

# DEMOCRATIC REPUBLIC OF TIMOR-LESTE

## THE GOVERNMENT

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**Decree-Law No. 21/2003**

**Of 31 December 2003**

### **Quarantine and Sanitary Control on Goods Imported and Exported**

The Democratic Republic of Timor-Leste has, to a great extent, been spared from the introduction, establishment and propagation of exotic diseases and plagues inside its territory. This is due to the relative isolation in which the country has been living in throughout the centuries and to the low level of international commercial exchanges and movement of persons beyond its borders to which, traditionally, the country has been subjected to.

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

The needs required to advance the process of development of the country and the consequent exponential increase in the movement of peoples and goods with the outside world, which will necessarily result from the dynamics prompted by its independence, will increasingly expose the national territory, including its fauna and flora, to the danger of new diseases and plagues carrying potential irreparable damages to public health, as well as to the national animal and vegetal heritage, the environment and the economy of the country.

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

Thus, considering the need to take measures aimed at protecting the country from exotic diseases and plagues and at protecting its population as well as the animal and vegetal heritage from communicable diseases through plants and animals or their by-products imported from abroad;

Pursuant to Article 115.1 of the Constitution of the Democratic Republic of Timor-Leste, the Government decrees the following, which shall have the force of law:

## **CHAPTER I**

### **General Provisions**

#### **Article 1 Definitions**

For the purposes of the present statute and other applicable regulations:

- a) “Area” means a country, a part of a country, all countries, or parts of several countries;
- b) “Plague” means any organism, focus, or biotype of a plant or animal, or any pathogenic agent harmful to plants or to plant products;
- c) “Entry of a plague” means the displacement of a plague to an area wherein its presence had not been previously established;
- d) “Establishment” means the perpetuation over time of the presence of a disease or plague in an area after its entry into that area;
- e) “FAO” means the Food and Agriculture Organisation;
- f) “OIE” means the International Office for Epizootic Diseases;
- g) “Area free from plague” means an area wherein there is no occurrence of a specific plague as demonstrated by scientific proof;
- h) “Animal product” means any part of an animal, an animal product, or a product made from an animal product or from a part of an animal;
- i) “Vegetal product” means any part of a plant, a plant product, or a product made from a plant product or from a part of a plant;
- j) “Animal by-product” means any product deriving from an animal;
- k) “Plant by-product” means any product deriving from a plant;
- l) “Manure” means animal excrements utilised as soil fertilisers;
- m) “National maritime waters” means the interior maritime waters, the territorial sea and the exclusive economic zone;

- n) “Sanitary control” means the phytosanitary and/or zoosanitary, including the physical and documental control;
- o) “Inspection” means the official visual examination of animals, plants, products, their derivatives or other items with the objective of establishing whether diseases or plagues exist and/or determining the compliance with the conditions and requirements demanded by the legislation on phyto- and zoosanitary control;
- p) “Legislation” means any law, order, regulation, directive, instruction or other administrative measure issued by the competent authorities;
- q) “Assessment of risk of plague” means the determination of whether a plague is susceptible to quarantine and the assessment of the potentiality of its introduction in the country;
- r) “Beef powder” means the product obtained by the heating, drying and trituration of terrestrial hot-blooded animals or their parts thereof wherein may have been partially extracted or separated by physical processes;
- s) “Bone powder” means the product obtained by the drying, heating and the fine trituration of bones of terrestrial hot-blooded animals wherein a large part of the fat has been extracted or separated by physical processes;
- t) “Blood powder” means the product obtained by drying the blood of slaughtered hot-blooded animals;
- u) “Poultry powder” means the product obtained by the heating, drying and trituration of sub-products derived from the slaughtering of fowls;
- v) “Animal fats” means the product constituted by fats from hot-blooded terrestrial animals;
- w) “Directorate of Quarantine Services” means the service of the Ministry of Agriculture, Forestry and Fisheries that deals with the issues related to the monitoring of the implementation and compliance with laws and regulations applicable to phyto- and zoosanitary control and quarantine;
- x) “Cargo” means any object, good or merchandise, including live animals, live plants as well as animal and vegetal products that are transported aboard ships, aircraft or vehicles;
- y) “Quarantine” means the holding of animals or plants in total isolation and without any contact with other animals or plants with the objective of

submitting them to prolonged observation and to test controls relating to diseases or plagues;

