

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 69 OF 2020

The Plant Pests and Diseases Act
(Laws, Volume 14, Cap. 233)

**The Plant Pests and Diseases (Phytosanitary
Certification) (General) Regulations, 2020**

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY PROVISIONS

Regulation

1. Title
2. Interpretation

PART II

PEST SURVEILLANCE

3. Pest surveillance
4. Area of pest surveillance
5. Pest surveillance report
6. Declaration of pest
7. Independent pest surveillance
8. Pest management

PART III

PEST RISK ANALYSIS

9. Pest risk analysis
10. Stages of pest risk analysis
11. Initial stage
12. Pest risk assessment stage
13. Pest risk management
14. Reporting on pest risk analysis

PART IV

PHYTOSANITARY PROCEDURE

15. Consignments subject to phytosanitary procedure
16. Risk assessment
17. Phytosanitary procedure on consignment in transit
18. Non-discriminatory measures
19. Report
20. Prohibition of export of plant without phytosanitary certificate
21. Phytosanitary procedure on plants and plant products for export an re-export
22. Phytosanitary procedure on plants and plant products for import

IN EXERCISE of the powers contained in section 4 of the Plant Pests and Diseases Act, the following Regulations are made:

PART I

PRELIMINARY PROVISIONS

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| 1. These Regulations may be cited as the Plant Pests and Diseases (Phytosanitary Certification) Regulations, 2020. | Title |
| 2. In these Regulations, unless the context otherwise requires— | Interpretation |
| “commodity” means a type of plant, plant product, or other article being moved for trade or other purpose; | |
| “consignment” means a quantity of plants, plant products, plant materials or other articles being moved from one country to another which may be covered by a single phytosanitary certificate; | |
| “consignment in transit” means a consignment which passes through a country without being imported in that country; | |
| “import permit” means an official document authorising importation of a commodity in accordance with specified phytosanitary import requirements; | |
| “International Plant Protection Convention” means the International Plant Convention which entered into force on the 3rd April, 1952 and was acceded to by Zambia on 24th of June, 1986; | |
| “National Plant Protection Organisation” means the department in the ministry responsible for agriculture designated as a National Plant Protection Organisation in accordance with the International Plant Protection Convention; | |
| “pest categorisation” means the process of determining whether a pest has the characteristics of a quarantine pest or those of a regulated non quarantine pest; | |
| “pest risk analysis” means the process of evaluating biological or other scientific and economic evidence to determine— | |
| (a) if an organism is a pest; | |
| (b) if an organism should be regulated; and | |
| (c) the strength of any phytosanitary measure to be taken against an organism; | |

S.I. No. 497
of 1994

- “ pest status ” means the presence or absence, at the present time, of a pest in an area, including where appropriate, its distribution, as officially determined using expert judgment on the basis of current and historical pests records and other information;
- “ pest surveillance ” means an official process for the collection and records data on pest occurrence or absence by survey, monitoring or other procedures;
- “ phytosanitary certificate ” means a certificate issued under the Plant Pests and Diseases (Importation) Regulations, 1994;
- “ phytosanitary measure ” means a procedure undertaken to—
- (a) prevent the introduction or spread of quarantine pests; or
 - (b) limit the impact of regulated non quarantine pests;
- “ phytosanitary procedure ” means an official method of implementing a phytosanitary measure and includes the inspection, tests, surveillance or treatment of regulated pests;
- “ regulated pest ” means a quarantine or regulated non quarantine pest;
- “ regulated non quarantine pest ” means a non quarantine pest whose presence in plants affects the intended use of those plants and has an economic impact which is regulated within the territory of the importing country;
- “ survey ” means an official procedure conducted over a defined period of time to determine the characteristics of a pest population or to determine which species occur in an area; and
- “ quarantine pest ” means a pest of potential economic importance to an area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled.

