relevant provision of these regulations any imported dried flower and/or foliage shall be subject to inspection at the point of entry and if found to contain pests or viable seeds shall be subject to treatment as prescribed to remove any quarantine pest or viable seeds before release.

QP.5. TIMBER

- (1) Notwithstanding the provisions under section QP 5 (4) all consignments of timber imported from overseas shall be subject to inspection on arrival and treatment as prescribed if necessary. If such prescribed treatment is not available the consignment may be ordered to be re-shipped or destroyed. If treatments or re-shipment are not performed within 30 days of the order the consignment shall be destroyed.
- (2) The importation of bark and timber with attached is prohibited.
- (3) The importation of previously used timber shall be subject to mandatory treatment for pests before release.
- (4) Imported timber that has been subjected to an approved treatment for the prevention of insect attack prior to entry to the Republic may be imported subject to the provision of an official certificate of treatment and inspection of the timber on arrival to verify the efficacy of the treatment.

QP.6. GRASS, BAMBOO, CANE, PALM FRONDS AND GOODS MANUFACTURED FROM SUCH MATERIALS.

- (1) Grass, bamboo, cane and palm fronds, including wall and roof thatching materials, are prohibited entry into the Republic.
- (2) Manufactured bamboo and cane furniture may be imported subject to inspection on arrival and treatment if necessary.

QP.7. SOIL, SAND AND GRAVEL.

- (1) The importation of soil, sand and gravel into the Republic is prohibited except by permit issued prior to such importation by the Chief of Quarantine.
- (2) Soil used as ballast in any conveyance shall not be discharged within the Republic or within the territorial waters of the Republic.

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QP.8. STORED DRIED FOOD PRODUCTS.

If no inspection stored dried food products including polished rice, spices, and other dried food products are found to be infested with pests or contaminated in any way an inspector may order that such infested goods be treated, destroyed or re-exported on the expense of the owner or agent.

QP.9. PACKING MATERIAL, DUNNAGE AND SECOND-HAND BAGS.

- (1) Importing into the Republic of any packing materials other than an approved packing material is prohibited.
- (2) Approved packing materials shall include wood shavings, sawdust, sphagnum moss, sterile peat moss, wood wool, ground cork, charcoal, shredded paper, plastics, perlite, vermiculite, non-plant and non- animal based materials and any other material approved by the Chief of Quarantine as a packing material.
- (3) No second- hand bags, sacks, containers, wrapping or packing materials which has previously been used for the transport of plant or animal material or which was manufactured to be used for that purpose shall be used for the importation of any kind of goods.
- (4) Any imported timber dunnage, including skids, pallets, racks, stickers, etc is subject to inspection and treatment as prescribed, re-shipment or destruction at the expense of the importer or agent.

QP.10. HANDICRAFTS MADE FROM PLANT MATERIAL.

Provided handicrafts do not contain any material prohibited or restricted under these regulations. Such handicrafts may enter subject to inspection and treatment as required.

QP.11. BACTERIA, VIRUSES, VACCINES, CULTURES AND ORGANISMS.

- (1) , any living culture or organism including parasites, arachnids, mollusks, nematodes, fungi, bacteria, virus, viroids, vaccines, mycoplasma, parasitic plant organisms, plant pest or other invertebrate animals is prohibited unless a permit has been issued for such importation by the Chief of Quarantine prior to such importation of the consignment and only in compliance with the conditions imposed by such permit.
- (2) The importation into the Republic of commercial yeast and yogurt cultures shall be exempt from all provisions under section QP 11 (1).

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PART V – SPECIFIC PLANT PROHIBITIONS

41. PLANT QUARANTINES-SPECIFIC PLANT PROHIBITIONS

The importation into the Republic from a place outside the Republic of the plants listed in the first column of the first Schedule of these regulations.

PART VI-ANIMAL QUARANTINE

42. REGULATIONS AND QUARANTINE (General)

QA.1. MINIMUM CONDITIONS TO BE APPLIED TO LIVE ANIMAL IMPORTATIONS.

For the importation of live animals generally, including embryos and ova, the following conditions and requirements must be met:

1. The first port of entry into the Republic shall be specified in the import permit and shall be a designated, official point of entry.
2. The time and date of embarking, the estimate time and date of arrival in the Republic and the airline/flight number or ship/voyage number shall be communicated to the Chief of Quarantine at the earliest possible time and no later than one weekday working day before embarkation of the animals for the Republic;
3. All animals shall be consigned to the Republic as manifested cargo unless otherwise specified in the import permit;
4. The facilities for the transport of animals shall conform with internationally accepted codes of practice as appropriate;
 - a) All importations of animals are to be accompanied by:

the import permit issued for that importation;
 - b) a declaration signed by the owner or exporter of the animal providing such information and guarantees as may be required regarding the identification, history and origin of the animals;