- z) “Quarantine regime” means the detention of animals or plants in complete isolation and without any contact with other animals or plants with the objective of submitting them to prolonged observation and to test controls relating to diseases or plagues or to sanitary inspection, control or treatment;
- aa) “Pre-Export Quarantine” means the procedure of isolating from other animals or plants the animals or plants to be exported that are infected or susceptible of being infected, with the objective of reducing the risk of transmitting diseases or plagues, while simultaneously offering an opportunity for a more rigorous observation, veterinary and phytosanitary inspection as well as for a diagnosis, and treatment, of diseases or plagues, with a view to detecting and curing short-lived infections, thereby minimising the risk of exporting infected animals or plants;
- bb) “Post-Import Quarantine” means the procedure of isolating from other animals or plants recently arrived imported animals or plants in the country with the objective of reducing the risk of transmitting diseases or plagues while simultaneously offering an opportunity for a more rigorous observation, veterinary and phytosanitary inspection as well as for a diagnosis, and treatment, of diseases or plagues, with a view to detecting and curing short-lived diseases, reducing the possibility of disease or plague transmitting agents which may remain undetected prior to releasing post-import quarantined animals or plants, thereby minimising the risk of releasing infected animals or plants;
- cc) “Diagnostic analysis” means the analysis aimed at detecting diseases in asymptomatic infected animals, or at detecting plagues in plants, with a view to reducing the risk of transmitting diseases or plagues;
- dd) “Vaccination” means the vaccination against specific agents with a view to reducing the risk of animals originating from infected regions or countries becoming infected and/or showing signs of diseases;
- ee) “Treatment” means the officially authorised treatment procedure aimed at eliminating or reducing the pathogenic load of disease-transmitting agents, thereby reducing the risk of animals and plants originating from other regions or countries becoming infected and/or showing signs of diseases;
- ff) “Veterinary inspection” means the procedure aimed at reducing the probability of disease-transmitting agents to remain undetected, thereby avoiding that such agents be exported with the animals;
- gg) “Evaluation of the competent authority of the exporting country” means the procedure through which the veterinary authority of the exporting country

certifies that the conditions for the import of live animals or plants have been met by the exporting country;

- hh) “Competent authority of the exporting country” means the phytosanitary or veterinary authority of the exporting country which certifies that the conditions for the import of live animals and plants, as well as of other products subject to sanitary certification, have been met by the exporting country;
- ii) “Zoosanitary certificate” means the document issued by the veterinary authority of the exporting country and signed by an official veterinarian, certifying that the conditions for the import of live animals or of animal products have been met by the exporting country;
- jj) “Phytosanitary certificate” means the document issued by the phytosanitary authority of the exporting country and signed by an official phytosanitary agent, certifying that the conditions for the import of live plants and of vegetal products have been met by the exporting country;
- kk) “Official veterinarian” means a veterinarian, a civil servant, or a person specifically appointed by the authorities of the exporting country, to carry out zoosanitary inspections and/or sanitary inspections on merchandise and to issue certificates, whenever appropriate, in accordance with Chapter 1.3.2 of the Zoosanitary International Code of the International Organisation of Epizooties;
- ll) “Official phytosanitary agent” means a phytosanitary agent, a civil servant, or a phytosanitary agent specifically appointed by the authorities of the exporting country to carry out sanitary inspections of plants or vegetal products;
- mm) “Code” means the International Zoosanitary Code of 1951, adopted within the framework of the International Organisation of Epizooties;
- nn) “Animals” means the animal or set of animals of the same species or of different species that are maintained in a given exploration site;
- oo) “Bovine cattle” means the domesticated bovine, such as *Bos taurus* and *Bos indicus*, the breeding buffalo (*Bubalis bubalis*) and the animals that derive from these species;
- pp) “Equine animals” means the domestic or wild animals belonging to the equine species, including horses, ponies, colts, zebras, monkeys and mules, or other animals resulting from their crossbreeding;
- qq) “Bands” means a set of fowls that have the same sanitary status, that are bred in the same place or precinct and that constitute a single epidemiologic unit;