PART II

PEST SURVEILLANCE

4. (1) An inspector shall conduct a pest surveillance for the purpose of collecting and documenting pest information so as to— Pest surveillance
- (a) establish pest free areas;
 - (b) update the pest list;
 - (c) delimit an area for the presence or absence of a pest;
 - (d) determine the pest distribution and protection in an endangered area;
 - (e) report the presence of new pests to the National Plant Protection Organisation; and
 - (f) recommend measures for the prevention, control or management of the pest.
- (2) A pest surveillance carried out by an inspector may be general or specific.
- (3) A general pest surveillance shall—
- (a) be used to collect information on pests, the occurrence of those pests, the place at which the pests are discovered for purposes of pest detection, identification, declaration, and compilation of a national pest list; or
 - (b) be transmitted to the relevant Authorities for record keeping, future reference and action.
- (4) A specific pest surveillance shall
- (a) detect the presence of pests for purposes of establishing a boundary for a pest free area over a defined period of time; and
 - (b) verify characteristics of a pest population in an area.
- (5) An inspector may, before carrying out a pest surveillance, collect the necessary information from reliable sources including a regional pest list, for the purpose of having a comprehensive and successful pest surveillance.
5. An inspector may carry out a pest surveillance in any part of the Republic including— Area of pest surveillance
- (a) a forest, plantation or any other plant habitat including plant nurseries and growing media; and
 - (b) other areas such as warehouses, containers, water bodies and swamps.

- Pest surveillance report
6. (1) An inspector who conducts pest surveillance shall, as soon as practicable after completion of the surveillance, submit to the National Plant Protection Organisation a comprehensive report of the findings.
- (2) The report under sub regulation (1) shall include—
- (a) the background information, purpose, period and area of the surveillance;
 - (b) sampling method used and frequency;
 - (c) identity of pest with scientific name;
 - (d) host or articles concerned;
 - (e) pest status;
 - (f) geographic distribution of the pest, including a map and Geographical Positioning System coordinates, where possible;
 - (g) assumptions made from the data collected; and
 - (h) the nature of the immediate or potential danger.
- (3) The National Plant Protection Organisation shall keep and maintain the a record of the report submitted under sub-regulation (1).
- (4) The report under this regulation may be open for inspection by members of the public during normal working hours.
- Declaration of pest
7. (1) The National Plant Protection Organisation shall be responsible for reporting pests identified by a pest surveillance conducted under these Regulations.
- (2) Where the National Plant Protection Organisation declares a pest under subregulation (1), that pest shall form part of the national pest list.
7. (1) Despite regulation 4, a person may carry out an independent pest surveillance for purposes of identifying new pests.
- (2) A person who, in the course of an independent pest surveillance identifies a pest, that person shall submit to the National Plant Protection Organisation a report of the independent surveillance as soon as it is practicable.
- Independent pest surveillance
8. The National Plant Protection Organisation shall, on the recommendation of an inspector, implement measures to prevent, control or manage the distribution of a pest identified during a pest surveillance.

PART III

PEST RISK ANALYSIS

9. (1) An inspector may conduct a pest risk analysis in order to— Pest management
- (a) develop phytosanitary measures;
 - (b) analyse a pest associated with a commodity; and
 - (c) determine a commodity likely to be a pathway to a pest.
- (2) A pest risk analysis for a quarantine pest shall provide for
- (a) an assessment of the risk of pests to the environment;
 - (b) the management of the risk identified; and
 - (c) the economic impact of the pest.
10. A pest risk analysis process consists of the— Pest risk analysis
- (a) initiation stage;
 - (b) pest risk assessment stage; and
 - (c) pest risk management stage.
11. An inspector shall identify a pest and pathway which is of quarantine concern to be considered for a pest risk analysis in relation to an identified endangered area. Stages of pest risk analysis
12. An inspector shall, in carrying out a pest risk assessment provide for pest categorisation. Initial stage
13. An inspector shall, in carrying out the pest risk management, identify and select appropriate risk management options to manage the pest. Pest risk assessment stage
14. (1) An inspector shall, on completion of a pest risk analysis, submit to the National Plant Protection Organisation a report on the pest risk analysis. Pest risk management
- (2) The National Plant Protection Organisation shall, on receipt of the report under sub regulation (1), transmit a copy of the report to relevant national, regional and international organisations.