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- c) and an international animal health certificate signed and stamped by an official veterinarian of the exporting country certifying the state of good health of the animals and giving particulars where applicable of the biological tests to which the animal have been subjected and the vaccinations carried out on the animals which are the subject of the certificate and of any measures taken to prevent the spread of diseases;
5. All animals shall be transported directly without trans-shipment, off-loading or contact with animals not the subject of the same import permit or animals not of equivalent certified health status from the port of departure to the port of arrival in the Republic unless other provisions have been made in the import permit;
6. Notice of the death, loss or sickness of any animals during the voyage shall be given to an Inspector immediately on arrival in the Republic by the person in charge of the vessel or aircraft;
7. All foodstuffs, litter, manure, straw or bedding and packing material, crates, containers or any other related articles shall be off-loaded only on the instructions of an Inspector or veterinarian, who may order their cleaning, disinfection, destruction, incineration or other means of disposal;
8. All animals and documents shall be inspected on arrival by an Inspector;
9. No animal shall be released from quarantine unless the veterinary officer, or his delegate is satisfied, following the inspection that the import is in accordance with the provisions of these regulations, that all conditions of the import permit have been met up to the time of arrival in the Republic and that no period of quarantine detention, treatments or tests are required;
10. Unless an imported animal is released from quarantine following its arrival in the Republic it shall be detained under quarantine control until further notice and may be subjected to any test or treatment required to satisfy the conditions of entry for such animal;
11. Any import permit granted is not transferable;
12. Any import permit may be canceled or amended at any time after issue and before arrival of the animal/s in the Republic should the animal health and/or quarantine status of the country of origin change or be reported to have changed prior to arrival;

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13. All costs and expenses of, and attendant upon, any importation including any documentation, tests, inspections, treatments, detention in quarantine, destructions or re-export, or of any other procedure or action taken or brought about under the provisions of these regulations that shall be borne by the importer and no compensation shall be payable by the Republic for any loss or reduction in value caused by such action;
14. In the case of any OIE List A or List B disease or for any communicable disease which is considered to be of socio-economic or public health importance or which is significant in the international trade of livestock and livestock products or for any communicable diseases with important socio-economic or sanitary influence at the national level and which affect live animals, for which export health certification conditions have not been prescribed in these regulations; no permit shall be issued unless:
 - (a) The exporting country is free from such disease and that no case of such disease was officially reported during the six months immediately preceding the importation of the animals concerned; or
 - (b) If the country of export is not free from any such disease, the Chief of Quarantine attaches such conditions on the import permit sufficient in his opinion to safeguard against the introduction of such disease. Such conditions shall not be less than those recommended in the International Animal Health Code of the O.I.E.

QA.2. BONDING OF ANIMALS (Ship's pets)

- (1) The master of every conveyance arriving in the Republic shall be required to enter into a bond with the Government of the Republic whereby any animal on board such conveyance may not be introduced into the Republic which such conveyance remains in the Republic unless permitted by an Inspector and subjected to quarantine safeguards.

PART VII – SPECIFIC CONDITIONS FOR THE ENTRY OF ANIMALS and ANIMAL PRODUCTS

43. IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS INTO THE REPUBLIC

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QA.1 IMPORTATION OF DOGS INTO THE REPUBLIC

- (1) For the importation of dogs the presentation of an international animal health certificate is required, attesting that the animals:
 - (a) were examined within 48 hours of shipment, found to be in good health and showed no sign of any infectious disease;
 - (b) have been effectively vaccinated against distemper, hepatitis and canine parvovirus at least one month and not more than three months before shipment;
 - (c) have been effectively treated against echinococcosis-hydatidosis, round hook and whip worms within three days of shipment;
 - (d) have been effectively treated against, and found on examination to be visibly free of, all ectoparasites within three days of shipment;
 - (e) showed no clinical sign of rabies on the day of shipment, and were kept from birth or for six months prior to shipment in the exporting country, where no case of rabies was officially reported during the two years immediately preceding the importation of the animals concerned;
 - (f) have been vaccinated with an inactivated rabies virus more than thirty days prior to entry into the Republic ; and
 - (g) for animals originating from a country or a part of a country where rabies occurs or is reported to occur or where rabies vaccination is routinely practiced must undergo a period of not less than 120 days in an approved quarantine facility recognized by the Republic as rabies free area prior to entry to the Republic, or
- (2) Upon arrival in the Republic, imported dogs shall immediately be taken under the control of an Inspector to the quarantine premises previously approved by the Chief of Quarantine, whereat the animals shall remain until they are released by an Inspector.

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QA.2 IMPORTATION OF CATS INTO THE REPUBLIC

- (1) The importation of cats into the Republic requires presentation of an international animal health certificate, attesting that the animals:
 - (a) were examined within 48 hours of shipment, found to be in good health and showed no sign of any infectious disease; and
 - (b) have been effectively vaccinated against Feline Panleucopaenia at least one month and not more than twelve months before shipment, and Feline Viral Rhinotracheitis / Calici virus at least one month and not more than six months before shipment; and
 - (c) have been effectively treated against echinococcosis-hydatidosis, round hook and whip worms within three days of shipment; and
 - (d) have been effectively treated against, and found on examination to be visibly free of, all ectoparasites within three days of shipment; and
 - (e) showed no clinical sign of rabies on the day of shipment, and were kept from birth or for six months prior to shipment in the exporting country where no case of rabies was officially reported during the two years immediately preceding the importation of the animals concerned;
 - (f) for animals originating from a country or a part of a country where rabies occurs or is reported to occur or where rabies vaccination is routinely practiced must undergo a period of not less than 120 days in an approved quarantine facility recognized by the Republic as rabies free area prior to entry to the Republic
- (3) Upon arrival in the Republic, imported cats shall immediately be taken under the control of an Inspector to the quarantine premises previously approved by the Chief of Quarantine, whereat the animals shall remain until they are released by an Inspector.

