
GENERAL NOTICE

NOTICE 349 OF 2015

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

ANIMAL DISEASES ACT, 1984 (ACT NO. 35 OF 1984)

PUBLICATION OF NOTICE ON THE PROPOSED REVISED IMPORT REQUIREMENTS FOR CATTLE, SHEEP AND GOATS FROM BOTSWANA, LESOTHO, NAMIBIA AND SWAZILAND

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries hereby invite public comments on the notice under the Animal Diseases Act, 1984 (Act No. 35 of 1984) on the proposed revised import requirements for cattle, sheep and goats from Botswana, Lesotho, Namibia and Swaziland.

The above-mentioned revised requirements are available on the DAFF website (www.daff.gov.za) for public viewing, at the following route: Branches → Agricultural Production, Health & Food Safety → Animal Health → Import/Export Policy Unit → Import → Proposed revised import requirements for cattle, sheep and goats from Botswana, Lesotho, Namibia and Swaziland.

Only comments submitted within **30 days** of the date of this notice will be considered. All comments should preferably be sent to **BLNSlivestock@daff.gov.za**. Alternatively, comments can also be sent to:

The Director
Directorate: Animal Health
Department of Agriculture, Forestry and Fisheries,
Private Bag X138,
Pretoria 0001
(Tel.: +27 12 319 7456)

OR

Fax: +27 12 329 7218

NOTICE OF THE PROPOSED REVISED IMPORT REQUIREMENTS FOR CATTLE, SHEEP AND GOATS FROM BOTSWANA, LESOTHO, NAMIBIA AND SWAZILAND

As a member of the World Trade Organization (WTO), South Africa agreed to adhere to the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS agreement). The Agreement has a two-fold objective. It aims to both recognise the sovereign right of members to provide the level of health protection they deem appropriate; and to ensure that SPS measures do not represent unnecessary, arbitrary, scientifically unjustifiable, or disguised restrictions on international trade. The Agreement encourages Members to use international standards, guidelines and recommendations where they exist.

According to the SPS agreement:

- Article 2:

"3. Members shall ensure that their sanitary and phytosanitary measures do not arbitrarily or unjustifiably discriminate between Members where identical or similar conditions prevail, including between their own territory and that of other Members. Sanitary and phytosanitary measures shall not be applied in a manner which would constitute a disguised restriction on international trade."

AND

- Article 3:

"1. To harmonize sanitary and phytosanitary measures on as wide a basis as possible, Members shall base their sanitary or phytosanitary measures on international standards, guidelines or recommendations, where they exist, except as otherwise provided for in this Agreement, and in particular in paragraph 3.

2. Sanitary or phytosanitary measures which conform to international standards, guidelines or recommendations shall be deemed to be necessary to protect human, animal or plant life or health, and presumed to be consistent with the relevant provisions of this Agreement and of GATT 1994."

In August 2013, it was decided that the current requirements for the import of cattle, sheep and goats from Botswana, Namibia, Lesotho and Swaziland needed to be reviewed. The aforementioned countries are considered to have a similar disease status; however the import requirements for certain of the countries remained very strict in comparison to others.

In an effort to remain consistent with the SPS agreement, the import requirements for cattle, sheep and goats from Namibia, Botswana, Lesotho and Swaziland were revised and harmonized.

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The Directorate of Animal Health notified all relevant stakeholders and importers via a letter distributed on 3 February 2014 of the revised requirements. The letter also served as a notice of the implementation date of 1 May 2014.

Due to a successful objection lodged in terms of section 23 of the Animal Diseases Act, 1984 (Act No. 35 of 1984) on the basis of non-adherence to the spirit of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000), the Department of Agriculture, Forestry and Fisheries decided to suspend the implementation of the revised import conditions for livestock from Botswana, Lesotho, Namibia and Swaziland on 26 August 2014 with immediate effect until an adequate consultation process has been followed.

The public is therefore invited to make comments on the revised import requirements for cattle, sheep and goats from Namibia, Botswana, Lesotho and Swaziland. The above-mentioned revised requirements are available on the DAFF website (www.daff.gov.za) for public viewing, at the following route: Branches → Agricultural Production, Health & Food Safety → Animal Health → Import/Export Policy Unit → Import → Proposed revised import requirements for cattle, sheep and goats from Botswana, Lesotho, Namibia and Swaziland.

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