- rr) “Incubation centre”, means the facility designed for the incubation of eggs aimed at their eclosion at the breeding and obtention of fowls;
- ss) “Post-mortem examinations” means the anatomo-histopatologic and bacteriologic examinations aimed at isolating the Mycobacterium types of bacteria;
- tt) “Sanitary slaughter” means the slaughter of every disease infected or suspect of being a disease infected animal as a way of preventing the introduction, establishment and propagation of diseases;
- uu) “Animal” means any animal or organism that is not a plant;
- vv) “False or misleading certification” means any phytosanitary or zoosanitary document or any certificate issued by unauthorised people or entities with the aim of deceiving or misleading the sanitary authority, evading sanitary controls, or of presenting any phyto- or zoosanitary document or certificate which has been fraudulently adulterated or falsified;
- ww) “Fowls” means hens, turkeys, ducks, geese, quails, pigeons, as well as pheasants, partridges and ostriches bred or held in captivity with a view to their reproduction, to the production of meat or eggs for consumption, or to the supply of species for repopulation;
- xx) “Day-birds” means fowls of less than 72 hours of age which have not yet been fed;
- yy) “Exploratory site” means a facility, a stable or a construction site, or, in case of open air breeding, any place where the animals are held, bred or manipulated;
- zz) “Applicable regulations” means the statutes that authorise technical and regulatory norms or any directive or administrative measure towards the implementation of the general bases of the present statute;
- aaa) “Designate agent of the Directorate of Quarantine Services” means designated employee of the Directorate of the Quarantine Services who carries out sanitary, phyto- and zoosanitary inspections and who monitors the enforcement of laws and regulations with regard to quarantine;
- bbb) “Import licence” means an import licence issued by the Directorate of Quarantine Services;
- ccc) “Genetically modified seed” means an organism whose genetic heritage has been technologically modified;

- ddd) “Genetically modified organism” means an organism whose genetic heritage has been genetically modified;
- eee) “Vehicle” means any wheeled equipment or any equipment that moves by means of animal, mechanic or electric traction, or by physical human force, such as vehicles, passenger or cargo automobile vehicles, wagons and tractors;
- fff) “Item” means any plant, animal, animal and vegetal product, organism, object, as well as any merchandise, which is subject to import and export as well as to phyto- and zoosanitary control;
- ggg) “Exotic” means any thing that originates from a third country or from an area outside of the national territory or whose presence has not yet been established in the national territory;
- hhh) “Exotic organism” means any organism that originates from a third country or from an area outside of the national territory or whose presence has not yet been established in the national territory;
- iii) “Sequestration of ship” means the quarantine measure applied to a ship in order to isolate it from people, animals and plants and submit it to a prolonged observation period and to test controls relating to diseases or plagues;
- jjj) “Sequestration of aircraft” means the quarantine measure applied to an aircraft in order to isolate it from people, animals and plants and submit it to a prolonged observation period and to test controls relating to diseases or plagues;
- kkk) “Release” means the handover of any imported item to its owner or holder, or the unloading of a ship, aircraft or vehicle by the sanitary authority for meeting the requirements and the phyto- and zoosanitary formalities provided for by law;
- lll) “Sanitary authority” means the Directorate of Quarantine Services;
- mmm) “Phytosanitary authority” means the Directorate of Quarantine Services;
- nnn) “Veterinary authority” means the Directorate of Quarantine Services;
- ooo) “Coastal waters” means the interior maritime waters and the territorial sea, as defined by law;
- ppp) “Minister” means the Minister in charge;
- qqq) “Epidemiological unit” means a set of existing persons in certain geographical areas who share identical handling techniques and frequent or periodic

contacts amongst themselves, thereby constituting a whole from the epidemiological viewpoint;