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QA.3 IMPORTATION OF CATTLE INTO THE REPUBLIC

- (1) The importation of cattle into the Republic requires presentation of an international animal health certificate attesting that the cattle:
- (a) were examined in daylight within 24 hours of shipment, found to be in good health and showed no clinical sign of any disease, including skin diseases and external parasites; and
 - (b) were kept since birth or for at least the six months prior to shipment in the exporting country, which is internationally recognized as free from rabies and all OIE List A diseases which affect cattle or may be carried by cattle and where these diseases are notifiable and no case of any of these diseases was officially reported during the past two years;
 - (i) have undergone dipping or spraying with an effective insecticide on two occasions at seven day intervals, the last being within forty-eight hours of shipment; and
 - (ii) have been treated with an effective anthelmintic on two occasions at 21 day intervals, the last being within 48 hours of shipment; and
 - (iii) have for the thirty days prior to shipment been held in an approved quarantine establishment during which time the animals were maintained in complete isolation, subjected to regular veterinary observation and at no time during which did either they or any other animals in the same quarantine establishment show any sign of disease; and
 - (iv) come from a herd in which no clinical sign of bovine brucellosis was officially reported during the six months prior to shipment; and
 - (c) come from a country or part of the territory of a country officially free from bovine tuberculosis, and showed negative response to an effective test for bovine tuberculosis during the thirty days prior to shipment; and
 - (d) come from a country or part of the territory of a country officially free from bovine tuberculosis, and showed negative response to an effective test for bovine tuberculosis during the thirty days prior to shipment.

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- (2) In the case of any OIE List A or List B disease or for any communicable disease which is considered to be of socio-economic or public health importance or which is significant in the international trade of livestock and livestock products or for any communicable diseases with important socio-economic or sanitary influence at the national level and which affect live animals, for which export health certification conditions have not been prescribed in these regulations, no import shall be permitted unless;
- (a) the exporting country is free from such disease and no case of such disease as officially reported during the six months immediately preceding the importation of the animals concerned; or
 - (b) if the country of export is not free from any such disease, the Chief of Quarantine attaches such conditions on the import permit sufficient in his opinion to safeguard against the introduction of such disease. Such conditions shall not be less than those recommended in the International Animal Health Code of the O.I.E.
- (3) Upon arrival in the Republic, imported cattle shall immediately be taken under the control of an Inspector to the quarantine premises previously approved by the Chief of Quarantine, whereat the animals shall remain until they are released by an Inspector.

QA.4 IMPORTATION OF SMALL RUMINANTS (SHEEP AND GOATS) INTO THE REPUBLIC.

- (1) The importation of small ruminants into the Republic requires presentation of an international animal health certificate attesting that the animals:
- (a) were examined in daylight within 24 hours of shipment, found to be in good health and showed no clinical sign of any disease, including skin diseases and external parasites;
 - (b) were kept since birth or for at least the six months prior to shipment in the exporting country which is internationally recognized as free from rabies and all OIE List A diseases which affect shall ruminants or which may be carried by small ruminants and where these diseases are required to be reported, and no case of any of these diseases was officially reported during the past two years;
 - (c) have undergone dipping or spraying with an effective insecticide on two occasions at seven day intervals, the last being within forty-eight hours of shipment.

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- (d) Have been treated with an effective anthelmintic on two occasions at 21 day intervals, the last being within 48 hours of shipment.
 - (e) Have for the thirty days prior to shipment been held in an approved quarantine establishment during which time the animals were maintained in complete isolation, subjected to regular veterinary observation and at no time during which did either they or any other animals in the same quarantine establishment show any sign of disease;
 - (f) Come from a country or part of the territory of a country free from bovine brucellosis, or come from a ship or goat flock free from caprine or ovine brucellosis.
- (2) In the case of any OIE List A or List B disease any communicable disease which is considered to be of socio-economic or public health importance or which is significant in the international trade of livestock and livestock products, or any communicable diseases with important socio-economic or sanitary influence at the national level and which affect live animals, and for which export health certification conditions have not been prescribed in these regulations, no import shall be permitted unless either:
- (a) that the exporting country is free from such disease and that no case of such disease was officially reported during the six months immediately preceding the importation of the animals concerned; or
 - (b) if the country of export is not free from any such disease, the Chief of Quarantine attaches such conditions on the import permit sufficient in his opinion to safeguard against the introduction of such disease. Such conditions shall not be less than those recommended in the International Animal Health Code of the O.I.E.
- (a) Upon arrival in the Republic, imported small ruminants shall immediately be taken under the control of an Inspector to the quarantine premises previously approved by the Chief of Quarantine, whereat the animals shall remain until they are released by an Inspector.

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QA.5 IMPORTATION OF DOMESTIC HORSES, MULES AND DONKEYS INTO THE REPUBLIC

- (1) The importation of domestic horses, mules and donkeys into the Republic requires an international animal health certificate, attesting that the animals:
- (a) were examined in daylight within 24 hours of shipment, found to be in good health and showed no clinical sign of any disease, including skin diseases, mange and external parasites;
 - (b) were kept since birth or for the six months prior to shipment in the exporting country, or part of the territory of the exporting country, which internationally recognized as free from rabies and all OIE List A diseases which affect horses, mules and donkeys or may be carried by horses, mules and donkeys and where these diseases are required to be reported, and case of any of these diseases was officially reported during the past two years;
 - (c) have for the thirty days prior to shipment been held in an approved quarantine established during which time the animals were maintained in complete isolation, subjected to regular veterinary observation and at no time during which did either they or any other animals in the same quarantine establishment show any sign of disease.
 - (d) Upon arrival in the Republic, imported domestic horses, mules and donkeys shall immediately be taken under the control of an Inspector to the quarantine premises previously approved by the Chief of Quarantine, whereat the animals shall remain until they are released by an Inspector.

