

## Veterinary Legislation Support Programme

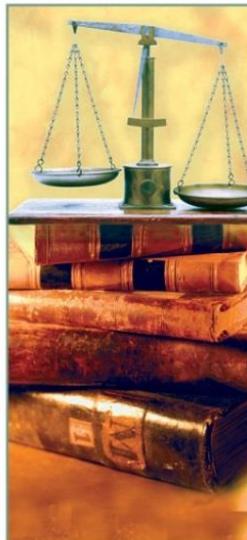
### REPUBLIC OF MOZAMBIQUE

## Veterinary Legislation Identification Mission Report

Code compliance



Legislation reform



Effective enforcement



Serve the public good



October  
2015

Dr Victor Gongora (Team Leader)  
Ms Julia Rogers



**WORLD ORGANISATION FOR ANIMAL HEALTH**  
*Protecting animals, preserving our future*



# **VETERINARY LEGISLATION SUPPORT PROGRAMME**

## **REPORT OF THE VETERINARY LEGISLATION IDENTIFICATION MISSION**

**Republic of Mozambique**

**5-9 October 2015**

Dr Victor Gongora, Team Leader

Ms Julia Rogers, Legal Expert



## Table of Contents

List of Acronyms, Abbreviations and/or Special Terms	ii
Acknowledgments	iii
EXECUTIVE SUMMARY	v
REPORT	1
1. Background to the Mission	1
2. Methodology	1
3. Socio-Economic and Policy Content of the Veterinary Services	2
3.1. <i>General</i>	2
3.2. <i>Agriculture Sector</i>	3
3.3. <i>Animal Health and the Veterinary Services</i>	4
3.4. <i>National Legal Framework</i>	6
4. Review of the National Veterinary Legislation	12
4.1 <i>Detailed Assessment of Selected Subject Areas</i>	14
5. Overall conclusions and recommendations	27
6. Evaluation of Capacity to Undertake Future Work on Legislation	29
7. LIST OF APPENDICES	31
7.1 <i>Correspondence Between the OIE and the Country</i>	33
7.2 <i>Organigram of the Veterinary Services</i>	37
7.3 <i>Lists of Persons Consulted</i>	39
7.4 <i>Country's Responses to the OIE Questionnaires</i>	41
7.4.1 Part I	41
7.4.2 Part II	52
7.5 <i>List of Legislation Consulted</i>	65
7.6 <i>List of Reports Consulted</i>	67
7.7 <i>PowerPoint Presentations at Entry/Exit Meetings</i>	69

---

## List of acronyms, Abbreviations and/or Special Terms

MO	Mozambique Veterinary Association (Associação dos Veterinários de Moçambique)
DINAV	National Veterinary Directorate (Direcção Nacional de Veterinária)
DPA	Provincial Directorate of Agriculture (Direcção Provincial de Agricultura)
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
GDP	Gross Domestic Product
IIAM	Mozambique Institute of Agricultural Research (Instituto de Investigação Agrária de Moçambique)
INNOQ	National Institute of Standards and Quality (Instituto Nacional de Normalização e Qualidade)
MASA	Ministry of Agriculture and Food Security (Ministério da Agricultura e Segurança Alimentar)
OIE	World Organisation for Animal Health
OMVM	Order of Veterinarians of Mozambique (Ordem dos Médicos Veterinários de Moçambique)
PVS	Performance of Veterinary Services
SADC	Southern Africa Development Community
SDAE	District Economic Activities Services (Serviços Distritais de Actividades Económicas)
SPP	Provincial Livestock Services (Serviços Provincias de Pecuária)
SPS Agreement	WTO Agreement on the Application of Sanitary and Phytosanitary Measures
UEM	Eduardo Mondlane University (Universidade Eduardo Mondlane)
USD	United States Dollar
VA	Veterinary Authority
VS	Veterinary Services
WB	World Bank
WTO	World Trade Organization

## Acknowledgements

The OIE Team wishes to express its heartfelt appreciation for the tremendous assistance provided by Dr José Libombo Jr. and his staff before, during and after our mission. All were unfailingly helpful, forthcoming and enthusiastic in their support for the Team and their professionalism, expertise and commitment augur well for the success of DINAV's initiatives. Special thanks are extended to Dr Zacarias Massicame, our designated contact person, and Drs Ana Bela dos Muchangos and Fernando Rodrigues, who warmly and ably supported us throughout, even meeting with us during a public holiday and after hours. We will always have fond memories of our brief time in Mozambique and of its unique public servants, and wish MASA and DINAV all the best as they work toward the fulfilment of their vision: "a prosperous, competitive, equitable and sustainable agricultural sector".



---

## EXECUTIVE SUMMARY

At the request of the OIE Delegate for the Republic of Mozambique, Dr José Libombo Jr., the OIE conducted a Veterinary Legislation Support Programme (VLSP) Identification Mission in Maputo, Mozambique, from 5-9 October 2015. The mission was undertaken by Dr Victor Gongora (Team Leader) and Ms Julia Rogers (Legal Expert) (OIE Team).

Following on the recommendations of a 2008 OIE PVS Evaluation Mission in Mozambique, the objectives of the VLSP Mission were to raise awareness of the importance of veterinary legislation for modern, effective operation of the veterinary services, review the principles for developing high-quality veterinary legislation and review the current status of the Member's legislation relative to the OIE standards for veterinary legislation.

The Team reviewed national veterinary legislation currently in force in Mozambique, along with questionnaires completed by counterparts, and held consultations with stakeholders from key agencies involved in the governance of the veterinary domain. It also studied the context of the agriculture sector in the country, which is dominated by smallholder farmers and characterised by low productivity, limited infrastructure and investment, and poor market access. Additional constraints on the livestock sector include a weak network of veterinary services and a lack of infrastructure and resources.

With these conditions in mind, and with reference to the relevant international standards and obligations, the Team finds there are several areas for improvement in Mozambique's legislative framework for the veterinary domain. First, there is virtually no legislation on some key elements, including veterinary laboratories, animal welfare, and veterinary medicines and biologicals (legislation on the latter is jointly being developed by the National Veterinary Directorate (DINAV) and counterparts at the Ministry of Health).

The legislation that is in place has some strong points, mainly in terms of technical-veterinary quality, but suffers from considerable weaknesses in form as well as substance. Common among the instruments are areas of gaps and overlaps in coverage; inconsistent or conflicting provisions; unclear drafting; and a lack of implementing instruments. Some of the legislation is extremely out-dated; a few of the instruments on animal production date back to the 1970s. There is also a lack of harmonisation among related pieces of legislation, for example on animal identification and registration.

The Team found a number of shortcomings in the scope and depth of the normative framework for veterinary matters. For example, the law establishing the autonomous regulatory body for veterinarians gives that body the competence to regulate veterinary para-professionals, but does not provide for the establishment of the regulatory system itself, including the different categories of para-professionals; scope of activities and supervision requirements; initial and continuing educational requirements; and registration and licensing rules and procedures.

The legislative framework also fails to incorporate key international norms and obligations. Most notably, the provisions on the import and export of animals and animal products do not comply with Mozambique's obligations as a World Trade Organization (WTO) member and there is no mention of the OIE as the WTO's reference organisation for matters of animal health and disease control.

The Team has serious concerns regarding the legal foundation for the Veterinary Authority (VA) to carry out its mandate. The legislation on animal disease control, Decree n. 26/2009, has inadequate enabling provisions and it is questionable whether the instrument is at the appropriate level in Mozambique's legislative hierarchy for the powers and activities that it provides for.

A related concern, which was also expressed by nearly every stakeholder, is the weak chain of command from central to local level, in large part due to the transfer of district level veterinary services out of Ministry of Agriculture and Food Security (MASA) authority and into

local administrative units under Law N° 8/2003, as approved by the National Assembly. The lack of a strong vertical command hinders the VA's ability to control animal disease in the country, particularly in the case of transboundary animal disease outbreaks where early detection and rapid and effective response are critical.

### Conclusions

The legislative framework for veterinary matters in Mozambique has some notable strengths. It addresses certain elements of the veterinary domain fairly comprehensively, such as the import and export of animals and animal products and certain animal disease control measures. The degree and quality of technical detail in much of the recent legislation, while often misplaced in primary instead of secondary instruments, indicates an excellent understanding of veterinary and administrative matters. In some cases the quality of the legal drafting is also quite sound.

The Team has a number of concerns regarding the quality of Mozambique's veterinary legislation, in terms of form as well as substance. First, there is virtually no legislation on some key elements of the veterinary domain, including veterinary laboratories, animal welfare, and veterinary medicines and biologicals. Of the elements that are addressed, there are numerous gaps, overlaps and contradictions among the provisions, and much of the material is out-dated.

There are several issues that limit the utility of the legislation to achieve its policy objectives. Most of the enabling provisions are inadequate, leaving the authorities without an explicit legal mandate to discharge their responsibilities. Poor drafting weakens many of the powers and responsibilities that are conferred, for example, undermining accountability by using the passive voice. A lack of complementarity and harmonisation among related instruments further limits their effectiveness.

A serious concern is the absence of a formal chain of command, which weakens the VA's capacity for animal disease detection and control, particularly in the case of transboundary animal disease outbreaks where rapid and effective response at every administrative level is critical. Compounding the problem, there is no formal disease surveillance system or communication protocol to enable early detection and control and reporting of animal disease occurrences.

Finally, there is a dearth of secondary legislation setting out the technical, procedural and administrative modalities for implementing the primary legislation.

### Recommendations

In light of the findings and conclusions of this report, the OIE Team recommends the following steps be taken to reform the legislative framework for veterinary matters in Mozambique:

1. Suspend the current process of preparing a new Animal Health Regulation for enactment.
2. Elaborate an overall legislative strategy for all elements of the veterinary domain before drafting or amending specific pieces of legislation. In that process, attention should be paid to legislative hierarchy; harmonisation and complementarity among different instruments; choice of matters for primary vs. secondary legislation; treatment of areas with distinct regulatory regimes, such as veterinary medicines and biologicals, under separate instruments.
3. Consider building the legislative strategy around an animal health and disease control law to provide the appropriate legislative foundation for necessary VA powers *vis-à-vis* private citizens where constitutional rights are at issue as well as local authorities on matters of decentralisation and chain of command.

4. Collaborate with other authorities that have competencies in or related to the veterinary domain. Carefully articulate the division of responsibilities and modalities for communication and coordination. Resolve any conflicts in the relevant legislation, including between the organic statutes of MASA and the Ministry of Fisheries concerning aquatic animals.
5. Develop individual instruments, taking into account the findings and recommendations of this report. During that process, outline the contents of the relevant subsidiary legislation to ensure all areas are covered and to help determine the placement of specific provisions. Extend the stakeholder consultation process to authorities and other actors at local level.
6. Define the institutional framework for veterinary services taking a holistic, system-based approach that provides the central authorities with the overall competence to develop programmes and implement activities throughout the territory; assigns specific areas of responsibility to provincial and local authorities; defines the relationship between the different administrative levels and provides for coordination mechanisms to ensure coherent and effective implementation on the ground.
7. Provide for a formal chain of command along with mechanisms to coordinate and enforce implementation among different Veterinary Service (VS) actors. Examples range from holding joint planning and budgeting sessions to undertaking needs-identification and awareness-raising workshops for staff at different administrative levels.
8. Train MASA staff and lawyers on the principles of legislative drafting to increase awareness, understanding and participation in the development of new legislation.



---

# REPORT

## 1. Background to the Mission

The OIE Veterinary Legislation Support Programme (VLSP) identification mission to the Republic of Mozambique was conducted from 5-9 October 2015 by a team of independent OIE certified experts - Dr Victor Gongora, veterinarian, (Team Leader) and Ms Julia Rogers, lawyer (Technical Expert). Previous PVS missions to Mozambique are the OIE PVS Evaluation Mission conducted in January 2008 and the OIE PVS Gap Analysis Mission conducted in September 2009. The 2008 OIE PVS Evaluation Mission recommended the identification and prioritisation of gaps, inconsistencies or non-conformities in national legislation, regulations and sanitary measures as compared to international standards. The objectives of the OIE VLSP identification mission were to raise awareness of the importance of veterinary legislation for modern, effective operation of the veterinary services, review the principles for developing high-quality veterinary legislation and review the current status of the Member's legislation relative to the OIE standards for veterinary legislation as contained in Chapter 3.4 of the OIE Terrestrial Animal Health Code.

Correspondence between the OIE and the OIE experts with the OIE Delegate for Mozambique concerning the OIE legislative mission is at Appendix 1. The Chief Veterinary Officer and Delegate to the OIE, Dr Jose Libombo Junior, Director of the National Veterinary Directorate (*Direcção Nacional de Veterinária – DINAV*) in the Ministry of Agriculture and Food Security (*Ministério da Agricultura e Segurança Alimentar – MASA*), identified Dr Zacarias Elias Massicame, head of the Epidemiology Division, as the focal point for the mission. All subsequent correspondence regarding preparation and planning for the mission was conducted through Dr Massicame.

## 2. Methodology

The languages used during the mission were English and Portuguese. No interpreters were provided. It was not necessary to have any document translated given the background of the experts: one fluent in Spanish and the other with a working knowledge of Portuguese. Abbreviations and acronyms used in the report are listed in page ii of this report.

The mission was requested by Dr Libombo on 28 July 2014. The Director General of the OIE responded on 31 July 2015 acknowledging the request and, subsequently, on the 15 June 2015 sent another letter proposing team composition and dates. Dr Libombo approved the team (Dr Victor Gongora, Ms Julia Rogers) and dates proposed (5-9 October 2015).