- rrr) “Repatriation” means the return of animals or plants to the place of origin due to non-compliance with sanitary and quarantine requirements provided for by law;
- sss) “Destruction” means the sanitary slaughter of imported animals or plants by decision of the quarantine authorities as a way of preventing the introduction, establishment and propagation of diseases and plagues;
- ttt) “Milk product” means liquid or powdered milk as well as any milk-based product or any powdered product made from milk;
- uuu) “Fresh meat” means fresh meat from a slaughtered animal, including the meat-based products;
- vvv) “Fresh fish” means fish freshly captured as well as frozen fish;
- www) “First port of entry” means a port that, for reasons of phyto- and zoosanitary control, has been designated as the first port of entry for ships or aircraft originating from a third country, from maritime zones of a third country, or from the High Seas;
- xxx) “Fine” means any administratively imposed monetary sanction due to the commission of an infraction;
- yyy) “National territory” means the territory formed by the landmass of the country, as defined in Section 4 of the Constitution of the Republic, its interior waters and its national territorial seas as defined by law;
- zzz) “Import for commercial purposes” means the import of any animal, plant, product, good or merchandise intended for commercial purposes and not for personal use;
- aaaa) “Derivative products” means every animal or vegetal product or every good or merchandise deriving from the total or partial use of animal and vegetal products;
- bbbb) “Physical monitoring” means the monitoring of the animal itself, and may include gathering of matter as well as laboratory analysis of such matter.

## **Article 2**

### **Object**



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

**Article 3**  
**Territorial scope of application**

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

**Article 4**  
**Personal scope of application**

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

**Article 5**  
**State-owned ships and aircraft**

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

**Article 6**  
**International standards**

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

**Article 7**  
**Cooperation with other organisms**

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

**Article 8**  
**Emergency situations**

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

**CHAPTER II**  
**Monitoring and competency**

## **Article 9 Monitoring**

The execution and monitoring of compliance with the provisions of this statute and with the statutes of a regulatory nature that may be approved in furtherance of the general lines of the juridical regime of quarantine contained in this statute shall be the responsibility of the Minister who may delegate such responsibility in full or in part to the Vice-Minister, to the Directorate of Quarantine Services, to the Regional Directorates of Agriculture, or to other services without prejudice to the competency conferred by law to other organisms and public services.

## **Article 10 Exercise of competency**

1. The competence delegated to the Directorate of Quarantine Services shall be exercised by its Director and by other agents of this service, in accordance with the law.
2. In the exercise of its delegated competency to monitor compliance with the provisions of this statute and with the applicable regulations, and without prejudice to the individual rights and guaranties provided for in the Constitution, the Director or any other designated national agent of the sanitary and veterinary services may, at any time and whenever deemed necessary, visit any area, building or aircraft which does not constitute a person's residence; visit and conduct phyto- and zoosanitary control in any ship or aircraft anchored in the national ports and stationed in airports or that are found in the interior waters of the national territorial sea; conduct phyto- and zoosanitary control of any cargo, mail, luggage, packages, containers, vehicles or any other item, area or building that does not constitute a person's residence, with the objective of inspecting animals, animal products, products derived from animals and plants, or any other item.
3. In pursuing the objectives referred to in paragraph 2 above, the Director or the designated agent of the Directorate of Quarantine Services, where he/she deems it necessary, shall have the authority to order the captain of the ship or of the aircraft, as well as the owner or agent of any merchandise, to immediately open the container or package containing the merchandise or to immediately allow his/her access to the log-book, to the cargo manifest, to the airway bill or bill of lading, the list of passengers and crew, or any other document aboard the ship or aircraft.
4. The Director or the designated agent of the sanitary and veterinary services shall also, without prejudice to the judicial procedures provided for by law, order and transfer to the quarantine facilities any animals, plants, their products, soil, machines, equipment and vehicles, animal ration, exotic animal and vegetal organisms, including genetically modified organisms, any other