QA.6 IMPORTATION OF DOMESTIC PIGS INTO THE REPUBLIC

- (1) The importation of domestic pigs into the Republic requires presentation of an international animal health certificate, attesting that the animals:
- (a) were examined in daylight within 24 hours of shipment, found to be in good health and showed no clinical sign of any disease, including skin diseases, mange and external parasites; and
 - (b) were kept since birth or for the six months prior to shipment in the exporting country which in internationally recognized as free from rabies and all OIE List A diseases which affect pigs or which may be carried by pigs and where these diseases are required to be reported, and no case of any these diseases was officially reported during the past two years; and

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- (c) have for the thirty prior to shipment been held in a approved quarantine establishment during which time the animals were maintained in complete isolation, subjected to regular veterinary observation and at no time during which did either they or any other animals in the same quarantine establishment show any sign of disease; and
 - (d) have undergone dipping or spraying with an effective insecticide on tow occasions at seven day intervals, the last being within 48 hours of shipment; and
 - (e) have been treated with an effective anthelmintic on two occasions at 21 days intervals, the last being within 48 hours of shipment.
- (2) In the case of any OIE List A or List B disease or for any communicable disease which is considered to be of socio-economic or public health importance or which is significant in the international trade of livestock and livestock products or for any communicable diseases with important socio-economic or sanitary influence at the national level and which affect live animals and for which export health certification conditions have not been prescribed in these regulations, no importation shall be permitted unless either:
- (a) the exporting country is free form such disease and that no case of such disease officially reported dueing the six months immediately preceding the importation of the animals concerned; or
 - (b) in the country of export is not free from any such disease, the Chief of Quarantine attaches such conditions on the import on the import permit sufficient in his opinion to safeguard against the introduction of such disease. Such conditions shall not be less than those recommended in the International Animal Health Code of the O.I.E.
- (3) Upon arrival in the Republic, imported domestic pigs shall immediately be taken under the control of an Inspector to the quarantine premises previously approved by the Chief of Quarantine, whereat the animal shall remain until they are released by an Inspector.

QA.7 IMPORTATION OF BIRDS INTO THE REPUBLIC

- (1) Birds shall be identified in their scientific name by genus and species in both the application to import and in the international animal health certificate;

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(2) The importation of domestic birds into the Republic requires presentation of an international animal health certificate, attesting that birds;

- (a) showed no clinical sign of disease on the day of shipment;
- (b) come from establishments which are regularly inspected by the official government veterinary authority of the country of export;
- (c) have been kept in the exporting country which internationally recognized as free from OIE List A diseases which affect domestic birds or may be carried by domestic birds either since they were hatched or for at least the past twenty-one days prior to export; and either;-
 - (i) have not been vaccinated against Newcastle disease (ND), highly virulent avian influenza; or
 - (ii) have been vaccinated against Newcastle disease (ND), highly virulent avian influenza using a vaccine complying with internationally-accepted standards, and providing the nature of the vaccine used and the date of vaccination in the international animal health certificate;
- (d) have been vaccinated against infectious bursal disease come from an establishment free from infectious bursal disease; and
- (e) come from establishments free from pullorum-tyhoid disease, and have tested negative for pullorum-typhoid disease and have been kept in an approved quarantine station for not less than twenty-one days prior to shipment.

(3) Upon arrival in the Republic, imported birds shall immediately be taken under the control of an Inspector to the quarantine premises previously approved by the Chief of Quarantine, whereat the animals shall remain until they are released by an inspector.

QA. 8. IMPORTATION OF DAY-OLD CHICKS INTO THE REPUBLIC

(1) The importation of day-old chicks, turkey, poultry and other newly-hatched avian species requires an international animal health certificate, attesting that the newly hatched birds:

- (a) come from establishments which are regularly inspected by the official veterinary authority of the country of export;

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(b) come from hatcheries situated in a country which is internationally recognised as free from OIE List A diseases which affect domestic poultry or may be carried by domestic poultry;

(c) either -

(i) come from hatcheries situated in a country free from infectious bursal disease (Gumboro disease), or

(ii) come from establishments which are recognized as being free from infectious bursal disease following tests for the detection of precipitating antibodies and in which vaccination against infectious bursal disease is not practiced on the parent stock and have not themselves been vaccinated against infectious bursal disease; or

(d) were vaccinated against Marek's disease, the nature of the vaccine to be stated in the international animal health certificate;

(e) either -

(i) come from establishments or hatcheries which are recognized as being free from pullorum-typhoid disease, avian infectious bronchitis, avian infectious laryngotracheitis (ILT) and fowl cholera; or

(ii) come from establishments or hatcheries in which vaccination against avian infectious bronchitis, ILT and fowl cholera is not practiced on the parent stock or have not themselves been vaccinated against avian infectious bronchitis, ILT and fowl cholera; or

(iii) were vaccinated against avian infectious bronchitis, ILT and fowl cholera, the nature of the vaccine used and the date of vaccination to be stated in the international animal health certificate; or

(iv) come from establishment; or hatcheries in which vaccination against avian infectious bronchitis, ILT and fowl cholera is practiced on the parent stock.