The Team Leader sent an initial contact letter w to Dr Libombo on 11 August 2015, along with the preliminary OIE Legislation Questionnaires (Parts I and II) requesting their completion at the earliest. A list and copies of the main legislative and regulatory legal instruments covering the veterinary domain were requested as well. DINAV provided the Team with hard copies of some legal instruments during the mission and the Team downloaded others from the internet. The list of legislation consulted during the mission is in Appendix 7.5.

After reviewing the completed Questionnaires received on 21 September 2015, the Team Leader sent a second letter on 26 September 2015 with a preparation checklist and a proposed mission programme.

The focal point for the VLSP mission, Dr Massicame, was ably assisted by two other DINAV senior staff, Dr Ana Bela dos Muchangos, head of the Disease Prevention and Control Department and Dr Fernando Rodrigues, head of the Veterinary Public Health Department. Amendments were necessary to the proposed programme as day one of the mission fell on

Peace and Reconciliation Day, a public holiday commemorating the end of Mozambique's 15-year civil war in 1992.

The findings in this report are based on interviews held with key agencies involved with the governance of the veterinary domain in Mozambique, a review of the responses to the questionnaires on veterinary legislation (Appendices 7.4 a and b), and on an examination and review of the relevant laws (Appendix 7.5). A list of the reports and other resources consulted is at Appendix 7.6.

The mission began on the morning of Monday, 5 October 2015, with an introductory meeting with three divisional heads of DINAV at Hotel Cardoso in Maputo, capital of Mozambique. This meeting included a presentation by Dr Massicame giving an overview of veterinary legislation in Mozambique. The presentation by the OIE experts to explain the purpose of the mission was given on day two at DINAV's conference room to DINAV's central office staff (Appendix 7.7). A list of all persons consulted is given in Appendix 7.3 arranged according to the dates and meetings in which they participated. Most meetings were held in the conference room of DINAV, although field visits were made to the Institute for Agrarian Research, Ministry of Health and Ministry of Justice.

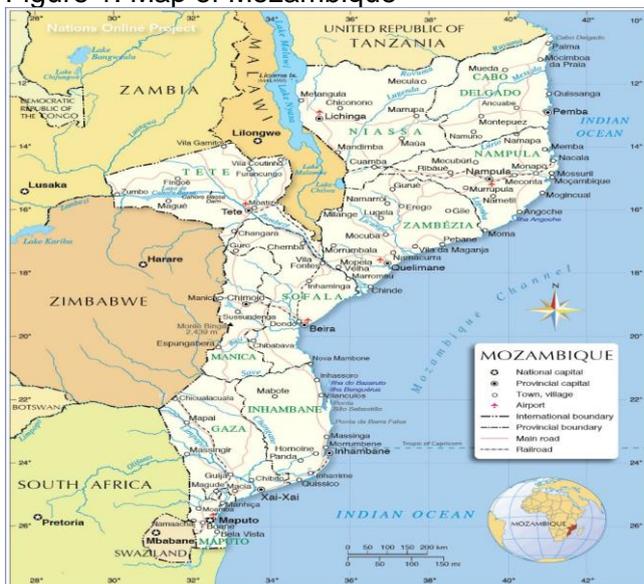
On 9 October 2015, the last day of the mission, the OIE Team paid a courtesy visit to Dr Ilidio Jose Miguel, Permanent Secretary of MASA, to outline the mission activities and inform him of the Team's preliminary findings. The OIE Team made a closing presentation to staff of DINAV, which was well received. Dr Libombo requested a copy of the presentation so he could use it to debrief senior staff of MASA at their weekly Technical Council meeting.

### 3. Socio-Economic and Policy Context of the Veterinary Services

#### 3.1 General

The Republic of Mozambique lies on the eastern coast of southern Africa. It has 2 300 km of coastline on the Indian Ocean in the east and shares land borders with Tanzania, Malawi, Zambia, Zimbabwe, Swaziland and South Africa (Figure 1). The country is divided cross-wise by the Zambezi River, which stretches inland to the west to the central-north province of Tete. Northern Mozambique is characterised by hills, low plateaus, and rugged highlands, whilst the south is mostly lowland savannah. From north to south, the agro-climatic zones range from humid, sub-humid to semi-arid, with 62.7% of land being given over to agriculture. The population of about 24 million are disbursed over a relatively large area of 800,000 square kilometres, with roughly 70% living in rural areas; of the 30% in urban centres, about 15% are in Maputo.

Figure 1: Map of Mozambique



Mozambique is a member of the Commonwealth and its sole regional membership is in the Southern African Development Community (SADC). It increasingly serves as a regional trade hub and, for its four landlocked neighbours (Malawi, Zambia, Zimbabwe and Swaziland), as a passage to the Indian Ocean. Although poor infrastructure constrains Mozambique's trade along most of those corridors, the connection with South Africa is in good condition, providing crucial access to the largest market in the Southern and Eastern African regions. In terms of exports, Mozambique's constraints include meeting the quality and quantity requirements of buyers, inappropriate production technology and skills, and high cost or delays caused by domestic transportation. Top barriers to imports include tariffs, corruption at the border, and burdensome import procedures.<sup>1</sup>

In 2014, the Government approved a long-term National Strategy for Development (ENDE) for 2015-2035. The ENDE places particular emphasis on industrialisation and the key priority areas of agriculture, fisheries, industrial diversification, infrastructure, the extractive industries and tourism. A number of Government strategies to improve agricultural production and food security in Mozambique are also underway. Key initiatives include the National Agriculture Investment Plan 2014-2018; the Strategic Plan for Agricultural Development 2010-2019; and the Multi-Sectoral Action Plan for Chronic Malnutrition Reduction in Mozambique (2011-2020). Additionally, a new "Law on Agriculture, Food Security and Nutrition" has been drafted and is expected to be debated and approved in 2015. Articles 36-38 of this proposed new law are on the promotion of animal and plant health.

### 3.2 Agriculture Sector

Agriculture plays a key role in Mozambique's economy, making up 31.8 per cent of GDP and providing a livelihood to almost 81 per cent of the labour force. The sector is dominated by smallholder farmers: 99 per cent of the estimated 3.8 million farmers use family labour and cultivate small plots of land (under 1.5 ha) with limited inputs and mechanization.

The agriculture sector in Mozambique is marked by low productivity and poor market access and is in need of technology transfer and investment. Issues of access to land and poor infrastructure have hampered large-scale investments in agriculture and the country still imports a significant share of its food.

In terms of livestock, a significant factor in these constraints was Mozambique's 15-year civil war (1977-1992), which led to a dramatic reduction in animal populations. Bovines were particularly hard-hit: pre-war, a 1974 census revealed there were 1.4 million cattle in the country; at the conflict's end in 1992, this number had plummeted to 215,000. Many husbandry skills and animal health services were lost along with the stock. By 1999, the number of cattle had risen sharply to 440,000 thanks to effective re-stocking programmes by aid agencies. However, many of the restocked animals were lost in the floods of 2000 and the drought of 2002.

These natural and manmade disasters seriously affected meat and milk production, with devastating consequences for farmers and other stakeholders. Despite some recovery of these sectors in recent years, the country is still heavily dependent on the external market to meet the demand in its main urban centres, with over 40% of all the meat consumed imported from neighbouring countries.

Nonetheless, Mozambique is moving toward greater independence from foreign sources of meat. The national supply of beef has grown due to the impact of development programmes, resulting in a fall in imports. Similarly, with significant improvements in poultry production and productivity, a small but dynamic commercial subsector has been successfully replacing imports in meeting the growing demand for poultry in urban areas. All other meats produced in the country and marketed through official channels come mainly from small family farms. Due to limited or non-existent production, inputs for livestock production such as animal feed, concentrates, and veterinary medicinal products are imported.

<sup>1</sup> World Economic Forum Global Enabling Trade Index 2014

Continued constraints on livestock production include low genetic quality of the breeding animals and unsuitable management practices; a weak network of veterinary assistance to smallholders; a lack of infrastructure for watering and managing cattle; and, in the vast majority of slaughterhouses, a lack of running water, refrigeration, separation between clean and dirty areas, and pens for holding animals prior to slaughter. On small rural farms, the main limiting factor for livestock production is the prevalence of disease in the most relevant species. Newcastle disease in particular is the main health constraint on chickens throughout the country.

With Mozambique's excellent agro-ecological conditions and substantial areas of available land, there is increasing recognition that livestock production can make an important contribution to poverty reduction, food security, income generation and GDP. New techniques and approaches are available that enable significant increases in livestock production by both the family and commercial livestock sectors. These increases require the support of a fully functional, effective and efficient VS.

### **3.3 Animal Health and the Veterinary Services**

The Ministry of Agriculture and Food Security was created pursuant to Resolution 4/2015 of the Council of Ministers (MASA Statute). DINAV is one of five directorates in MASA and has primary responsibility and authority to regulate matters in the veterinary domain. Its specific competencies are set forth in Article 9.1 of the MASA Statute:

- a. Prepare, implement, monitor and evaluate policies, strategies and legislation in animal production and health
- b. Protect animal health, including aquatic animals and sanitary control of products of animal origin
- c. Establish surveillance mechanisms for the prevention, control and eradication of animal disease
- d. Collaborate with regional and international organisations on epidemiological surveillance
- e. Collect, process and analyse data
- f. Promote partnership with the private sector
- g. Promote livestock production, processing and trade and funding
- h. Implement animal health and animal welfare protection measures
- i. Implement veterinary certification
- j. Enforce compliance with legislation on animal production and health and exercise authority as the competent authority
- k. Define and implement programmes and management of animal genetic resources in the country
- l. Conduct other activities relevant to the terms of the MASA Statute and other applicable legislation

DINAV is structured into three sections (Administration, Planning and Legislation) and five departments: Epidemiology; Disease Prevention and Control; Tsetse Fly Control; Veterinary Public Health; and Wildlife Disease.

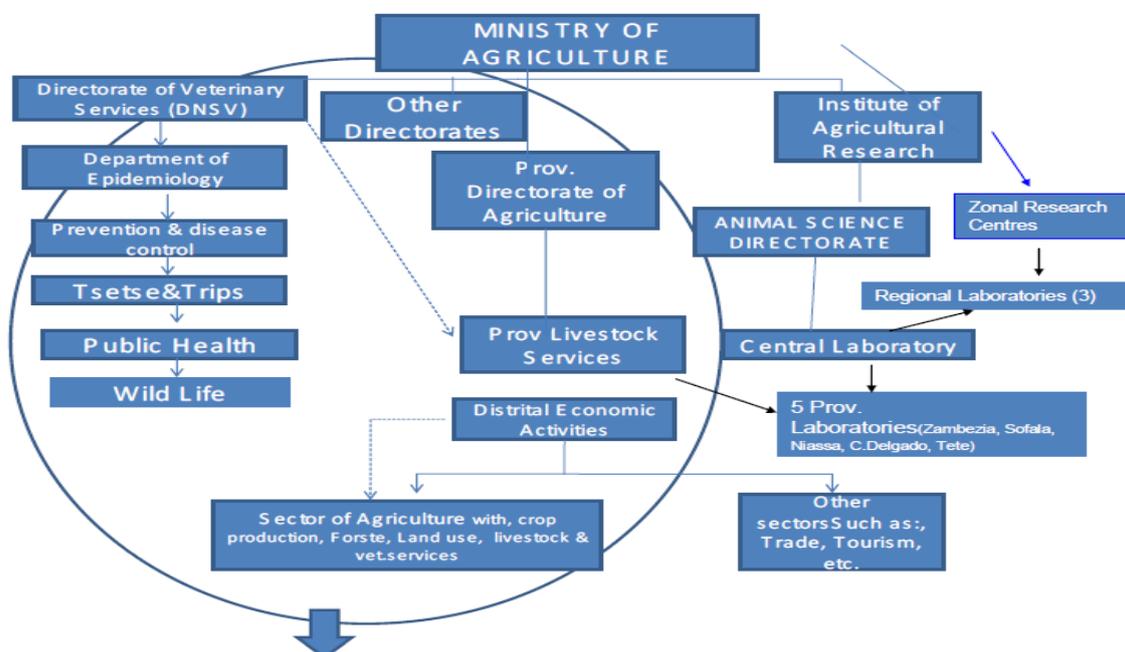
Counterparts informed the OIE Team that, in addition to a new animal production department, MASA plans to create an aquatic animal department pursuant to the delegation of competence for aquatic animal health under Article 9.1(b) of the MASA Statute. The Team was told that the Ministry of Fisheries' organic statute (Presidential Decree n. 17/2015) has complementary provisions and that the mandates do not overlap as a result of this shift.

However, two of the competencies conferred in the Ministry of Fisheries statute are problematic in just that respect:

- a. inspection and certification of products of aquatic origin (Art. 3(g)); and
- b. monitoring and certification of the health of “aquatic organisms”<sup>2</sup> in collaboration with the VA (Art. 3(g)(vi)).

Competence (i) may conflict with Article 9.1(b) of the MASA Statute, which is ambiguously drafted regarding responsibility for products of aquatic origin. Competence (ii) is in conflict with Article 9.1(b) because the latter does not require the VA to collaborate with the Ministry of Fisheries in matters of aquatic animal health; as drafted, it gives MASA sole competence. These incompatibilities must be clarified between the two ministries and the relevant legislation amended accordingly.

Figure 2: MASA Organigram<sup>3</sup>



MASA is regularly represented at OIE General Sessions and Regional Commission meetings, as well as relevant SADC meetings and committees. DINAV actively participates in regional Transboundary Animal Disease initiatives like the SADC Foot and Mouth Disease Project and a joint SA-Mozambique Tsetse Fly Eradication Project, which is currently in the planning stage. It is also involved in the Committee for the Great Limpopo Trans-boundary Conservation Area.