good or merchandise or any document, computerised record or magnetic record relating to any imported item, or seal or cause to seal areas, facilities, compartments, equipment, machines and vehicles, or order the quarantine of any ship or aircraft in case any disease, pest or plague that pose a threat to the environment, national economy, or public health is detected.

5. Where there are strong indications or suspicions of the existence of diseases or plagues aboard ships or aircraft referred to in paragraph 4 above, the Director or the designated agent of the sanitary and veterinary services shall immediately undertake a sanitary control by promoting necessary tests and analyses deemed necessary to determine the sanitary status of the ships, aircraft and respective cargoes and by applying the measures provided for in paragraph 4 where the results of tests and analyses are positive.
6. The Director or the designated agent of the Directorate of Quarantine Services may post publications, notices and information flyers about the status and sanitary isolation or the quarantine regime imposed on facilities, exploration sites, areas, vehicles, equipment, ships or aircraft or on any item as a way of informing people about the sanitary status of such items.
7. The Director or the designated agent of the Directorate of Quarantine Services must conduct the inspection or sanitary control of any person, animal, plant, vehicle or any other item that comes into contact with, or that crosses or penetrates an area that is under the regime of sanitary isolation or quarantine and he/she may carry out searches and seize properties in accordance with the law.

### **Article 11**

#### **Identification of the Director or the agent of the Directorate of Quarantine Services**

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

**Article 12**  
**Responsibilities and functions of the Directorate of Quarantine Services**

The responsibilities and functions of the Directorate of Quarantine Services, of its Director or of its the agents shall be the ones contained in a ministerial law or statute.

**CHAPTER III**  
**Import sanitary requirements**

**Section I**  
**Import regime**

**Article 13**  
**General regime for imports**

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

**Article 14**  
**Import licence**

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

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

**Article 15**  
**Formulation of a request**

Requests for the import of animals, plants and any product subject to the previous import licence shall be forwarded to the Directorate of Quarantine Services by means of and in conformity with the respective samples of approved application forms.

**Article 16**  
**Basis for decision**

Where an import licence is to be granted, the decision falling onto the respective request must assess the probability risk for the introduction, establishment and propagation of diseases or plagues, as well as the risk that such introduction, establishment or propagation may result in damages caused to persons, animals, plants, environment and economic activities and it must be governed by the necessity to reduce such risk to a level that is low and acceptable.

**Article 17**  
**Exemption of Import licence**

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

**Article 18**  
**Dismissal of request**

In case of dismissal of a request of authorisation to import, a copy of the order of dismissal containing the justification for the dismissal shall be sent to the applicant.

**Article 19**  
**Revocation of authorisation**

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

**Article 20**

### **Release of cargo**

1. The release of cargo falling under the regime of quarantine may be authorised only against presentation of appropriate documents, after the payment of fees, as well as the costs and the possible fines provided for in the present statute have been made and after other requirements and conditions, in accordance with the law, have been complied with.
2. The decision of the Directorate of Quarantine Services to release from quarantine imported items as well as vehicles, ships and aircraft shall only be made against the payment receipts of the respective fees, costs and fines, if there are any, and other fees, costs or fines imposed by other public services, or against the payment of customs duties, if there are any.
3. The process of releasing imported cargo from quarantine regime must be followed in accordance with applicable regulations.