(f) come from establishments or hatcheries which are recognised as being free from avian tuberculosis; and

(g) showed no sign of mycoplasmosis on the day of shipment, originate exclusively from eggs produced by birds from establishments free from mycoplasmosis, and are shipped in clean, not previously used packages.

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QA 9 IMPORTATION OF HATCHING EGGS INTO THE REPUBLIC

(1) The importation of hatching eggs into the Republic requires presentation of an international animal health certificate, attesting that the hatching eggs:

- (a) come from hatcheries situated in a country which is internationally recognised as OIE List A diseases which affect domestic poultry or may be carried by domestic poultry;
- (b) come from establishments or hatcheries which are regularly inspected by the veterinary authority;
- (c) come from establishments in which vaccination against Marek's disease is practiced, the nature of the vaccine used shall also be stated in the certificate;
- (d) originate exclusively from birds kept in establishments free from mycoplasmosis;
- (e) come from establishments and/or hatcheries which are certified as being free from pullorum-typhoid disease and avian tuberculosis; and
- (f) have been disinfected in accordance with accepted international standards, are correctly identified and are shipped in clean and unused packages.

QA 10 IMPORTATION OF RODENTS AND RABBITS INTO THE REPUBLIC

(1) The importation of rodents and rabbits into the Republic requires presentation of an international animal health certificate, attesting that the rodents or rabbits:

- (a) were examined within 24 hours of shipment, found to be in good health and showed no sign of any infectious disease;
- (b) have been effectively treated against endoparasites within three days of shipment;
- (c) have been effectively treated against, and found on examination to be visibly free of, all ectoparasites within three days of shipment;
- (d) have been treated with an effective anthelmintic on two occasions at 21 day intervals, the last being within 48 hours of shipment;

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- (e) were kept since birth or for at least the six months prior to shipment in the exporting country, or part of the territory of the exporting country which is internationally recognised as free from rabies and all OIE List A diseases which may be carried by rodents or rabbits.

(2) Upon arrival in the Republic, imported rodents and rabbits shall immediately be taken under the control of an Inspector to the quarantine premises previously approved by the Chief of Quarantine, whereat the animals shall remain until they are released by an Inspector.

QA 11 IMPORTATION OF EMBRYOS/OVA OF PIGS INTO THE REPUBLIC

(1) The importation of embryos/ova of pigs into the Republic requires the presentation of an international animal health certificate, attesting that:

- (a) the donor females and all other animals in the herd of origin showed no clinical sign of disease during the twenty-four hours prior to departure to the collection unit and for the following thirty days;
- (b) the donor females were kept in a country or part of the territory of a country internationally recognised as free from OIE List A diseases affecting pigs since birth or for the preceding 2 years and were kept in the same herd for at least the forty days prior to departure to the collection unit;
- (c) the donor females were fertilized with semen meeting the requirements for the importation of semen into the Republic; and
- (d) the collection unit remained free from OIE List A diseases affecting domestic ruminants and pigs since birth during the forty days following collection;

(2) Embryos/ova must be collected, washed, treated, examined for intact zona pellucida, otherwise handled and transported according to International Codes of Practice.

QA 12 IMPORTATION OF SEMEN OF DOMESTIC RUMINANTS INTO THE REPUBLIC

(1) The importation of the semen of domestic ruminants into the Republic requires presentation of an international animal health certificate, attesting that the donor animals:

- (a) showed no clinical sign of disease on the day of collection and, except for fresh semen, for the following thirty days;

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(b) were kept in a country internationally recognised as free from OIE List A diseases which affect domestic ruminants and pigs, since birth or for not less six months prior to collection;

(c) for bovine semen the following additional conditions apply:

(i) were kept in the exporting country for the thirty days prior to collection, in an establishment or artificial insemination centre where all animals are officially free from bovine tuberculosis; and

(ii) either -

(A) when the semen comes from an artificial insemination centre, the testing programme includes appropriate and effective tests for bovine brucellosis; or

(B) when the semen does not come from an artificial insemination centre, the donor animals come from a country or part of the territory of a country free from bovine brucellosis;

QA 13 IMPORTATION OF SEMEN OF PIGS INTO THE REPUBLIC

(1) The importation of the semen of domestic pigs into the Republic requires presentation of an international animal health certificate, attesting that the donor animals:

(a) showed no clinical sign of disease on the day of collection and, except for fresh semen, for the following thirty days;

(b) were kept in a country internationally recognised as free from OIE List A diseases affecting domestic ruminants and pigs since birth or for not less than six months prior to collection.

QA 14 IMPORTATION OF NON-COMMERCIAL CONSIGNMENTS OF FOOD PRODUCTS OF ANIMAL ORIGIN BEING IMPORTED AS ACCOMPANIED PASSENGERS' BAGGAGE AND FOR PERSONAL USE

(1) The importation of non-commercial consignments of food products of animal origin being imported as accompanied passengers' baggage and for personal use is subject to the following conditions:

(a) all food products of animal origin imported by a passenger must be commercially produced, packaged and sealed, and must be labelled in English by the manufacturer clearly stating the contents and country of origin;

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(b) the total quantity of food products of animal origin which may be imported by a passenger on any single occasion shall not exceed 10 kg per adult passenger; and

(c) products imported under the provisions of this Regulation must not be resold.