### Provincial Level

At Provincial level, the veterinary authority is the Provincial Livestock Services (*Serviços Provinciais de Pecuária*, SPP). The SPP falls under the immediate administration of the Provincial Directorate of Agriculture (*Direcção Provincial de Agricultura*, DPA), which answers directly to the Minister of Agriculture. The SPP therefore has no direct administrative link with the DINAV, though in most cases there are links for technical communication. A related problem is that the SPP's technical activities do not consistently receive priority

<sup>2</sup> In the absence of definitions to the contrary, the terms “aquatic organism” and “aquatic animal” are presumed as intending to convey the same concept.

<sup>3</sup> The use of the acronym “DNSV” in the organigram reflects DINAV's previous name, [National] Directorate of Veterinary Services (*Direcção Nacional dos Serviços de Veterinária*). The organigram is otherwise current.

support from the DPA, which means the necessary funding and logistics are often not available.

### **District Level**

As a consequence of decentralisation, in 2009 the veterinary staff at district level were moved out of MASA and placed in District Economic Activity Services (*Serviços Distritais de Atividades Económicas – SDAEs*), newly created units under the authority of the District Administrators who answer directly to the President.

Regulation 146/2009 (approved on June 24, 2009) provides SDAEs with competence to:

- Recruit personnel
- Ensure implementation of national policies and strategies in accordance to the work plans defined by the central authorities
- Conduct livestock censuses
- Promote restocking of livestock
- Build veterinary infrastructure
- Implement animal health programmes
- Ensure compliance of the legislation and law enforcement.
- Report to the central veterinary authority

In 2008, the PVS Team found the district veterinary staff to be isolated and lacking funds, transport, cold chain, materials and equipment, concluding that they could not be viewed as an effective operating component of the VA. While the Team did not look specifically into the question of funding for the VA during the VLSP mission, stakeholder consultations revealed that the situation has not improved in the meantime. A major factor appears to be the SDAEs' discretion to reallocate funds according to their own priorities, without consulting the original recipients under the budget. This has led to a gross under-funding of the district veterinary services, which are unable to perform essential activities or purchase much-needed veterinary equipment, supplies and materials for animal disease surveillance and control.

### **Other Authorities in the Veterinary Domain**

MASA delivers 90% of veterinary services in Mozambique. In some areas this involves coordination and collaboration with national directorates of other ministries, including:

- Ministry of Health
- Ministry of Culture and Tourism – Wildlife Section
- Ministry of the Sea, Inland Waters and Fisheries – National Institute for Fisheries Inspection - fish export certification
- IIAM

## **3.4 National Legal Framework**

### **3.4.1 Government and Administrative Structure**

Mozambique is a republic and constitutional democracy with a legal system based on Portuguese civil law and customary law. The 1990 constitution, revised in 2004, introduced the democratic rule of law, based on the separation and interdependence of powers. It also provided for multiparty elections of a government based on majority rule.

Article 18 addresses the position of international law in Mozambique's legal system:

1. Validly approved and ratified International treaties and agreements shall enter into force in the Mozambican legal order once they have been officially published and while they are internationally binding on the Mozambican State.
2. Norms of international law shall have the same force in the Mozambican legal order as have infra-constitutional legislative acts of the Assembly of the Republic and the Government, according to the respective manner in which they are received."

Provisions of the Constitution relevant to national veterinary legislation include:

*Art. 103. Agriculture*

1. In the Republic of Mozambique, agriculture shall be the basis for national development.
2. The State shall guarantee and promote rural development in order to meet the growing and diverse needs of the people, and for the economic and social progress of the country.

*Art. 82. Right of Ownership*

1. The State shall recognise and guarantee the right of ownership of property.
2. Expropriation may take place only for reasons of public necessity, utility, or interest, as defined in the terms of the law, and subject to payment of fair compensation.

*Art. 86. Freedom of Professional Associations and Unions*

1. All workers shall have the freedom to organise professional associations or trade unions.
2. Professional associations and trade unions shall be governed by the principles of democratic organisation and management, based on the active participation of their members in all of their activities, and on the periodic election of their bodies by secret ballot.
3. Professional associations and trade unions shall be independent from employers, from the State, from political parties and from churches or religious denominations.
4. The law shall regulate the creation, merger, alliance and dissolution of professional associations and trade unions, as well as the guarantees of their autonomy and independence from employers, from the State, from political parties and from churches and religious denominations.

(a) Central Government

**Executive:** The President of the Republic functions as the head of state, head of government and commander-in-chief of the armed forces. He is directly elected for a five-year term and serves a maximum of two terms. The Prime Minister is appointed by the President; functions include convening and chairing the Council of Ministers, advising the President, assisting the President in governing the country, and coordinating the functions of the other Ministers.

**Legislative:** The unicameral Assembly of the Republic (*Assembleia da República*), or Parliament, is the legislative body of Mozambique. Its 250 members are elected every five years by direct universal suffrage.

**Judicial:** The judiciary comprises a Supreme Court and provincial, district, and municipal courts, as well as an administrative court, the courts-martial, and customs, maritime and labour courts.

**(b) Provincial Government**

The structure and functions of Provincial Governments is addressed in Articles 141 and 142 of the Constitution:

*Article 141 – Provincial Government*

1. The representative of the Government at provincial level is the Provincial Governor.
2. The Provincial Government is the body charged with ensuring the implementation, at provincial level, of centrally defined Government policies, and it shall exercise administrative supervision over local authorities, in accordance with the law.
3. Members of the Provincial Government shall be appointed by the Ministers responsible for the particular portfolios, in consultation with the Provincial Governor.
4. The organisation, composition, functioning and powers of the Provincial Government shall be defined by law.

*Article 142 – Provincial Assemblies*

1. Provincial Assemblies shall be democratically representative bodies elected by universal, direct suffrage and by secret ballot, in accordance the principle of proportional representation, and their terms of office shall be five years.
2. Provincial Assemblies shall, in particular, have the power to:
  - a. supervise and monitor adherence to principles and norms established in the Constitution and in the laws, as well as the observance of decisions of the Council of Ministers relating to the particular province;
  - b. approve the Provincial Government programme and supervise and monitor compliance with it.
  - c. Local Level

Mozambican local governance is a complex system marked by two processes: decentralisation (political devolution) and administrative ‘de-concentration’ (the shifting of responsibility for implementing central decisions to a local administrative level).

The organization of Local Government institutions in Mozambique and their relationship with Central Governmental institutions are set forth in the Decentralisation Law (Law n°. 8/2003 of 19 May 2003) and Regulations (Decree n°. 11/2005 of 10 June 2005). Articles 80 and 81 of Decree n°. 11/2005 establish the relationship between the different levels of the Government.

Local authorities (*autarquias*) have administrative and financial autonomy, and are endowed with elected executive and legislative powers (‘local power’ [*poder local*], art. 7, para. 1, Law no. 2/97). Central government has also de-concentrated its administrative responsibilities to the ‘local state bodies’ (*órgãos locais do estado*), the provincial and district governments defined by the Council of Ministers at central level (‘central power’ [*poder central*], Law no. 8/2003).

### 3.4.2 Legislation

Mozambique was a Portuguese colony from 1498 to 1975. Thus, the legislation in the veterinary domain that was enacted prior to 1975 still follows the structure and nomenclature of Portugal's legal system. Article 143 of the Constitution lists the following as normative acts:

- Law (*Lei*) – enacted by the Assembly of the Republic
- Decree-Law (*Decreto-Lei*) – promulgated by the Council of Ministers under authorisation of Parliament and signed by the President
- Decree (*Decreto*) – regulatory acts made by the Council of Ministers and signed by the Prime Minister.

The President may also issue normative acts in the form of Presidential Decrees (*Decretos Presidenciais*) (Art. 158). Inter- and intra-ministerial matters are governed by Ministerial Orders (*Diplomas Ministeriais*) issued by a Minister or Ministers jointly.

As with legal systems around the world, Mozambique's legislation consists of primary and secondary legislation. Primary legislation sets forth the main normative framework for the matter to be governed. In the case of organic laws, this includes the creation of legal bodies, assignment of their competencies and powers, and definition of how they are to be organized and run. In the case of subject-matter laws, primary legislation provides the normative framework – i.e. the substantive obligations, rights, and prohibitions designed to achieve the law's stated objectives, along with the administrative structure, functions, powers and duties necessary for its implementation.

Secondary or subordinate legislation contains the technical and procedural details for implementing the primary legislation and is issued pursuant to authority granted in the primary legislation or the Constitution.

In Mozambique, Laws and, where authorised by Parliament, Decree-Laws passed by the Council of Ministers (Art. 181) are always primary legislation. However, the form of instrument does not necessarily determine whether it is primary or secondary legislation. Decrees issued by the Council of Ministers can take either role:

“Regulatory acts of the Government shall take the form of Decrees, whether they are made under the authority of a regulatory law or are made as autonomous regulations.” (Art. 143.4)

Thus a Decree is always a regulatory act issued by the executive branch; whether it serves the function as primary or secondary legislation is a question of relative hierarchy. When it is an autonomous regulation it cites the Constitution as the legal authority for its issuance.<sup>4</sup>

### 3.4.3 Publication and Management of Legal Documents

All legislation is published in the Official Gazette (*Boletim da República de Moçambique*) at the Official Printing Office in Maputo. The gazette is published in three series.

Legislation published in Series I of the Official Gazette has the following citation format:

- Type (law, decree etc.)
- Number (each type of act has an annual independent numbering)
- Year (two digit format)

<sup>4</sup> Despite having met with lawyers in the Ministry of Justice and in MASA, the Team was not able to clarify to its satisfaction certain questions regarding Mozambique's legislative framework, such as the distinction between a legislative act and a regulatory act (other than the promulgating body) and the precise limits on the Council of Ministers' authority to regulate certain matters

- Date (day and month)
- Short description

Series II of the Official Gazette publishes decrees, orders, dispatches and authorisations issued by the public administration and court decisions that demand publication. Series III of the Official Gazette publishes land and mining concessions and permits, municipal regulations, approval of associations and foundations and companies' articles of association.

Although some legislation is published on the official government website as well as on MASA's own website, there is no comprehensive, official electronic database of veterinary legislation in Mozambique. Third party sites such as the Food and Agriculture Organization's FAOLEX and private companies<sup>5</sup> contain electronic compilations of Mozambique's legislation since Independence, including English translations.

#### 3.4.4 Procedure for Creating and Adopting Legislation

Under Article 183 of the Constitution, legislative initiative belongs to:

- Members of Parliament;
- Parliamentary Benches;<sup>6</sup>
- Parliamentary Committees;
- President of the Republic; or
- Members of the Government.

Bills proposed by the Parliament are called legal projects (*projectos de lei*) and bills proposed by the Executive are known as legal proposals (*propostas de lei*).

In order to pass Decree-Laws, the Government needs specific and detailed legislative authorisation from the Parliament (Article 179.3), Article 180 and Article 204.1(d)). Decree-Laws passed by the Government are signed by the President of the Republic, who then orders their publication in the Official Gazette. All legislative acts are published in Series I of the Official Gazette.

Draft legislation for elements of the veterinary domain that fall under the direct competence of MASA is submitted to the Minister for processing. The Minister then consults with DINAV and the legal unit. Draft legislation for a specific domain may be drafted by DINAV staff officials or by other persons with the requisite qualifications. This is the case with the law creating the body that regulates the veterinary profession<sup>7</sup>, which was prepared by veterinarians in the Veterinary Association of Mozambique (*Associação dos Veterinários de Moçambique – AVETMO*), IIAM and the UEM. In any case, the draft legislation is circulated within MASA, DINAV and to stakeholder institutions for comment, including:

- Ministry of Health (*Ministério da Saúde*) – departments responsible for public health (food safety, zoonoses), pharmaceuticals
- Producer associations and cooperatives

<sup>5</sup> For example, Atneia, a division of Pandora's Box ([www.atneia.com](http://www.atneia.com)), which states that it has a repository of all Mozambican legislation since independence. There is no evidence that the Government of Mozambique has officially verified this claim or recognises the site.

<sup>6</sup> "Parliamentary Benches: 1. The deputies elected by each political party may set up a parliamentary bench. 2. The formation and organisation of benches shall be provided for in the Bylaws of the Assembly of the Republic." (Constitution, Art. 196)

<sup>7</sup> Law n. 13/2011 – Estatuto Organico - Ordem dos Médicos Veterinários de Moçambique.