### **Article 21 Responsibility**

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

### **Article 22 Restrictions**

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

### **Article 23 Precaution**

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

### **Article 24 Records**

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

**Article 25**  
**Sanitary slaughtering**

Where diseases or plagues of rapid propagation exist, the Directorate of Quarantine Services may determine, in accordance with the law or on its own initiative, the sanitary slaughtering of all animals or of the epidemiological unit or the destruction of infected plants, and there shall be no indemnification or compensation on the part of the State for such slaughtering or destruction.

**Article 26**  
**Absence of certificate**

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

**Article 27**  
**Certification**

When importing specific species of animals, such as bovine, ovine, caprine, swine, equine, and canine animals, including fowls, as well as specific species of plants, the respective phyto- or zoosanitary certificate must indicate that the specific requirements provided for by law for the import of any of those specific species have been complied with.

**Article 28**  
**Import ban**

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

**Section II**



## **Live animals and animal products**

### **Sub-Section I General provisions**

#### **Article 29 Zoosanitary certificate**

1. The shipping of live animals, animal products, or their derivatives, must be accompanied by a zoosanitary certificate issued by the competent authority of the exporting country and must meet the other requirements and conditions provided for by law.
2. The certificate referred to in paragraph 1 above cannot be left in blank or be incomplete and cannot be signed but by the official veterinary doctor or by another veterinarian officer who personally carried out the inspection.

### **Sub-Section II Animals**

#### **Article 30 General quarantine measures**

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

#### **Article 31 Veterinary inspection and treatment**

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

**Article 32**  
**Temporary ban on transactions**

Where a group of animals imported from a third country is introduced into an exploration site, no animals of such exploration site shall be the object of transaction for a period of 30 days from the date of its entry, save if the imported animal has been completely isolated from the other animals of the exploration site.

**Sub-Section III**  
**Animal products for human consumption**

**Article 33**  
**Incubation eggs of domestic hen**

1. The import of incubation eggs shall be subject to the import licence.
2. Any shipment of incubation eggs must be accompanied by the licence referred to in paragraph item 1 above and by other appropriate certificates.
3. The quality eligibility of a country that exports incubation eggs into the national territory shall be determined by the Directorate of Quarantine Services in accordance with the indications contained in applicable regulations.
4. The import of incubation eggs shall only be permitted where the exporting countries have been approved to this effect by the Directorate of Quarantine Services in accordance with paragraph 4 above.

5. Incubation eggs must originate from non-vaccinated bands, from bands vaccinated with inactive vaccine, or from bands vaccinated with active vaccine, so long as the vaccination has been effected at least 60 days prior to the collection of the incubation eggs.

**Article 34**  
**Hen eggs for consumption**

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

**Article 35**  
**Fish**

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

**Article 36**  
**Import of fresh meat**

1. The import of fresh meat may take place without restrictions so long as it is packed in hermetically sealed packages or containers, weighs less than 5% of its meat weight and does require refrigeration in order to maintain quality or so long as it is canned meat and does not require refrigeration.
2. Shipments of fresh meat that do not meet the requirements established in paragraph 1 above may only be imported once the conditions and requirements provided for by law have been met.
3. The import of fresh meat of diseased animals or of animals suspected of having had a disease shall be prohibited.
4. For public health reasons, applicable regulations may prohibit the import of certain parts of animals or the import of animals that have been submitted to certain chemicals or treatments.

**Article 37**  
**Milk products**

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

**Sub-Section IV**  
**Other Animal Products**

**Article 38**  
**Import of animal vaccines**

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

**Article 39**  
**Animal skins and skin-made products**

1. Imported finished products that are made, in full or in part, of animal skin, fur, bones, horns and nails shall be subject to veterinary inspection upon their arrival in the country. Imported saddles and spurs shall be subject to additional control, in accordance with the law.
2. The imported products referred to in paragraph 1 above, intended for veterinary or agricultural use, shall be subject to specific treatment upon their arrival in the country, in accordance with the law.
3. The imported products referred in paragraph 1 above, intended for permanent exposure in museums, public exhibitions, cultural manifestations, or that are intended for *in vitro* scientific purposes, may be exempt from treatment so long as there are guarantees concerning their phyto- and zoosanitary safety.
4. The import of skins or hair of non-treated animals shall be subject to quarantine requirements and to an import licence in accordance with the law.