QA 15 IMPORTATION OF UNSTERILIZED MEAT AND MEAT PRODUCTS DERIVED FROM DOMESTIC RUMINANTS INTO THE REPUBLIC

(1) The importation of unsterilized meat and meat products derived from domestic ruminants requires presentation of an international health certificate or other approved certification. Where required the international health certificate shall attest that the entire consignment of meat comes from animals:

(a) which have been kept in the country internationally recognised as free from OIE List A diseases affecting domestic ruminants and pigs since birth; and

(b) which were slaughtered in an abattoir, found to be healthy before and after slaughter, cut up in a cutting-up establishment under Government supervision, and considered to be fit for human consumption.

QA 16 IMPORTATION OF UNSTERILIZED MEAT AND MEAT PRODUCTS DERIVED FROM PIGS INTO THE REPUBLIC

(1) The importation of unsterilized meat and meat products derived from pigs requires presentation of an international health certificate or other approved certification attesting that the entire consignment of meat comes from animals:

(a) which have been kept in the country since birth, or have been imported from a country internationally recognised as free from OIE List A diseases affecting domestic pigs since birth; and

(b) which were slaughtered in an abattoir, found to be healthy before and after slaughter, cut up in a preparation establishment, and considered to be fit for human consumption.

QA 17 IMPORTATION OF UNSTERILIZED MEAT AND MEAT PRODUCTS DERIVED FROM POULTRY INTO THE REPUBLIC

(1) The importation of unsterilized meat and meat products derived from poultry requires presentation of an international health certificate or other approved certification attesting that the entire consignment of meat comes from birds:

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(a) which have been kept in establishment free from Newcastle disease and highly pathogenic avian influenza and not situated in an infected zone of these diseases; and

(b) which were slaughtered in an abattoir not situated in an infected zone of Newcastle disease and highly pathogenic avian influenza, found to be healthy before and after slaughter, cut up in a preparation establishment, and considered to be fit for human consumption.

QA 18 IMPORTATION OF EGGS AND EGG PRODUCTS FOR CONSUMPTION AND PROCESSING INTO THE REPUBLIC

(1) The importation of eggs in embryonic stages, (such as Balot), are totally prohibited into the Republic. For the importation of unfertilized eggs and egg products requires presentation of an international health certificate or other approved certification attesting that the entire consignment comes from birds:

(a) in case of eggs, have been disinfected in accordance with O.I.E. standards, are correctly identified, and are shipped in clean and unused packages.

(b) in case of egg products, that the eggs were sterilized by conventional heat treatment regimes during the manufacturing process.

QA 19 IMPORTATION OF MILK AND MILK PRODUCTS INTO THE REPUBLIC

(1) Unless otherwise specified under a general import permit under Regulation 19, an international animal health certificate is required for the importation of milk and milk products attesting that the animals from which the milk and milk products were derived:

(a) were kept since birth or for at least 12 months prior to the collection of milk used manufacture of this shipment in the exporting country internationally recognized as free from O.I.E. List A diseases affecting domestic ruminants and where these diseases are required to be reported;

(b) that vaccination against O.I.E. List A diseases affecting domestic ruminants and pigs is not practiced; and

(c) that the milk and milk products were pasteurized or sterilized at conventional heat treatment regimes during the manufacturing process.

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(2) Passengers with infants shall be exempt from the provisions of sub-paragraph (a) with respect to a liquid milk or milk containing formula, in which case a maximum of two litres may be allowed for each accompanied child under two years of age. In case of a powdered milk or milk containing formula a maximum of two kilograms shall be permitted for each accompanied child under two years of age.

QA. 20. IMPORTATION OF HONEY BEES AND APIARY EQUIPMENT INTO THE REPUBLIC

(1) The importation of honey bees (*Apis mellifera*) into the Republic requires presentation of an international animal health certificate, attesting that:

- (a) the honey bees in the consignment come from apiaries which are regularly inspected by government officers empowered for that purpose by the exporting country;
- (b) the exporting country or part of the territory of the exporting country is free from Varroasis and Acariasis;
- (c) the exporting country or part of the territory of the exporting country is free from American Foul Brood, European Foul Brood, Chalk Brood; and
- (d) that the exporting country or part of the territory of the exporting country is free from evidence of Africanized bees.
- (e) the entry of used bee keeping equipment including hives, frames, and tools, is prohibited.

QA. 21 IMPORTATION OF HONEY AND BEE PRODUCTS INTO THE REPUBLIC

(1) Unless otherwise specified under a general import permit issued under Part II Section 20, the importation of honey and bee products shall be subject to the presentation of an international health certificate attesting that:

- (a) the honey and/or bee products in the consignment come from apiaries which are regularly inspected by government officers empowered for that purpose by the exporting country;
- (b) the exporting country, or relevant part of the territory of the exporting country, is free from American Foul Brood, European Foul Brood and Chalk brood, and;

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- (c) all honey and/or bee products shall be commercially packed, in clean new containers and labelled in English by the packer to clearly state the name of the packer or manufacturer, the contents, the quantity and country of origin.