- National Institute of Standards and Quality (*Instituto Nacional de Normalização e Qualidade – INNOQ*)
- National Institute for Aquaculture Development (*Instituto Nacional de Desenvolvimento da Aquicultura – INAQUA*)
- National Fish Inspection Institute (*Instituto Nacional de Inspeção do Pescado*)
- Ministry of the Sea, Interior Waters and Fisheries (*Ministério do Mar Águas Interiores e Pescas*)
- Animal Science Division, Mozambique Institute of Agricultural Research (*Instituto de Investigação Agrária de Moçambique – IIAM*)
- Order of Veterinarians of Mozambique (*Ordem dos Médicos Veterinários de Moçambique – OMVM*)
- Veterinary Faculty at UEM
- Ministry of Justice and Constitutional and Religious Matters (*Ministério da Justiça Assuntos Constitucionais e Assuntos Religiosos*)
- Ministry of Economy and Finance (*Ministério da Economia e Finanças*)
- Confederation of Economic Associations of Mozambique (*Confederação das Associações Económicas de Moçambique*)
- AVETMO

#### 3.4.5 Definition of Veterinary Domain and Division of Responsibilities

There is no definition of “veterinary domain” in Mozambique’s veterinary legislation. The following institutions have competencies in or relevant to the veterinary domain:

- IIAM Animal Science Division, including the central veterinary diagnostic laboratory and food laboratory.
- Ministry of Health – Directorate of Public Health
  - animal products – the Team was informed that the Ministry of Health is responsible for animal products after processing when they enter into the transportation and distribution chain to the point of sale.
  - zoonoses
  - all pharmaceuticals, with formal competence for veterinary drugs and biologicals (draft regulation in process delegating certain functions to MASA)
- Ministry of the Sea, Inland Waters and Fisheries
  - As noted in Section 3.3 above, Article 9.1 of the MASA Statute extends the competence for animal health to include aquatic animals; however, there are ambiguities and conflicts between that provision and certain competencies in Article 3 of the Ministry of Fisheries Statute. These incompatibilities must be addressed to ensure the respective mandates are clear and coherent.
  - INNOQ
  - Inspection mandate overlaps with those of MASA and the Ministry of Health
- Customs Authorities of Mozambique
- Ministry of Industry and Trade

#### 4. Review of the National Veterinary Legislation

The 2008 PVS Evaluation gave Mozambique's VS limited scores in the three Critical Competencies relevant to veterinary legislation, (CC IV-1, 2, 3):

PVS Critical Competency	PVS Report finding
Preparation of legislation and regulations and implementation of regulations	The VS have the authority and the capability to participate in the preparation of national legislation and regulations, but cannot implement resultant regulations nationally
Stakeholder compliance with legislation and regulations	The VS have no programme to ensure stakeholder compliance with relevant regulations.
International harmonisation	The VS are aware of gaps, inconsistencies or non-conformities in national legislation, regulations and sanitary measures as compared to international standards, but do not have the capability or authority to rectify the problems.

The findings indicate that, while the VS did have the overall capacity and authority to prepare national veterinary legislation, it was not able to implement them effectively. Further, while the VS was aware of gaps and inconsistencies with respect to international standards, it was not able to bring the legislation into compliance with such standards.

The VLSP Team's findings regarding Mozambique's legislative framework for veterinary matters are largely consistent with the 2008 PVS Report. Some elements of the veterinary domain are covered in the legislation, including competent authorities, animal health and disease control, veterinary profession, and import-export certification. Other elements such as laboratories and animal welfare are not addressed at all, or to a negligible extent.

##### Structure of Veterinary Legislation

The following list shows the veterinary legislation currently in force in Mozambique and the type of each instrument in order of legislative hierarchy.

- Law n. 07/2011 establishing the Order of Veterinarians of Mozambique (*Ordem dos Médicos Veterinários de Moçambique*)
- Decree n. 26/2009 - Animal Health Regulation (*Regulamento de Sanidade Pecuária*)
- Decree n. 13/2005 – Regulation on Livestock Registration and Marking (*Regulamento de Registro e Marcação de Gado*)
- Diploma Legislativo n. 19 519/1966 - Regulation on Slaughterhouses for Poultry and other Farm Animals (*Regulamento de matadouros de aves e outros animais de capoeira*)
- Diploma n. 53/1973 - Regulation on Slaughterhouses (*Regulamento de matadouros e Casas de Matança*)
- Provincial Decree n. 22/1973 - Meat Inspection Regulation (*Regulamento de Inspeção de Carnes*)
- Order No. 71/75 of 13 September 1975 - Regulation for Animal Insemination (*Regulamento da Prática da Inseminação Artificial nas Espécies Pecuárias*).

- Order No. 23.358 of 3 August 1970 - Regulation on the Production and Trade of Forage for Animal Consumption (*Regulamento da Produção e Comercialização de Forragens para a Alimentação de Animais*)

At the time of the mission, DINAV was in the process of revising the Animal Health Regulation and preparing a regulation on veterinary medicines and biologicals, as secondary legislation to a new law on all pharmaceuticals (human and animal) under development in the Ministry of Health. Amendments to existing but outdated legislation on meat inspection and slaughter plants are also under consideration.

#### Quality of Veterinary Legislation

Of the areas covered, there are strengths and weaknesses in terms of both internal and external quality. The main findings are discussed in the detailed assessments below (Sub-sections 4.1.1- 4.1.4).

##### ➤ Legislative strategy and hierarchy of Instruments

This aspect of quality looks at the choice of instrument for a given area of regulation within the country's hierarchy of legislation, as well as at the relationship among the different instruments in forming the broader legislative framework for veterinary matters.

In Mozambique's case, there are issues with both aspects of legislative strategy. Most notable is the employment of a Decree for the Animal Health Regulation. As will be explained in greater detail in the following section, a Law is likely a more appropriate instrument for the scope, powers, obligations and prohibitions needed to effectively regulate matters of animal health and disease control on a national level.

There is also a lack of proportionality and coherence in the hierarchy of legislative instruments that form the larger framework. For example, Law n. 13/2011 establishing the OMVM occupies a higher level than the legislation on animal disease control, Decree 26/2009.

Third, there are areas of overlap, gaps and conflicts among related provisions of different instruments. To give an example, the Animal Health Regulation provides that veterinarians in the private sector must be duly registered by the VA in order to exercise veterinary activities in Mozambique (Art. 113), whereas the OMVM Statute requires veterinarians to register with the OMVM and obtain its recognition to practice veterinary medicine in Mozambique (Art. 8.1).

Finally, legislative strategy involves the grouping of provisions according to subject matter (horizontal organization) and hierarchy (vertical organization). The OMVM Statute has an appropriate scope and balanced treatment of the different aspects of the statutory body, while the Animal Health Regulation covers several areas of the veterinary domain other than disease prevention and control. Some are generally associated with animal disease control, such as import/export procedures designed to prevent the introduction of disease and certify its absence. Other topics are more distinct in terms of both subject matter and regulatory regimes and would be more effectively addressed in separate legislation. This is the case with veterinary medicine and biologicals (Art 104) and meat inspection (Art. 73).

##### ➤ Individual Texts

The quality of the individual texts is assessed in the context of four specific elements of the veterinary domain in sub-sections 4.1.1-4.1.4 below. Among the main concerns: the level of instrument is not appropriate to its content and purpose; there are overlapping and conflicting provisions in some areas and gaps in others; primary legislation contains too many implementing details, while subsidiary legislation is lacking altogether.

In terms of drafting, the legislative texts tend to suffer from common pitfalls such as weak or indirect enabling provisions; passive sentence construction that undermines accountability; putting substantive provisions in the definitions; using terms and definitions out of line with

OIE and other international standards; and inconsistent use of terms. Finally, while some texts followed a logical structure, others were less coherent in their organization.

The Team recognises that DINAV counterparts are aware of several of the issues highlighted in this section 4. In addition to raising awareness of key concerns, the following detailed discussion will serve to help inventory, articulate, and prioritize them, as well as to guide counterparts' efforts to address them going forward.

## 4.1 Detailed Assessment of Selected Subject Areas

### 4.1.1 Animal Disease Control

The primary legal text for animal disease control in Mozambique is Decree no. 26/2009 – Animal Health Regulation. It addresses a range of topics in this element of the veterinary domain, including notifiable disease (Articles 78, 79); declaration of infected zone (Articles 83, 84); quarantine (Articles 63-70); disease control (Articles 80, 86-98) and sanitary programmes (Articles 48-56).

There is fairly good technical quality in these areas which cover the range of measures applicable for disease control, especially animal diseases considered exotic to the country and region.

While the Animal Health Regulation covers many of the key areas and certain provisions are well-drafted, the text has some substantial deficiencies. This discussion focuses on two main issues, legislative hierarchy and enabling provisions; other weaknesses such as with drafting are noted as well.

#### Level of Instrument

As noted above, the Animal Health Regulation was enacted through a Decree. As there is no law on animal health and disease control in Mozambique, it takes the role of primary legislation, citing the Constitution as the legal authority pursuant to which it was enacted, not a law.

The question of whether the Animal Health Regulation is at an appropriate level in Mozambique's legislative hierarchy is therefore somewhat complicated. As in any legislative analysis, the first consideration is whether the matters governed and the associated powers granted in a given instrument are appropriate to the relevant policy goal(s) and within the constitutional competence of the issuing authority. The second is how the instrument relates to the rest of the legal framework, both in terms of relative hierarchy and whether the norms it establishes gaps, overlaps or conflicts with the other instruments.

The second consideration is difficult to assess because there is so little veterinary legislation currently in force in Mozambique; however, the OIE Team notes a few inconsistencies. For example, the Animal Health Regulation (Decree n. 26/2009) is lower in Mozambique's legislative hierarchy than the organic statute for the Order of Veterinarians in Mozambique (Law n. 13/2011). In addition to being incongruent, it raises the possibility of conflicting provisions (this is discussed in Section 4.1.2 on the Veterinary Profession).

The first consideration raises substantial concerns. As with any legislation for animal disease control, the VA must have an unassailable legal basis for exercising powers that might otherwise infringe on citizens' constitutional rights, including property and freedom of movement. Without the proper legal authority, they may be exposed to legal challenges in carrying out their duties, or face delays where swift action is essential for public health and security. A law on animal disease prevention and control in Mozambique would also provide the VA more power to ensure a strong vertical chain of command. Decentralisation and the related constitutional matters are the competence of Parliament, so a legal instrument enacted by Parliament would

provide the VA with the necessary legitimacy to fully exercise its authority without being challenged on constitutional grounds.

The OIE Team and DINAV counterparts agree that a law on animal health and disease control is needed to underpin an effective VA and strengthen VS in Mozambique.

#### Enabling Provisions

The Animal Health Regulation designates the Ministry responsible for agriculture, through the DINAV, as the Veterinary Authority (Art 4) and gives it the responsibility for its execution, together with entities of the Ministry in the areas for which they have been delegated competence (Art 6.1). The Regulation also provides that local entities with delegated competence act in the name of the VA (Art 6.2). In neither case is the delegating authority specified; presumably the Minister, but this should be explicit for a clear chain of command.

One of the main problems with the Animal Health Regulation is that it does not clearly and explicitly set forth the necessary powers for its execution. Article 7 lists the competencies of the VA, but these are stated more as general responsibilities and policymaking functions “guaranteeing the safety of animal products”; “developing programmes and adopting norms for disease surveillance, control and eradication...”; “defining, coordinating and evaluating the application of norms. There is no provision directly authorising – and requiring – the VA to carry out key functions, such as:

- appointment of official veterinary inspectors;
- establishing and overseeing a disease surveillance system, including necessary staffing and equipment;
- instituting a system of reporting and command.

The few VA powers that are directly provided are scattered throughout the text instead of being presented together in a coherent list:

- Seize animals or animal products for import that are not accompanied by a valid international [veterinary] certificate (Art. 21)
- Enter private farms to examine (inspect) animals and collect information relevant to notifiable disease (Art. 82)
- Enter establishments where animals exist or where products of animal origin, by-products, waste, animal feed and biologicals are processed or handled (Art 123)
- Declare infected zone and suspected zone (Art. 83)
- Impose quarantine (Art 63)

In several provisions, the intention may have been to grant the VA certain powers, but the drafting did not accomplish that aim. An important example is Article 88 on animal disease control and eradication. While it lists such critical measures as isolation and seizure of sick animals; sanitary slaughter; prohibiting the slaughter of animals for human consumption; and carrying out diagnostic tests, among others, the *chapeau* or lead sentence preceding the list reads: “The control and eradication of notifiable diseases, independently of any other measures determined by the veterinary authority, *may require the adoption* of the following (emphasis added)...”. As a result of this passive construction, key information is left out, such as who may adopt the measure, and on whose authority, and does adopt mean carry out, and when does “may” become “shall”...? Clearly this wording does not carry the same legal weight as providing the VA with the express authority to act. An example of a stronger formulation: “The VA shall have the authority to carry out any of the following sanitary measures in case of an outbreak or suspected outbreak of notifiable animal disease”.

With respect to stipulations of Chapter 3.4 of the OIE Terrestrial Code for animal diseases (Article 3.4.9), Decree 26/2009 does provide a basis for the VA to manage prescribed diseases (as listed on annex 1 and 2 of the regulation). However, the lists are quite extensive and it is impossible to manage all as notifiable diseases, which require the imposition of emergency control measures. It is recommended that the diseases be prioritized and authority given to add or delete from the list through a ministerial diploma.

#### Coordination and Chain of Command

A related problem in the Animal Health Regulation is that it lacks mechanisms for control and coordination between the VA and other actors in the veterinary domain, both vertically with Provincial and District levels and horizontally with institutions that have related or shared competencies, such as the Ministry of Health; Ministry of the Sea, Inland Waters and Fisheries; and Ministry of Trade and Industry and with customs authorities.

One of the most consistent themes the OIE Team noted in consultations with counterparts and other stakeholders was the lack of an effective vertical chain of command, both in formal terms and on the ground. The Regulation does require the Provincial and District Governments to offer the VA the “necessary collaboration and support” for its implementation (Art 8.1) and to report any change in health status of an animal in their jurisdiction (Art 8.2). However, it does not assign key areas of responsibility to local entities (with the exception of giving Provincial Livestock Services competence for veterinary certification of animals destined for other provinces inside Mozambique and, in certain cases, establishing sanitary requirements (Art. 19.5,7) or require that the Minister elaborate such details in a subordinate instrument. Just as important, the Regulation does not provide for any coordination mechanisms to ensure coherent and effective implementation at national, provincial and local levels.