PART IV

PHYTOSANITRY PROCEDURE

15. (1) A person who imports, exports, transits or re-imports a consignment shall comply with the phytosanitary procedure under these Regulations. Reporting on pest risk analysis
- (2) An inspector may conduct a phytosanitary procedure on a plant, plant product or seed under these Regulations, which is—

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- (a) a consignment in transit through the Republic;
- (b) being exported outside the Republic;
- (c) for re export from the Republic to the country of origin; and
- (d) imported into the Republic.
- Consignments subject to phytosanitary procedure
16. (1) An inspector shall, before conducting a phytosanitary procedure, assess the risk of a pest being introduced or spread to the country of transit or import.
- (2) An inspector who carries out an assessment under sub regulation (1) may request and collect from an importer the following information, relating to that plant or plant product:—
- (a) the class of commodity to which the consignment belongs;
- (b) the mode of transport used to transport the consignment;
- (c) the regulated pest associated with that consignment;
- (d) the possibility of that pest being introduced and spread;
- (e) the material and method used to package the consignment;
- (f) the atmospheric condition in the container in which the consignment is transported;
- (g) the change in configuration;
- (h) the duration of consignment in transit;
- (i) the route taken to transport the consignment from the country of origin to the country of transit; and
- (j) frequency, volume and season of consignment in transit.
- Risk assessment
17. (1) Subject to subregulation (2), an inspector shall conduct a phytosanitary procedure on a consignment in transit which poses a risk of introducing or spreading a pest and may require a phytosanitary measure unless the plant or plant product—
- (a) is sealed;
- (b) is isolated from any other consignment; or
- (c) is kept in its original package.
- (2) Despite sub regulation (1), an inspector may conduct a phytosanitary procedure if, after a risk assessment, it is established that a consignment in transit requires a phytosanitary measure.
- (3) An inspector may recommend to the customs authority that the consignment be subjected to further import requirements of the transit country, where the inspector—

- (a) finds that the consignment in transit may have a risk of introducing or spreading a pest in the country of transit; and
- (b) it is not reasonably practicable to conduct a phytosanitary procedure.

18. An inspector shall not conduct a phytosanitary measure that is more restrictive than that applied to the consignment in transit of the same phytosanitary status imported into that country of transit.

Phytosanitary procedure on consignment in transit

19. An inspector shall prepare a report containing the phytosanitary measure carried out and submit the report to the relevant department in the Ministry where an inspector—

Non-discriminatory measures

- (a) carries out a risk assessment;
- (b) conducts a phytosanitary procedure; or
- (c) makes a recommendation in accordance with regulation 18.

20. (1) A person shall not export a plant or plant product without a phytosanitary certificate issued by an inspector under the Plant Pests and Diseases (Importation) Regulations.

Report

(2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding three thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

21. (1) An inspector shall conduct a phytosanitary procedure on consignment before it is

Prohibition of export of plant without phytosanitary certificate

- (a) exported to a country outside the Republic; or
- (b) re exported from the Republic to the country of origin.

(2) An inspector who conducts a phytosanitary procedure and determines that a plant or plant product or seed is substantially free from the quarantine pest and phytosanitary requirements specified by the importing country and complies with procedures adopted by SADC, COMESA and other internationally recognised organisations, shall issue a phytosanitary certificate for the export of a plant, plant products, seed and other regulated articles to a SADC member State or COMESA member State, including other trading partners or member States.

S.I. No. 497 of 1994

22. An inspector who conducts a phytosanitary procedure for import of plants and plant products or seed shall issue a plant import permit for the import a plant, plant products, seed and other regulated articles to a SADC member State or a COMESA member State, including other trading partners or member States.

Phytosanitary procedure on plants and plant products for export and re-export

Phytosanitary
procedure
on plants
and plant
products for
export and
import

23. An inspector who conducts a phytosanitary procedure for import of plants and plant products or seed shall issue a plant import permit for the import a plant, plant products, seed and other regulated articles to a SADC member State or a COMESA member State, including other trading partners or member States.

LUSAKA

7th August, 2020

M. KATAMBO,
Minister of Agriculture