QA. 22. IMPORTATION OF ALL OTHER ANIMAL PRODUCTS AND OTHER RELATED ARTICLES INTO THE REPUBLIC

(1) The importation of all other animal products and other related articles generally the following minimum conditions and requirements must be met:

- (a) the first port of entry in the Republic, shall be specified in the import permit;
- (b) unless accompanied by passenger, all animal products and related articles shall be consigned to the Republic as manifested cargo unless otherwise specified in the import permit;
- (c) unless accompanied by a passenger, all importations of animal products and related goods are to be accompanied by;
 - (i) the import permit issued for that importation; and
 - (ii) an international health certificate or other approved certification certifying the state of goods health of animal products and related articles and giving particulars where applicable of any measures taken to prevent the spread of disease;
- (d) all animal products shall be inspected on arrival by an Inspector;
- (e) only when the inspector is satisfied, following the inspection prescribed in [d] above, that the import is in accordance with the provisions of these regulations and that all conditions of the import permit have been satisfied up to the time of importation and that no period of quarantine detention, treatments or tests are required shall a quarantine release be issued;
- (f) unless a quarantine release is issued according to the provisions of [e] above, all animal products and related articles will be detained under quarantine control until further notice and be subjected to any test, treatment, disinfection or fumigation required;
- (g) an inspector may order animal products that are imported or introduced into the Republic in contravention of the provisions of these regulations, or of any conditions of the import permit, to be seized, destroyed, disposed of or re-exported at the owner's expense;

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- (h) any import permit granted may be cancelled or amended at any time after issue and before arrival of the animal products and related articles in the Republic should the animal health and/or quarantine status of the country of origin change or be reported to have changed in the meantime; and
- (i) all costs and expenses of, and attendant upon, any importation including any documentation, tests inspections, treatments, detention in quarantine, destruction or re-export, or of any other procedure or action taken or brought about under the provisions of these regulations shall be borne by the importer and no compensation shall be payable by Government of the Republic of Nauru for any loss or reduction in value caused by such action.

PART VIII - SPECIFIC ANIMAL PROHIBITIONS

44. ANIMAL QUARANTINES – SPECIFIC ANIMAL PROHIBITIONS

- (1) The importation into the Republic from a place outside the Republic of the animals listed in the Second Schedule of these Regulations is prohibited.

45. IMPORTATION FOR SPECIAL PURPOSES

- (1) Notwithstanding the provisions of Regulation 45;
 - (a) An Inspector may issue phytosanitary certificates based on the results of inspections of plants and plant material performed at the requests of exporters to assist them in meeting the quarantine entry requirement of the importing country.
 - (b) Such phytosanitary certificate may be issued only for plants or plant material produced in the Republic of Nauru.
 - (c) Issuance of a phytosanitary certificate by an Inspector shall not release the importer or exporter from compliance with any quarantine import regulations of the country to which the plants or plant materials are consigned.
 - (d) Phytosanitary certificates issued by Inspectors shall be substantially based on the Model adopted by the International Plant Protections Convention of 1951, as amended from time to time.
 - (e) An Inspector may withhold or detain any plants or plant material being exported until such time as he is satisfied that they meet with any/all terms and conditions of the importing country and are of sufficient quality and wholesomeness.

PART IX EXPORT REQUIREMENTS

46. EXAMINATION OF EXPORTS - PLANTS AND PLANT PRODUCTS

- (1) An Inspector may issue phytosanitary certificates based on the results of inspections of plants and plant material performed at the request of exporters to assist them in meeting the quarantine entry requirements of the importing country.
- (2) Such phytosanitary certificate may be issued only for plants or plant material produced in the Republic.
- (3) Issuance of a phytosanitary certificate by an Inspector shall not release the importer or exporter from compliance with any quarantine import regulations of the country to which the plants or plant material are consigned.
- (4) Phytosanitary certificates issued by Inspectors shall be substantially based on the Model adopted by the International Plant Protection Convention of 1951, as amended from time to time.
- (5) An Inspector may withhold or detain any plants or plant material being exported until such time as he is satisfied that they meet with any and all terms and conditions of the importing country and are of sufficient quality and wholesomeness.

47. EXAMINATION OF EXPORTS - ANIMALS AND ANIMAL PRODUCTS

- (1) Any animals, animal products, and related goods being exported be inspected by an Inspector or veterinarian prior to export.
- (2) An Inspector or veterinarian may withhold or detain any animals or animal products being exported until such time as he is satisfied that they meet with any and all terms and conditions of the importing country and are of sufficient quality and wholesomeness.

48. RE-EXPORT OF PLANTS AND PLANT MATERIALS, ANIMALS AND ANIMAL PRODUCTS

- (1) All plants and plant materials, animals and animal products intended for re-export from the Republic must clearly be identified as such and the country of origin stated on the accompanying certification.
- (2) An Inspector may issue a Re-export Phytosanitary Certificate for plants and plant products which have arrived in the Republic but which are not intended for importation into the Republic.

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(3) An Inspector shall only issue a re-export Phytosanitary Certificate where he is satisfied that such plants, plant products or other regulated materials are accompanied by a Phytosanitary Certificate issued by the plant health authority of the country of origin and that such goods comply generally with the goods described on such certificate.