Similarly, the Regulation does not address the need for communication and coordination between the VA and other authorities in areas of shared competence, e.g. with the Ministry of Health on food safety, registration of medicines or zoonoses, or with customs authorities on controlling imports of animals and animal products at ports of entry.

#### Additional Concerns

Key matters are not addressed, including:

- Declaration of Animal Disease Emergency or creation of an Animal Disease Emergency Fund;
- Surveillance and control measures for diseases other than prescribed diseases, establishing regulatory programmes, establishing emergency preparedness and contingency plans, the financing of disease surveillance, prevention and control measures and measures to investigate and respond to emerging diseases;
- Declaration of disease free zone, or recuperation of disease free status;
- Inspection and enforcement – just general with regard to ensuring Regulation is observed (Art. 109). There are no provisions on the sanitary inspection of animals.

#### Drafting Issues:

- Cumbersome drafting style can get in the way of clearly conveying the content, e.g. “animals, animal products and sub-products, waste and forage” used throughout the document, instead of defining animal products and by-products to include the other items, or reserving their regulation for secondary legislation.

- Excessive technical and procedural implementing details in primary instrument.
  - Procedures for tick dips
  - Complete list of data to be entered into livestock registries
  - Art 109.2 - 20% hazard pay for inspection
  - Table establishing the fines corresponding to violations of 52 of the Regulation's 124 articles (Art. 111), along with the amount of the fine in the local currency, meticais.

Such administrative details, particularly when involving specific values that are subject to change with inflation or revised policies, belong in secondary legislation. Broad parameters may be included, but it is advisable to state them in relative terms that are likely to keep pace with inflation, such as the equivalent of one month's salary for a government employee.

- Passive and weak language that undermines norms. In addition to the examples given above:
  - Art 89 – states that the “isolation of sick animals is the competence of the owners”, which implies a factual description, rather than creating an obligation, e.g. “owners shall isolate sick animals”
  - Art 109 – provides that certain agents responsible for public safety and security “may intervene” in inspection and control activities instead of requiring such agents to provide support to the VA under certain circumstances, e.g. a declared Animal Disease Emergency.
- Terms and definitions not aligned with international norms, in particular those of the WTO and OIE. Examples include “animal”; “meat”; “sanitary certificate” and “international sanitary certificate” – instead of “international veterinary certificate”

Secondary Legislation - Although the preamble to Decree n. 26/2009 gives the Minister the authority to issue secondary instruments needed to implement the legislation, there is no provision listing specific matters that the Minister has the authority to regulate.

### **Recommendations**

Based on the foregoing observations, the OIE Team recommends the following actions be taken regarding Mozambique's legislation relevant to animal health and disease control:

1. Consider proposing the revised legislation as a Law to provide a legal basis that is appropriate to the powers and functions of the VA.
2. Provide for complete set of necessary VA powers.
3. Bring the terms and definitions in line with OIE and other international standards and use them consistently throughout the instrument.
4. Modify the list of notifiable diseases giving authority to the Minister to add or delete by Order.
5. Provide the authority to manage animal disease as per OIE guidelines in Chapter 3.4.9.
6. Give the Minister the authority and responsibility to issue detailed rules and regulations on a specific, non-exclusive list of topics within the scope of implementing the legislation. Examples of specific matters to be prescribed include:

- rules or guidelines applicable in all or part of the territory regulating the movement of animals, animal products and animal parts in order to maintain a zone's disease status;
- procedures to be followed by veterinary inspectors in the exercise of their powers the qualifications necessary to be appointed a veterinary inspector;
- the manner in which permits and certificates shall be issued, including their form, content and language;
- the specific treatments, control measures or other interventions required in connection with each notifiable disease listed in the relevant schedule;
- restrictions on the movement of animals, animal products or animal parts within or out of any declared disease status area or zone;
- the procedures for the inspection and treatment of imported animals, animal products or animal parts and the conveyances bringing them into Mozambique;
- the location, management and functioning of quarantine stations established under the legislation and the requirements for the handling and treatment of animals, animal products and animal parts kept at the quarantine stations.

#### 4.1.2 Veterinary Profession

Veterinary medicine traces its beginnings in Mozambique to 1908 when the first veterinary regulation was passed given that the province (Mozambique) had a proven experience of being highly suitable for raising cattle and other animals. Milestones include the opening of a veterinary faculty in 1964 at the Eduardo Mondlane University (*Universidade Eduardo Mondlane* – UEM) in Maputo, the formation of AVETMO in 1991 and, in 2011, the creation of the veterinary statutory body, OMVM, with the passage of Law n. 13/2011 in 2011 (OMVM Statute).

As a Law, the OMVM Statute is the only instrument in Mozambique's legislative framework for veterinary matters that was passed by Parliament. It is for the most part well organized and drafted. Over eight chapters, it provides for the essential characteristics and powers of the OMVM, including its mandate, structure, governance and administration, and it prescribes the activities, rights and duties of its members. It also gives the OMVM the power to control the conduct and professional competence of veterinarians [and veterinary para-professionals] and to undertake disciplinary action.

As a veterinary statutory body, the OMVM is charged with regulating the veterinary profession. However, the OMVM Statute extends that mandate into conflicting territory by providing as an essential objective support for the professional interests of its members (Arts. 5, 27). Instead, this is an appropriate role for a professional association such as AVETMO. The role of a veterinary statutory body should be to promote the public's interest, not that of its members.

##### Veterinary Para-professionals

Article 6 of Law n. 13/2011 lists the attributes and competencies of the OMVM. Included among them is the authority to regulate veterinary para-professionals (Art 6.1(u)) and, by implication, to determine their educational requirements and qualifications: "...para-veterinary activity means the collection of duties authorised for and delegated to professionals with the education and qualifications approved by the Ordem..." (6.2). The authority is considered implied because the provision merely mentions the OMVM's role as part of the definition of "para-veterinary activity" rather

than directly granting it.

Law n. 13/2011 does not provide that the OMVM determine the other basic regulatory elements for veterinary para-professionals, such as the different categories of veterinary para-professionals and relevant continuing education, supervision, registration and licensing requirements. The President of the OMVM informed the OIE Team that regulations for veterinary para-professionals were under preparation pursuant to Article 6.1(u).

#### Practice of Veterinary Medicine

Under Law n. 13/2011, only duly certified, registered and licensed veterinarians are permitted to practice veterinary activities in Mozambique (Art. 7.2). Art. 7.3 lists the actions that constitute “veterinary activities”. Some are appropriately reserved for veterinarians, such as diagnosing diseases, prescribing medication, inspecting and certifying products of animal origin, and performing invasive procedures; however, other listed activities are not – and should not be – practiced exclusively by veterinarians, for example, risk analysis and communication in the food chain (7.3(e)). By its terms, the Law also seems to permit only registered veterinarians to sell and dispense veterinary medications (7.3(h)) – clearly not a sound or viable requirement because it would restrict access to medicines that could otherwise be provided by pharmacists and possibly para-professionals if so authorised. Further, this provision conflicts with Mozambique’s existing regulatory framework for pharmaceuticals, which applies to human and veterinary medicine.

Even more impracticable, subsection 3(a) provides that “the practice of any act, material or intellectual, that has as an objective the determination of an animal’s health or well-being...” As worded, this would prohibit a livestock owner from even taking his cow’s temperature. Clearly it is neither reasonable nor desirable to reserve such a broad range of activities for veterinarians alone, illustrating the importance of ensuring that all provisions are in line with the OMVM’s public good mandate.

It is difficult to imagine that the drafters’ intention was to prohibit anyone except veterinarians from undertaking the activities in Article 7.3. The only other interpretation would be that the list was intended as non-exclusive; however, there would be no sense in listing “veterinary activities” that veterinarians *or anyone else* may practice directly after providing that “veterinary activities” are exclusively for veterinarians. The list should be amended to include only those activities which veterinarians are qualified to perform, and/or veterinary medicine and surgery should be defined to appropriately circumscribe the activities.

The Statute should, but does not, provide an exception for persons other than veterinarians to undertake activities normally performed by registered veterinarians under certain circumstances, for example in an emergency or if the person in question is related to the owner. However, it does list as a responsibility of any registered veterinarian to respond when called out for a national emergency (Art. 22 (h)).

#### Educational Requirements

The OMVM Statute provides that a “veterinarian” means any national or foreigner who holds a bachelor’s, masters or doctorate degree in veterinary medicine from a university recognized by Mozambique’s Ministry of Education (Art. 7). Although both nationals and non-nationals are eligible for registration (as active and associate members, respectively), non-nationals must be from a country in which the veterinary statutory body has a reciprocity agreement with OMVM (Art 18).

The OMVM has the powers to establish the minimal level of teaching and training required for registration and the practice of veterinary medicine (Art. 6.1(b)). The President of the OMVM informed the OIE Team that re-registration is required every

four years; however, there is no such provision in the OMVM Statute. Although veterinarians need to show proof of continuing education when re-registering, there is presently no continuing education requirement. Active and associate members may practice veterinary medicine provided they meet the requirements established by the OMVM Statute (Art. 8.1), but the OMVM has not yet issued regulations with the relevant requirements. The requirements for recognition of specialties are also lacking; they should be included in the matters for the OMVM to regulate.

### **Recommendations**

- Amend Law n. 13/2011
- Circumscribe the list of “veterinary activities” to appropriate scope.
- Remove references to promoting the professional interests of its members.
- Provide for the OMVM to set up a system for the recognition of veterinary specialists.
- Provide for the OMVM to set up a system for veterinary para-professionals in Mozambique, including:
  - different categories of para-professionals
  - the scope of activities/interventions they are permitted to perform;
  - initial and continuing educational requirements;
  - supervision types, modalities;
  - registration and licensing requirements and procedures;
  - professional conduct and ethics.
- Establish and operationalize a system for veterinary para-professionals in Mozambique.
- In 2008, the OIE-PVS Team recommended that the situation of the veterinary para-professional cadre receive urgent attention and that a legal framework should be provided for their employment, training and control under the authority and supervision of qualified veterinarians. The OIE-VLSP Team agrees.
- Ideally, this would start with an amendment to Law 13/2011 as set forth in point 1 above, after which the OMVM would issue regulations on the specific requirements, modalities and procedures related to the foregoing system.
- However, because the time frame for amending the Law is unlikely to be short, the Team recommends that the regulatory system for veterinary para-professionals be established as soon as possible under the existing Law. This would likely be considered within the scope of authority granted in Article 6.2; important in case of a challenge from OMVM members unhappy at what they might consider encroachment on their professional territory by veterinary para-professionals.
- Provide for continuing education as a requirement for re-registration of veterinarians and veterinary para-professionals.

### 4.1.3 Import and Export

The legal instrument governing import and export procedures and veterinary certification in Mozambique is the Animal Health Regulation (Decree n°. 26/2009), with 29 of its 124 articles dedicated to the import, export and transit of animals and animal products. It covers many of the essential requirements, including veterinary certification, import and export licenses, quarantine, and seizure and destruction of items that do not meet import requirements.

While there is provision for veterinary inspection, it is quite limited. Article 24 provides for mandatory veterinary inspection at ports of entry, but only by the “inspector so designated”. No mention is made of official veterinary inspectors; in fact, there is no enabling provision in the Animal Health Regulation for the appointment and authorization of official veterinary inspectors – at border posts or anywhere else in the country.

The most critical problem with Decree n. 26/2009 is its failure to incorporate international standards and obligations regarding imports and exports of animals and animal products.

#### International Obligations

Mozambique has a number of obligations as a WTO member; the most relevant to the present discussion are in the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement). The core principle of the SPS Agreement is the facilitation of free trade; that is, member countries agree to develop and apply their sanitary and phytosanitary<sup>8</sup> requirements for imports in a way that minimises the impact on international trade and does not serve discriminatory or protectionist purposes. This involves adherence to a number of principles, including (i) risk assessment - measures must be based on a scientific assessment of risk conducted in accordance with internationally accepted techniques (Art. 5); (ii) equivalence - the importing country must accept different sanitary measures for a given product if they achieve the same level of protection as its own sanitary measures for the same product (Art. 4); (iii) adaptation to regional conditions and changes in disease status (Art. 6); and (vi) transparency – mandatory notification to WTO of changes in sanitary requirements (Art. 7).

None of these requirements is incorporated in Decree n. 26/2009. According to the WTO website, Mozambique has only made two notifications under Article 7 of the SPS Agreement since becoming a WTO member in 1995; both were on plant protection measures. This indicates a serious lack of compliance with the SPS Agreement: either Mozambique has not updated its sanitary requirements to reflect changing conditions in 20 years, or it has not notified the WTO (i.e. its trading partners) when it has done. The situation must be addressed, starting with updating the relevant legislation to incorporate Mozambique’s international obligations.

Mozambique’s veterinary legislation does not reflect or comply with most of the key international standards and obligations concerning the import and export of animals and animal products. Both the effectiveness of implementation and the confidence of trading partners risk being undermined as a consequence.

#### Organization and Drafting

As may be expected, the import-export provisions of Decree 26/2009 have similar drafting issues as those on animal disease described in Section 4.1.1. In addition to weakening the clarity and legal certainty of the text, imprecise drafting can have tangible real-world and legal consequences. Article 21 illustrates this point: in relevant part, it prohibits the importation of any animal, animal product, by-product, waste or

---

<sup>8</sup> For simplicity, reference is made to sanitary requirements alone in this section.

animal feed that the VA suspected to be infected with any pathogen on the list of OIE diseases and gives the VA the right to destroy such imports without compensation (Art. 21 .4-5).