**Section III**  
**Live plants and vegetal products**

**Article 40**  
**Live plants and vegetal products**

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

**Article 41**  
**Prohibition**

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

**Article 42**  
**Phytosanitary certificate**

1. Shipments of live plants and vegetal products must be accompanied by a phytosanitary certificate issued by the competent authority of the exporting country and must meet all other conditions and requirements provided for by law.
2. The certificate referred to in paragraph 1 above cannot be left blank or be incomplete and can only be signed by a competent official conducting the respective inspection.

**Article 43**  
**Quarantine of plants**

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

**Section IV**  
**Other imports**

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

The import of machinery, equipment and used vehicles shall be subject to sanitary inspection by the SSTN and shall take once the conditions and requirements provided for by law have been met.

**Article 45**  
**Soil samples**

1. The import of soils samples must be accompanied by an import licence issued by the Directorate of Quarantine Services and shall be subject to conditions and requirements provided for by law.
2. The import of soil samples obtained from perforations shall be exempt from an import licence and shall be subject to conditions and requirements provided for by law.

**CHAPTER IV**  
**International navigation requirements**

**Section I**  
**Ships**

**Article 46**  
**Types of ships covered**

1. All ships, whether national or foreign, commercial or private, originating from a port or maritime zone of a third country, or from the High Seas, shall be subject to sanitary inspection and control and must enter the “first port of entry” approved by the competent authorities and, for sanitary reasons, no ships shall be authorised to proceed to any other national port prior to it first being inspected and controlled by the sanitary authorities
2. All ships referred to in paragraph 1 above navigating from the Oecussi-Ambeno enclave to the rest of the territory of the country or from this part of the country to the said enclave shall be subject to inspection and sanitary control and to other provisions of the present Article regardless of whether they have complied with the sanitary conditions and requirements or of whether they have been released from the quarantine regime in their national port of origin.
3. The sanitary inspection or control referred to in paragraphs 1 and 2 above shall include the cargo or any other item aboard the ship.
4. Except for cases of force-majeure and without prejudice to compliance with other possible requirements imposed by other national navigational entities and organisms, the entry, docking, or anchoring of a ship in a port other than

the port referred to in paragraph 2 above shall require the previous obtention of an authorisation from the Directorate of Quarantine Services.

**Article 47**  
**Inspection of ships in national waters**

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

**Article 48**  
**Release of personal effects**

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

**Article 49**  
**Ill passengers or crew members**

Instances where passengers or crew members carrying communicable diseases represent a threat to public health, the captain of the ship shall inform the sanitary authority accordingly. The Director or the designated agent of the Directorate of Quarantine Services shall immediately take the emergency measures provided for by the law, shall immediately inform the competent national authority of the occurrence, and shall request its prompt presence on the site.

**Article 50**  
**Animals aboard ships**

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

**Article 51**  
**Ballast water**

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

**Section II  
Aircraft**

**Article 52  
Aircraft inspection**

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

**CHAPTER V  
Prohibitions, Contraventions and Sanctions**

**Section I  
Prohibitions, Contraventions and Sanctions**

**Section I  
Prohibitions**



**Article 53**  
**Mammal proteins**

1. The import or use of proteins for animal feeding, whether in the form of meat powder, bone powder, meat and bone powder, blood powder or fat obtained from mammal tissues, as well as in the form of any compound substance incorporating these proteins, shall be prohibited.
2. The import or use of poultry powder for ruminant feeding shall also be prohibited.
3. Swine fat shall be exempted from paragraph 1 above, which may be imported for exclusive use in the feeding of non-ruminant animals.
4. The raw materials or compound substances referred to in paragraphs 1 and 2 above must be incinerated or destroyed by any means deemed to be sanitarily appropriate.