(4) An Inspector or veterinarian may issue a re-export International Animal Health Certificate in the case of a live animal or a re-export International Health Certificate in the case of an animal product where such animal or animal product as the case may be has arrived in the Republic but is not intended for importation into the Republic.

(5) An Inspector or veterinarian may issue a re-export International Animal Health Certificate in the case of a live animal or a re-export International Health Certificate in the case of an animal product where he is satisfied that such animal or animal product as the case may is accompanied by an International Animal Health Certificate in the case of an animal or an International Health Certificate in the case of an animal product issued by the animal health authority of the country of origin and that such animal or animal product conforms generally with the description printed on such certificate.

PART X – PENALTIES

49. PENALTIES

(1) Pursuant to the Quarantine Offences under Section 27 of the Agricultural Quarantine Act 1999, any person who violates any provision of these regulations shall be guilty of an offence and upon conviction by Magistrate thereof shall be subject to the penalties provided by law.

Dated this 3rd day of September, 2004

Camilla Solomon
Acting Secretary to Cabinet

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FIRST SCHEDULE

Importation of plants and plant materials of the following species is prohibited as stated under Section 41 of the Regulation.

Common name	Scientific Name	Plants or plant material prohibited
Banana, Abaca, and Heliconia	<i>Musaceae</i> family and <i>Heliconiaceae</i> family	Plants, corms and cut flowers except tissue culture certified free from bunchy top disease, mosaic virus, Panama disease and bacterial diseases including moko disease, black leaf streak and Sigatoka disease
Citrus	Citrus species and the following genera: <i>CitROMsis</i> , <i>Citrus</i> , <i>Eremocitrus</i> , <i>Fortunella</i> , <i>Microcitrus</i> , <i>Monanthocitrus</i> , <i>Pleurocitrus</i> and <i>Poncirus</i>	All except fruit and seeds. Fruit from areas where citrus canker (<i>Xanthomonas campestris p.v. citri</i> (Hasse) Dye) occurs. All of <i>Murraya</i> spp.
All palms including Coconut and Betel Nut	<i>Cocos</i> species and all members of the family <i>Palmae</i>	All except seeds nuts and pollen from areas approved by the Chief of Quarantine

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SECOND SCHEDULE

Importation of animals of the following species is prohibited as stated (Regulation 44)

- (a) any snake of any species;
- (b) any living stage of any venomous reptile, venomous amphibian, venomous fish or venomous invertebrate;
- (c) any red vented bulbul (*Molpaster cafer* L.) or Mynah bird (*Aeriodothes fuscus*);
- (d) any American grey squirrel (*Sciurus carolensis* gmelin);
- (e) any monkey;
- (f) any mongoose (*Herpestes* sp.);
- (g) any mink; (*Mustela vison*);
- (h) any parrot;
- (i) such other animal which the Minister may specify as likely to become a nuisance or to cause injury or damage

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THIRD SCHEDULE

(1) FORMS

- Form 1 Application for Permit to import Live animals/animal products
- Form 2 Application for a permit to import Plant/Plant material goods
- Form 3 Plant & Quarantine Entry Permit
- Form 4 Certificate of Origin
- Form 5 Phytosanitary Certificate
- Form 6 Seize/Order certificate for the control of goods subject to quarantine
- Form 7 Ship inspection report certificate

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FOURTH SCHEDULE

(Prescribed Fees)

The fees payable in respect of plant and animal quarantine are set out below:

(1) TREATMENT

Fumigation

- | | | |
|-----|--|--|
| (a) | Small chamber (1.1 per m ³) | \$15.00 |
| (b) | Other fumigation chambers including sheet fumigation | \$100.00 per cubic metre or part thereof. (max of \$200.00 per container and/or chamber) |

Heat Sterilization

- | | | |
|-----|--------------------|----------------------------|
| (c) | By heat in an oven | \$8.00 per 0.2 cubic metre |
|-----|--------------------|----------------------------|

Waste Disposal

- | | | |
|-----|---|---------------------|
| (d) | Disposal/incineration of quarantinable materials. | \$2.00 per kilogram |
|-----|---|---------------------|

Steam Cleaning

- | | | |
|-----|-----------------|----------------------------------|
| (e) | Per consignment | \$20.00 per hour or part thereof |
|-----|-----------------|----------------------------------|

(2) INSPECTION

Examination of import/export

- | | | |
|-----|---|----------|
| (f) | Inspection and documentation issuing of certificates (Phytosanitary Certificate, Certificate of Origin) | \$10.00 |
| (g) | Issuing of Import/Export Permit single entry (Plant//Meat) | \$20.00 |
| (h) | Issuing of Import/Export Permit multiple Importation (Plant/Meat) | \$500.00 |

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- | | | |
|-----|---|----------|
| (i) | Issuing of Import Permit for Live animals | \$200.00 |
| (j) | Examination of Container system unit | \$20.00 |
| (k) | Examination of Motor Vehicle | \$20.00 |

Aircraft Clearance

- | | | |
|-----|------------------------------------|----------|
| (l) | Light aircraft | \$50.00 |
| (m) | Narrow bodied aircraft (untreated) | \$100.00 |
| (n) | Narrow bodied aircraft (treated) | \$75.00 |

Ship Clearance

- | | | |
|-----|---|----------|
| (o) | Vessel of more than 25 metres in length | \$100.00 |
| (p) | Vessel of 25 metres or less in length | \$50.00 |