Although this prohibition sounds reasonable on its face, it is overly broad because it would include diseases on the OIE list that are already endemic to Mozambique. In those cases, the animal or animal product would be subject to destruction despite not posing an actual risk to the country. In terms of trade relations, this opens up the potential for abuse. Even if the provision is never misused, it runs afoul of the SPS Agreement obligation to ensure sanitary requirements are no more restrictive than necessary to achieve their legitimate purpose.

While some terms and definitions pertaining to the Regulation's import-export provisions are in line with international norms (e.g. "import license", "inspection" and "quarantine") many are not. One notable example is the definition and use of the term "sanitary certificate" for exports and "international sanitary certificate" for imports. Instead, the OIE term "international veterinary certificate" should be used in both contexts, regardless of whether the consignment is departing or entering the country.

In other cases, terms that do correspond to international standards are used in a different context. For example, the term "transit" is used to refer to the movement of animals and animal products within Mozambique (Arts. 19, 20) instead of the standard meaning in this context – the passage of a consignment through a third country en route to the importing country. Further complicating matters, the two articles use different terms to convey the same concept: "circulation", "transfer", "movement" – without an apparent basis for the distinction. The cumulative effect of using such inconsistent and non-standard terms is to generate confusion and undermine legal certainty.

This formal problem points to a substantive gap in the normative framework: the absence of provisions on the transit of animals, animal products and other products of risk through Mozambique on the way from Country A to Country C. This extends the lack of legal certainty to trading partners.

### Secondary Legislation

A number of secondary instruments are needed to set out the detailed requirements, rules, and procedures necessary to implement the normative provisions on the import and export of animals and animal products. Specific topics needing further regulation include registration procedures for importers and exporters; list of commodities that require import and export permits; officially designated border posts; and the specific sanitary requirements for imports of live animals and other commodities by species and type.

### Recommendations

The OIE Team recommends the following actions with respect to Mozambique's legislation on the import and export of animals and animal products:

- Keep these provisions in the primary legislation for animal disease control, which is recommended to be enacted as a law.
- Make the following revisions to the text:
  - Provide for the appointment of official veterinary inspectors and list their powers.
  - Incorporate key international obligations and reference the OIE, WTO and the SPS Agreement as the sources of applicable standards and obligations.
  - Define the terms and definitions in accordance with international norms and use the terms consistently.

- Provide for transit of animals and animal products through Mozambique.
  - Develop issue and continually update implementing regulations and the related lists, schedules, forms and fees.

#### 4.1.4 Animal Health and Production

Animal production falls under the mandate of DINAV according to the organic statute of MASA (Resolution n. 4/205 of 26 June 2015). In Mozambique, the following instruments address matters of animal health and production.

- Decree 26/2009 - Animal Health Regulation (*Regulamento de Sanidade Pecuária*)
- 
- Decree 13/2005 on Livestock Identification and Registration (*Regulamento de registo e marcação de gado*).
- 
- Order No. 71/75 - Regulation on Animal Insemination (*Regulamento da Prática da Inseminação Artificial nas Espécies Pecuárias*).
- 
- Order No. 23.358 [1970] - Regulation on the Production and Trade of Forage for Animal Consumption (*Regulamento da Produção e Comercialização de Forragens para a Alimentação de Animais*)

In terms of the overall legislative framework for animal health and production, there are overlaps between instruments in some areas and gaps in others, while the rules of drafting are not consistently observed. Regarding substantive matters and technical quality, many of the provisions are incomplete and out-dated; indeed, as can be seen from the above list, the regulation on artificial insemination is 45 years old and the regulation on animal feed was enacted prior to independence. In the process of updating the legislation, it would be preferable to address matters related to animal production (e.g. animal feed, reproduction) separately from the revised animal health regulation to allow for more comprehensive and specialised provisions.

#### Specific sub-topics

- Identification and traceability
  - *Animal Identification*

Animal identification is covered in a few provisions of Decree 26/2009 and in considerable detail in Decree 13/2005 - Regulation on Animal Identification and Registration. Although mention is made to the identification of an animal owner and an establishment identification code in Decree 26/2009 (Art. 40 (2b)), no reference is made to any regulation in this respect. These two data are linked to a registry booklet (Art. 40 (2b)), but it is not compulsory for the identification system (Art. 38 (3c)).

The relevant provisions in Decree 26/2009 are in Chapter III, Measures Applicable to Sanitary Protection. Articles 38-40 and 44-46 establish marking and registration requirements and provide the modalities for the latter in some detail, such as the identification regime and form and content of the registry. Owners are required to communicate to the VA all changes in the status of animals registered (e.g. births, deaths, slaughter, transfer) by the 15<sup>th</sup> of the following month.

Decree 13/2005 on Animal Identification and Registration pre-dates Decree 26/2009 by four years. Although it does not state that it was passed pursuant to specific primary legislation, it behaves much like a subsidiary instrument as it contains a number of detailed provisions on animal marking, including the characteristics of brands (e.g. size of letters and symbols in centimetres), the technologies and methods to be used, and the procedures and data for registering the brand. As

Decree n. 13/2005 does not contain provisions on animal registration, the term “Registration” in the title applies only to the use and registration of branding irons.

There are a couple of problems with how the two, co-equal instruments interact. First, 26/2009 does not refer to or repeal any part of 13/2005, despite the fact that it covers some of the same subject matter. Assuming the provisions of the latter were still valid and accurate, it would be a useful implementing instrument for 26/2009 if properly referenced. Relatedly, the relevant provisions of Decree 26/2009 have areas of overlap with Decree 13/2005 and, in some cases, create conflicting norms. For example, Decree 13/2005 requires the marking of all livestock (*gado*) in the country (Art. 4), and defines *gado* as domestic bovines, buffaloes, goats, swine, equines, asinine and their hybrids (Art. 2). Decree 26/2009 requires the individual marking and registration of bovines only, and the registration of “all other animals of any species, domestic or wild, that are grouped together in any structures or are destined for any commercial, touristic, or charitable activity” (Art. 38). The use of the term animals (*animais*) instead of livestock (*gado*) in 26/2009 makes the registration of mammals, birds, bees, reptile or amphibian including their carcasses (as per definition) compulsory. Because 26/2009 does not repeal any part of 13/2005, or indeed mention it at all, the result is incompatible – and impracticable – registration requirements.

There are also issues regarding the organisation and drafting of the individual instruments. Chapter III of Decree 26/2009 deals with measures to protect animal health. Section I - Animal Registration contains six articles, only three of which address the obligation to identify and register livestock (Articles 38-40). Two articles require the confinement of livestock (Art. 42-43) and one requires the owner of a livestock enclosure that holds animals belonging to other owners to designate a representative in his absence (Art. 41). One problem is that these matters do not all correspond to the section heading – Animal Registration – or to each other. Another is that, with the exception of Article 41, the provisions are not drafted to assign clear responsibilities; rather, the actions are simply “obligatory”. By leaving the intended actor unidentified, this passive sentence construction undermines legal certainty, accountability and enforceability. A final drafting deficiency to note in this section is the requirement that “the identification and registration system shall include at least one of the following elements: (a) animal identification markings; (b) informational database; (c) animal registration books; (d) individual registries maintained in each business” (Art. 38.3). It would not make sense to have a registration system that, for example, only consisted of markings without the corresponding registry. The intention may have been to require the system to include (a) and one of (b) through (d); in any event, greater precision is needed in drafting.

- *Movement Control*

Animal movement is mainly addressed in Decree 26/2009 in the context of importation, movement and transportation (Chapter II, Articles 9 - 20) and disease control (Chapter IV, Articles 80 and 85). Animal movement control is not addressed in Decree 13/2005.

The provisions are comprehensive, but given the definition of “animal” it may be difficult to implement in its entirety. Including movement control within the importation chapter leads to some confusion as to controls due to importation, disease control or national movement (e.g. from farm to market). It is also not clear when a health certificate is required for movement. For example, Article 85 prohibits movement from, to and through suspect and infected zones, unless the prohibition is lifted by the VA, but it does not state whether, in the event the prohibition is lifted, a movement permit is required, with or without a health certificate.

➤ Animal markets and other gatherings

Article 47 of Decree 26/2009 has three provisions on animal gatherings. To paraphrase:

1. The gathering of animals in permanent or temporary places is only permitted with prior authorization from the VA.
2. The animals so gathered are subject to such sanitary measures as the VA may deem necessary and
3. The animal owner is responsible for any charges resulting from the application of sanitary measures

Under Article 88(f), the VA may prohibit animal gatherings as a disease control measure. The question of what constitutes an “animal gathering” is left to the definition, and therein lies the problem.

Decree 26/2009 defines “animal gathering” (*concentração de animais*) as a “grouping of animals, of one or more species and one or more owners, in a location expressly designated by the Veterinary Authority.” This definition has two important defects: first, it is so broad as to be meaningless as it applies to any number of animals, from 2 to 1,000,000. As a result, it is left to the VA’s complete discretion whether a given grouping constitutes an “animal gathering” for the purposes of the Regulation, which undermines transparency and legal certainty. Second, as formulated, the definition only includes groupings of animals in locations expressly designated by the VA. It follows that *undesigned* groupings of animals would not be considered “animal gatherings” – paradoxically leaving them unregulated.

An alternative approach that might better achieve the objective would be to: (i) set forth what constitutes a gathering in a substantive provision instead of in a definition; (ii) express the concept in terms of minimum numbers by species that the Ministry shall designate by regulation (or another formula); (iii) ensure it is applicable to all livestock throughout the country; and (iv) leave Ministerial discretion for specific situations. Then a separate provision can require that gatherings shall only be permitted with prior authorisation of the VA, and that they may be subject to such sanitary measures as the VA shall determine, among others.

➤ Animal Reproduction

Mozambique has one piece of legislation on animal reproduction: Order No. 71/75 of 13 September 1975 - Regulation for Animal Insemination, which regulates the practice of artificial insemination. It contains seven chapters addressing, among other things, the licensing procedures and functions of artificial insemination centres; the practice of artificial insemination and related obligations; and import-export requirements for reproductive material.

The regulation designates what is now DINAV and the Institute for Veterinary Research (which has since been amalgamated into IIAM) as the competent authorities for artificial insemination and provides for their collaboration and coordination in implementing the regulation (Art. 5.2, 10 and 12.2).

The legislation is very out-dated from a technical as well as administrative perspective and should be revised to reflect international standards, technologies and practices. It should also be harmonised with related provisions in other legislation, for example on the import-export of animals and animal products.

➤ Animal Feed

The legislation governing the manufacture and sale of animal feed in Mozambique is Order No. 23.358 of 3 August 1970 - Regulation on the Production and Trade of Forage for Animal Consumption. It consists of 37 articles specifying the sanitary

procedures to be satisfied in order to produce and market animal feed. Forage is defined as every substance destined for the feeding of animals, whatever its origin or composition. Animal feed must display on the label the ingredients and satisfy the packaging requirements detailed in the text (Art. 15 (3)). Sanctions for illegal activities are prescribed. There is no legislation on recalling from the market any product likely to present a hazard to human health or animal health.

Decree 26/2009 includes provisions on animal feed (forage), mainly in the context of import and export; however, they are general and not specific to animal feed. Thus, there is need to update the specific animal feed legislation enacted during the pre-independence era. In doing so the instrument must be harmonised with related legislation, particularly on animal health and disease control, both in terms of substance (e.g. provisions on animal by-products) and drafting (for example, there is no definition for the term “animal”, so it is unclear what kinds of animal feed are covered).

➤ Animal By-products

Decree 26/2009 addresses the use of human food and animal by-products in animal feed in Article 116, which provides that the use of swill and products of animal origin (animal by-products) in feeding animals requires special authorisation from the VA, who shall determine the necessary procedures. The provisions in Decree 26/2009 on animal by-products should be included in the updated animal feed regulation.

➤ Disinfection

Decree 26/2009 uses the OIE definition for disinfection; however, the relevant provision is limited to animal products and vehicles moving animals, whether for importation or any other movement (Art. 14 (3)). There are no provisions for the regulation and use of disinfectants for disease prevention and control.

### **Recommendations**

While a few sub-topics are covered in considerable detail, particularly where separate legislation exists for sub-components of health provisions relating to animal production, Mozambique’s legislation on this element of the veterinary domain is an incomplete patchwork of instruments issued over a period of 45 years. Considerable work is needed to create a coherent and effective normative framework. Among the most important areas to be covered, updated and/or harmonised:

- Identification and traceability of live animals
- Animal feed, disinfectants, and reproduction (artificial insemination, embryo transfer, genetic manipulation)
- Sustainable use and protection of animal genetic resources.
- Penalties (remove specific amounts of fines from primary legislation)

## 5. Overall Conclusions and Recommendations

### Conclusions

The legislative framework for veterinary matters in Mozambique has some notable strengths. It addresses certain elements of the veterinary domain fairly comprehensively, such as the import and export of animals and animal products and certain animal disease control measures. The degree and quality of technical detail in much of the recent legislation, while often misplaced in primary instead of secondary instruments, indicates an excellent understanding of veterinary and administrative matters. In some cases, such as Decree n. 13/2005 on Livestock Marking and Registration and Law n. 13/2011 on the OMVM, the quality of the legal drafting is also quite sound.

The quality of Mozambique's veterinary legislation also raises a number of concerns, in terms of form as well as substance. First, there is virtually no legislation on key elements of the veterinary domain, including veterinary laboratories, animal welfare, and veterinary medicines and biologicals (although legislation on the latter is under development with the Ministry of Health). Of the elements that are addressed, there are numerous gaps, overlaps and contradictions among the provisions, and much of the material is out-dated.