**Article 54**  
**Non-usable parts**

The entry of certain parts of bovine, ovine and caprine animals in the human and animal feeding chain, through whatever shape or means, shall be subject to prohibitions to be defined by applicable regulations.

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

1. The import or use, for any purpose, of bovine, ovine and caprine products and products deriving from animals that show clinical signs of Spongiform Encephalopathy shall be prohibited.
2. Where the products referred to in paragraph 1 above are intended for educative or investigative purposes by officially recognised institutions, the Minister, based on an order, may authorise the import or use of such products in an exceptional basis.
3. The import of any animal showing clinical symptoms of diseases or the import of any animal product deriving from animals that show or showed clinical symptoms of diseases, namely Food-and-Mouth disease, Swine Contagious Paralysis (the Teschen disease), Contagious Bovine Peripneumonia, Bovine Pest, Ovine Catarrhal Fever, Bovine Tuberculosis, Swine Thrix, Cystercus Bovis or Cellulosae, Rabies, Brucellosis, Bactericidal Carbunculus, Enzootic Bovine Leucosis, Infectious Bovine Rhinotracheitis, Brucella Suis Infection, Transmissible Gastroenteritis, Aujeszky's Disease, Bird Flu, Newcastle's

Disease, Salmonella Arizona, Paramyxoviridae Avian Type 2 and 3 Infection, Avian Typhoid, Salmonella Pullorum, and Salmonella Enteritidis Infection shall be prohibited.

**Article 75**  
**Fat**

The import of non-transformed fat shall be prohibited.

**Section II**  
**Contraventions**

**Article 58**  
**Contraventions**

The following shall constitute contraventions to the present statute:

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

- i) The use, or attempt to use, by any means, of products or parts thereof, that are prohibited for use in the human or animal feeding chain;
- j) The shipment, or attempt to ship, animals prior to the expiration of the period referred to in Article 30 of the present statute;
- k) The import of animals, plants, or their derivative products, as well as the import of any product, good or merchandise whose import licence has been revoked;
- l) The entry, or attempt thereof, of a ship or aircraft in a port other than the first port of entry without having obtained an authorisation from the Directorate of Quarantine Services to that effect;
- m) The failure to declare in advance the existence of animals aboard the ship, within the period provided for by the law;
- n) The entry, or the attempt thereof, of any vehicle into the national territory by the land borders, passing through by negligence or as a means of evading inspection and sanitary control a place other than authorised border posts;
- o) The ejection into national coastal waters of ballast water of a ship originating from a port or maritime zones of a third country;

### **Section III Sanctions**

#### **Article 59 Fines**

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

**Article 60**  
**Accessory sanctions**

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

**Article 61**  
**Power to register and file lawsuits**

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

**Article 62**  
**Destination of animals or plants in case of infraction**

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

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

**Article 63**

## **Imposition of fines and their allocation**

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

### **Article 64**

#### **Loss of cargo for the State**

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

### **Article 65**

#### **Elements of proof**

Any item, including any written, computerised, or magnetic records apprehended by agents of the Directorate of Quarantine Services during sanitary inspection and control, may be presented as elements of proof in an administrative proceeding for contraventions before the courts.

## **CHAPTER VI**

### **Fees, costs**

#### **Article 66**

##### **Fees**

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

Communications and Public Works, and the Minister of Planning and Finance.

**Article 67**  
**Costs**

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

**Article 68**  
**Exemption**

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

**CHAPTER VII**  
**Final Provisions**

**Article 69**  
**Language of documents**

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

**Article 70**  
**Statute of Annexes**

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

**Article 71**  
**Revocation of previous legislation**

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

**Article 72**  
**Drafting of regulations**

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

**Article 73**  
**Entry into force**

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

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

The Prime Minister  
[signed]  
Mari Bim Amude Alkatiri

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

Promulgated on 4 November 2003

To be published

The President of the Republic  
  
[signed]  
Kay Rala Xanana Gusmão