There are several issues that limit the utility of the legislation to achieve its policy objectives. Most of the enabling provisions are inadequate, leaving the Competent Authorities without an explicit legal mandate to discharge their responsibilities. Poor drafting weakens many of the powers and responsibilities that are conferred, for example undermining accountability by using the passive voice. A lack of complementarity and harmonisation among related instruments further limits their effectiveness.

The OIE Team shares counterparts' concerns about the lack of a formal chain of command, which is due in large part to the transfer of district level veterinary services out of MASA and into the SDAEs. Decentralisation is also a factor. Among the many consequences of this fragmentation is a weakened VA capacity for animal disease detection and control, particularly in the case of transboundary animal disease outbreaks where rapid and effective response at every administrative level is critical.

Similarly, there is no formal communication and reporting system from field to central level. Again, in addition to its importance for day-to-day activities, a formal reporting system is crucial for animal disease risk communication. A related problem is the lack of a formal disease surveillance system to detect outbreaks of animal disease as early as possible.

Finally, while much of the primary legislation contains excessive implementing details, there is a dearth of secondary instruments to set forth the technical, procedural and administrative modalities for executing the primary legislation.

### Recommendations

In light of the findings and conclusions of this report, the OIE Team recommends the following steps be taken to reform the legislative framework for veterinary matters in Mozambique:

1. Suspend the current process of preparing a new Animal Health Regulation for enactment.
2. Elaborate an overall legislative strategy for all elements of the veterinary domain before drafting or amending specific pieces of legislation. In that process, attention should be paid to legislative hierarchy; harmonisation and complementarity among different instruments; choice of matters for primary vs. secondary legislation; treatment of areas with distinct regulatory regimes, such as veterinary medicines and biologicals, under separate instruments.

3. Consider building the legislative strategy around a law on animal health and disease control to provide the appropriate legislative foundation for necessary VA powers *vis-à-vis* private citizens where constitutional rights are at issue as well as local authorities on matters of decentralisation and chain of command.
4. Collaborate with the other authorities that have competencies in or related to the veterinary domain. Carefully articulate the division of responsibilities and modalities for communication and coordination. Resolve any conflicts in the relevant legislation, including between the organic statutes of MASA and the Ministry of Fisheries concerning aquatic animals.
5. Define the institutional framework of the VS using a holistic, system-based approach that provides the central authorities with the overall competence to develop programmes and implement activities throughout the territory; assigns specific areas of responsibility to provincial and local authorities; defines the relationship between the different administrative levels and provides for coordination mechanisms to ensure coherent and effective implementation on the ground.
6. Provide for a formal chain of command along with mechanisms to coordinate and enforce implementation among different VS actors. Examples range from holding joint planning and budgeting sessions to undertaking needs-identification and awareness-raising workshops for staff at different administrative levels.
7. Develop individual instruments, taking into account the findings and recommendations of this report. During that process, outline the contents of the relevant subsidiary legislation to ensure all areas are covered and to help determine the placement of specific provisions. Extend the stakeholder consultation process to authorities and other actors at local level.
8. Train MASA staff and lawyers on the principles of legislative drafting to increase awareness, understanding and participation in the development of new legislation.

## 6. Evaluation of Capacity to Undertake Future Work on Legislation

Evaluating a country's capacity to undertake legislative reform first requires the identification of needs and of recommended actions. Both have been covered in the preceding sections. The question then becomes whether there is sufficient capacity to address those needs in the manner proposed.

Mozambique's VS demonstrates solid capacity for legislative reform in several respects. There is a clear appreciation of the importance of veterinary legislation to effective governance of the veterinary domain and an awareness of some of the fundamental deficiencies in the legal framework. The Team also observed an admirable openness to critically examining the existing legislation, identifying key problems and discussing alternative solutions.

The VS has a genuine culture of collaboration with other authorities in the veterinary domain in carrying out coordinated activities. There is a similarly dynamic process for developing veterinary legislation in which draft texts are sent to a broad range of stakeholders for review and comments are taken on board. However, the same level of consultation does not appear to extend to local actors, which could undermine the buy-in and political will needed for effective implementation on the ground.

The quality of technical detail in the legislation, while often misplaced in primary instead of secondary instruments, indicates an excellent degree of technical knowledge and expertise on both veterinary and administrative matters. There is also an appreciation of the relationship between the formal regulatory regime and conditions on the ground.

Perhaps most important, the VS is clearly committed to reform, as evidenced by the fact that an initiative to reform the Animal Health Regulation was well underway when the OIE VLSP mission took place. It should be noted that the Ministry has updated the Animal Health Regulation in 2002, 2004 and 2009, indicating an institutional culture of reform.

There is also political support for reforming Mozambique's veterinary legislation. The new Prime Minister was Minister of Agriculture and Fisheries in the 1990s; this is seen within DINAV as creating a top-down climate that is favourable to their efforts. Specifically, the initiative to revise the Animal Health Regulation has the support of the Permanent Secretary and is a top priority for the Director of DINAV and his senior veterinary staff.

Alongside these strengths are areas of concern, most notably related to the strategy and techniques needed to develop sound legislation. As discussed in Section 4, these concerns, which apply to specific instruments and to the framework as a whole, can significantly undermine the legitimacy and practicability of the legislation.

The reasons for these shortcomings were not entirely clear to the OIE Team. One contributing factor could be that there are not enough lawyers with the requisite training and experience available to VS. Because legislative drafting is a specialized skill, it is quite common to find it lacking in otherwise highly qualified lawyers.

The Team did not see or hear about much involvement of MASA's legal unit or lawyers in the development of veterinary legislation. Notably, the senior veterinary staff who discussed DINAV's efforts to revise the Animal Health Regulation with the team were also drafting the revised text. One of the senior MASA lawyers was temporarily assigned to another department in MASA so the legal unit had been understaffed for some months. It was unclear whether this was a persistent issue, but it does appear that either the number or the capacity of MASA's lawyers available to support legislative drafting efforts is insufficient. There might also be a tradition of different divisions acting independently from one another; a common tendency that could explain the high technical-veterinary quality of the texts and the uneven quality of the legal drafting.

Despite these concerns, the Team finds that the VS has the requisite awareness, technical expertise, resources, motivation and commitment to bring Mozambique's veterinary legislation up to internationally-recognized standards. This became apparent during the mission as counterparts demonstrated an increased understanding of the importance of, and basic rules for, sound legal drafting. Given the current political support for legislative reform, and with additional technical training and guidance, that capacity has great potential to increase and become self-sustaining in a relatively short space of time.

## **7. List of Appendices**

- 7.1 Correspondence between the OIE and the country
- 7.2 Organigrams of the Veterinary Services
- 7.3 List of persons consulted
- 7.4 Country's responses to the OIE questionnaires
  - 7.4.1 Part I
  - 7.4.2 Part II
- 7.5 List of acts and subordinate legislation consulted
- 7.6 List of reports consulted during the mission
- 7.7 PowerPoint presentation used at entry/exit meetings



## 7.1 Correspondence between the OIE and the Country



REPÚBLICA DE MOÇAMBIQUE  
 MINISTÉRIO DA AGRICULTURA  
 DIRECÇÃO NACIONAL DOS SERVIÇOS DE VETERINÁRIA

Excellency  
 OIE Director  
 DR. Bernard Vallat

12, Rue de Prony  
 75017 Paris  
 Fax: 33(01) 142670987  
 FRANCE

Nota n.º 578/MINA/860 / 2014  
 Ref v/nota n.º \_\_\_/\_\_\_/\_\_\_ de \_\_\_/\_\_\_/\_\_\_

Maputo, 28/07/2014

**Subject:** Request for OIE Legislation Mission.

Dear Director General,

As the Republic of Mozambique has already received a mission for the Evaluation of the Performance of Veterinary Services (OIE-PVS Evaluation) from 22 September to 2 October 2009, and the Final OIE-PVS Report has been finalized, I am writing to request further assistance from the OIE, in sending an OIE Mission to Mozambique, to review the current status of Veterinary Legislation and to advise on the necessary updating and modification to bring the legislation into closer alignment with OIE recommendations as found in the OIE *Terrestrial Animal Health Code* and *Aquatic Animal Health Code*.

Following the OIE-PVS report, in the VETGOV activity plan, Mozambique has included legislation production, review and/ or update with respective terms of Reference.

To undertake the plan foreword is for us very important your support, I look forward to receive your reply to this request and I will be pleased to provide any information you may need to facilitate the conduct of the OIE Mission(s). Please be advised that the focal point for the Veterinary Legislation mission is Dr. Nisa Isabel C. M. Alvaro.

Best regards

Yours sincerely,

José Libombo Júnior

OIE Delegate





Organisation  
Mondiale  
de la Santé  
Animale

World  
Organisation  
for Animal  
Health

Organización  
Mundial  
de Sanidad  
Animal

Our Ref.: 14/312 MG/DS

The Director General

Paris, 31 July 2014

Dr José Libombo Júnior  
National Director  
Veterinary Services  
Ministry of Agriculture  
Praça dos Heróis Moçambicanos  
PO Box 1406  
Maputo  
MOZAMBIQUE

OIE Veterinary Legislation Support Programme (VLSP)

Dear Delegate,

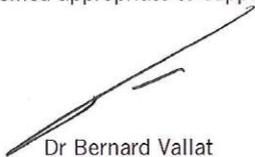
With reference to your letter dated 28 July 2014 (Ref. 578 MINA/260/2014) requesting that the OIE carry out a Legislation mission further to the OIE PVS evaluation of the Veterinary Services of your country carried out from 22 September to 2 October 2009, I am pleased to inform you that a proposal for a team of OIE experts and dates will be sent to you in the near future.

The aim of this mission will be to i) assess the veterinary legislation and its range compared to Chapter 3.4, Veterinary Legislation, in the OIE Terrestrial Animal Health Code; ii) take cognizance of needs and priorities in terms of veterinary legislation; iii) identify the available human resources and the procedures to be adopted; and iv) propose a comprehensive plan to improve your veterinary legislation.

I recommend that you consult Chapter 3.4, Veterinary Legislation, on our website. The direct access is: [http://www.oie.int/index.php?id=169&L=O&htmfile=chapitre\\_vet\\_legislation.htm](http://www.oie.int/index.php?id=169&L=O&htmfile=chapitre_vet_legislation.htm)

International travel costs, per diem allowances (to cover hotel and other accommodation costs) and remuneration of experts will be covered by the OIE. However, it is expected that your government will take care of the expenses related to local travels, logistical support to experts, interpretation services if necessary, the cost of the participation of the local team from your services, and any other expenses deemed appropriate to support the mission.

Yours sincerely,

  
Dr Bernard Vallat

OFFICE INTERNATIONAL  
DES EPIZOOTIES 

12, rue de prony

75017 paris france

tél. 33 (0)1 44 15 18 88

fax 33 (0)1 42 67 09 87

www.oie.int oie@oie.int

CC: - M. Eloit, Deputy Director General;  
- F. Caya, Head of the Regional Activities Department;  
- M. Gonzalez, Deputy Head, Regional Activities Department  
- D. Sherman, VLSP Coordinator, Regional Activities Department  
- A. Dehove, Coordinator of the World Animal Health and Welfare Fund;  
- J. Mace, E. Tagliaro, V. Wong, Chargées de projet, World Fund  
- Y. Samaké, OIE Regional Representative for Africa;  
- N. Mapiitse, OIE Sub-Regional Representative for Southern Africa



Organisation  
Mondiale  
de la Santé  
Animale

World  
Organisation  
for Animal  
Health

Organización  
Mundial  
de Sanidad  
Animal

The Director General

Our Ref.: 15.258 FC/DS

15 June 2015

Dr José Libombo Jr.  
National Director  
Veterinary Services  
Ministry of Agriculture  
Praça dos Heróis Moçambicanos  
PO Box 1406  
Maputo  
MOZAMBIQUE

#### OIE Veterinary Legislation Identification Mission

Dear Delegate,

I refer to the letter dated 28 July 2014 (Reference No. 578 MINA/260/2014) in which you requested the OIE to conduct a Veterinary Legislation mission. I am pleased to propose a team of technical experts certified by the OIE, comprising Dr Victor Gongora as Team Leader and Ms Julia Rogers as Technical Expert. The proposed dates for the mission would be 5-9 October 2015.

The aim of this mission will be to i) evaluate your veterinary legislation and its compliance with Chapter 3.4 on Veterinary Legislation of the OIE Terrestrial Animal Health Code; ii) support the preparation of your national priorities in terms of veterinary legislation; iii) identify the available human resources; and iv) propose a comprehensive plan to modernise your veterinary legislation.

For further information on the Veterinary Legislation Support Programme (VLSP), I recommend that you consult the OIE website <http://www.oie.int/en/support-to-oie-members/veterinary-legislation/> which also includes a link to Chapter 3.4.

International travel costs, per diem allowances (to cover hotel and other accommodation costs and meals) and remuneration of the OIE experts that will participate in this mission will be covered by the OIE. It is expected that your government will take care of any expenses related to local travels, logistical support to the experts, the cost of the participation of the local team from your services, and any other expenses deemed appropriate to support the mission.

I would like to add that the mission will be conducted in English, one of the three official languages of the OIE. Ordinarily we would ask that all relevant veterinary legislation be made available to the Team in English before the mission to help them prepare the mission programme. However, Ms. Rogers, who is a lawyer and fluent in Portuguese is prepared to review and analyse your legal texts in Portuguese, the language in which they are currently available.

- 1 -

*Protéger les animaux, préserver notre avenir • Protecting animals, preserving our future • Proteger a los animales, preservar nuestro futuro*

12, rue de Prony • 75017 Paris, France • tél. +33 (0)1 44 15 18 88 • fax +33 (0)1 42 67 09 87 • [www.oie.int](http://www.oie.int) • [oie@oie.int](mailto:oie@oie.int)



REPÚBLICA DE MOÇAMBIQUE  
MINISTÉRIO DA AGRICULTURA  
DIRECÇÃO NACIONAL DOS SERVIÇOS DE VETERINÁRIA

Excellency  
OIE Director  
DR. Bernard Vallat

12, Rue de Prony  
75017 Paris  
Fax: 33(01) 142670987  
FRANCE

Nota n 647 MINA/800 / 2014  
Ref v/nota n \_\_\_/\_\_\_/\_\_\_ de \_\_\_/\_\_\_/\_\_\_

Maputo, 18/08/2014

**Subject:** Request for OIE Legislation Mission.

Dear Director General,

In response to the letter with your reference n° 14/312 MG/DS, We are pleased to inform you that:

1. We agree to receive the legislation mission in the terms and conditions described the letter mentioned above.
2. We would like to be previously informed about the composition, dates and program of the mission.

Best regards

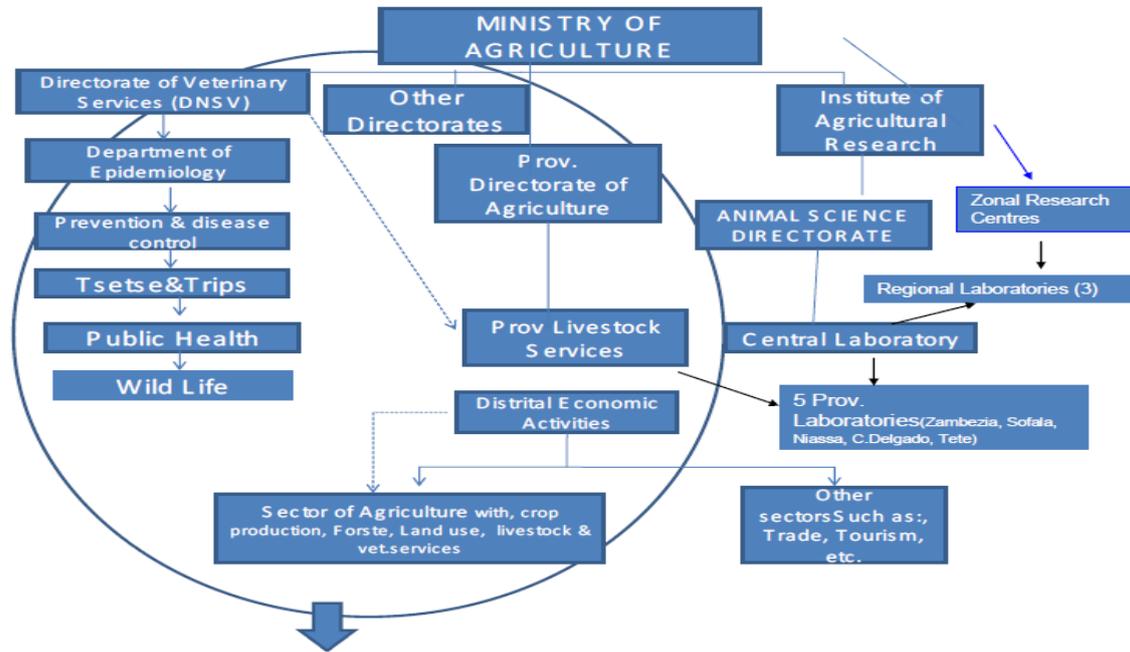
Yours sincerely,

José Libombo Junior

  
OIE Delegate



## 7.2 Organigram of the Veterinary Services





### 7.3 List of Persons Consulted

Date	Name	Position	Institution	Email
5 Oct	Zacarias Massicame	Head, Epidemiology	DINAV	zmassicame@yahoo.co.uk
5 Oct	Ana Bela dos Muchangos	Head, Disease Control and Prevention	DINAV	acmuchangos02@gmail.com
5 Oct	Fernando Rodrigues	Head, Veterinary Public Health	DINAV	F3rodrigues1@yahoo.co.uk
5 Oct	Jose Libombo Junior	National Director	DINAV	jilbombojr@yahoo.com.br
6 Oct	Maria Emilia Pinto	Veterinary Officer	DINAV	mila63pinto@gmail.com
6 Oct	Ana Bela dos Muchangos	Head, Disease Control and Prevention	DINAV	acmuchangos02@gmail.com
6 Oct	Fernando Rodrigues	Head, Veterinary Public Health	DINAV	F3rodrigues1@yahoo.co.uk
6 Oct	Jose Libombo Jr	Director	DINAV	jilbombojr@yahoo.com.br
6 Oct	Zacarias Massicame	Head, Epidemiology	DINAV	zmassicame@yahoo.co.uk
6 Oct	Jose Caravela	Head, Animal Production Department	DINAV	<a href="mailto:caravelajl@gmail.com">caravelajl@gmail.com</a>
6 Oct	Ananias Mabasso	Planning Department	DINAV	amabasso1@yahoo.com.br
6 Oct	Jeremias Chigiana	Administration Unit	DINAV	<a href="mailto:jchigiana@yahoo.com">jchigiana@yahoo.com</a>
6 Oct	Gabriel Tilis Maxhuzal	Disease Prevention and Control Department	DINAV	Gjlid16@yahoo.com.br
6 Oct	Deidia Mudanesse	Veterinary Epidemiology Department	DINAV	discemudanesse@gmail.com
6 Oct	Fausto Pinto	Animal Production Department	DINAV	faustop515@gmail.com
6 Oct	Perpetuo Banze	Disease Prevention and Control Department	DINAV	pejomaculuve@gmail.com
6 Oct	Esperanca Marstraje	Technician	DINAV	esperancamanga@gmail.com
7 Oct	Ana Patricio	Head, Food Division	MISAU	zeny12003@yahoo.com
7 Oct	Jose Pereiza Mendonca	Head of Department	DPASA-SPP Maputo	mendoncatendai@yahoo.com.br
7 Oct	Marco Antonio T Mungoi	Chair	OMVM	matmmungoi@hotmail.com
7 Oct	Jose Luis Caravela	President	AVETMO	caravelajl@gmail.com
7 Oct	Rafael Escivao	Dean	Veterinary Faculty- UEM	Reescrivao545@gmail.com
7 Oct	Aido Coto	DCA Research	DCA IIAM	aidocoto@yahoo.com.br
7 Oct	Olga Fafetine	Director	DCA IIAM	faftine@yahoo.com
7 Oct	Maria do Carino Carilho	Technician	DCA IIAM	mcarinozfc@yahoo.com.br
7 Oct	Claudia Chrabu	Technician	DCA IIAM	claudiachrabu@gmail.com
7 Oct	HG Alice	Researcher	DCA IIAM	cufuibazec@yahoo.com
7 Oct	Hefema Maturse	Researcher	DCA IIAM	hefemamaturse@gmail.com
8 Oct	Fernando Rodrigues	Head VPH	DINAV	
8 Oct	Dirce Herera	Quality control	HIGEST	
8 Oct	Manuel de Almiste	Strategic	HIGEST	
8 Oct	Mario Couto	CEO	HIGEST	
8 Oct	Reph Lazaro	Sales veterinarian	CIM	

8 Oct	Sofia Nuro	Veterinarian	AMA	
8 Oct	Loko Roger	Executive secretary	AMA	
8 Oct	Nisa Isabel C. M. Alvaro	Lawyer	MASA	
8 Oct	Sultana Razaco	Responsible for Drug Registration	MISAU - DF	
8 Oct	Joaquim Tomas	Drug Registration	MISAU - DF	
8 Oct	Orlando A Manuel	Legal Office	MISAU - DF	
8 Oct	Josina Jose Joco	Drug Registration	MISAU - DF	
8 Oct	Aurora Mabjai	Adviser to Minister	MISAU - DF	
8 Oct	Zacarias Massicame	Head, Epidemiology Department	DINAV	
9 Oct	Lidio Jose Miguel	Permanent Secretary	MASA	ljmiguel31@gmail.com
9 Oct	Micaela Marques	Lawyer	Ministry of Justice	Micaelamarques5@gmail.com
9 Oct	Pacidnais Amade	Lawyer	Ministry of Justice	pephini@gmail.com
9 Oct	Dr Tuanique Abdala	Director Nacional dos Assuntos Juridicos e Constitutionais	Ministry of Justice	
9 Oct	Paulo da Graça	Director de Gabinete Jurídico	Ministry of Justice	
9 Oct	Maria Emilia Pinto	Veterinary Officer	DINAV	mila63pinto@gmail.com
9 Oct	Ana Bela dos Muchangos	Head, Disease Control and Prevention	DINAV	acmuchangos02@gmail.com
9 Oct	Fernando Rodrigues	Head, Veterinary Public Health	DINAV	F3rodrigues1@yahoo.co.uk
9 Oct	Jose Libombo Jr	Director	DINAV	jilbombojr@yahoo.com.br
9 Oct	Zacarias Massicame	Head, Epidemiology	DINAV	zmassicame@yahoo.co.uk
9 Oct	Odette Naftal	Technician	DINAV	naftalodette@yahoo.com.br
9 Oct	Ananias Mabasso	Planning Department	DINAV	amabasso1@yahoo.com.br
9 Oct	Victor Manuel R Marcelino	Technician	DINAV	v.manuel46@yahoo.com.uk
9 Oct	Gabriel Tilis Maxhuzal	Disease Prevention and Control Department	DINAV	Gjlid16@yahoo.com.br
9 Oct	Deidia Mudanesse	Veterinary Epidemiology Department	DINAV	discemudanesse@gmail.com
9 Oct	Perpetuo Banze	Disease Prevention and Control Department	DINAV	pejomaculuve@gmail.com
9 Oct	Esperanca Marstraje	Technician	DINAV	esperancamanga@gmail.com

## 7.4.1 Country's Responses to the OIE Questionnaire Part I

### OIE VETERINARY LEGISLATION SUPPORT PROGRAMME

### VETERINARY LEGISLATION IDENTIFICATION MISSION

### QUESTIONNAIRE PART I: ADVISORY NOTES

#### Q1 – Information on the state's political, administrative and legal organisation

##### A Purpose

*The aim of this questionnaire is to obtain a description of the general organisation of the state's veterinary legislation and to identify the distribution of powers of the executive body or bodies and the legal organisation.*

##### B References

Terrestrial Code Chapter 3.4, available at [http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre\\_1.3.4.htm](http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre_1.3.4.htm)

*Veterinary domain: means all the activities that are directly or indirectly related to animals, their products and by-products, which help to protect, maintain and improve the health and welfare of humans, including by means of the protection of animal health and welfare, and food safety.*

*Veterinary legislation: means the collection of specific legal instruments (primary and secondary legislation) required for the governance of the veterinary domain.*

**The Country is administrative organized as following**

**Comprise 11 Province. including the Capital city maputo, with 125 district. In each province the Veterinary authority is represented by the Provincial livestock Services (SPP) and at district level is represented by the district Directorate of economic services (SDAE) specifically within this Directorate the veterinary unit lies under the agriculture division. The organization of the local Government institutions and relations with central Governmental institution are stated by the Law number 8/2003 and its regulations approved by Decree 11/2005 of 10 June 2005. In the article 80 and 81 of the Decree 11/2005 of 10 June 2005 are established relation between the different levels of the Government.**

**The main power of the executed bodies is defined by law for each administrative levels:**

**For the Local Government by Regulament 146/2009 approved on June 24, 2009 as describe below:**

1. Power to recruit personnel
2. To ensure implementation of the national police and strategies in accordance to the workplans difined by the central authorities
3. Under take census of livestock
4. Promoting restocking of livestock
5. Construct veterinary infrastructures
6. Implement animal health programmes and
7. Ensure compliance of the legislation and law enforcement.
8. Report to the central veterinary authority

**For the Central Level the By the Resolution number 04/20015 of June 26, 2015 as describe below**

1. To ensure the design and implementation, Monitor and evaluation the police, strategies and legislation related to animal health and livestock Domain

2. To ensure protection of animals against diseases, including of aquatics animals, food safety of products of animal origin.
3. Under take all necessary measures to prevent and control animal diseases and zoonosis and under take Veterinary surveillance.

## C Questionnaire

- 1.1 **Identify the fundamental legal instrument (e.g. Constitution) in force relating to the distribution of powers. Attach the document or provide an electronic link or internet address.**

*The aim is to list and if possible provide access to the fundamental legal instrument in force so as to identify the distribution of powers between the central state and decentralised authorities. An examination of the constitution or other fundamental or organic law in effect will enable the experts to understand the distribution of powers and how the laws and regulations operate.*

<http://www.mozambique.mz/pdf/constituicao.pdf> The Artic 103 of the Mozambican constitution states that the Agriculture is the base of the National development

## **Policies, strategies, regulations and legislation on prevention and control of animal diseases**

- Animal Health regulation approved by Decree number 26/2009 of 17 August 2009
- Announce on the Compensation mechanism for pigs slaughtered as results of African Swine Fever Published at official Magazine (BR) number 4611 first Serie in 24 November 1982
  - Rabies control Strategies approved by the Council of Ministers in 2009

## **Policies, strategies, regulations and legislation on animal product safety and hygiene including animal and animal products import and export etc.**

The legislation and product safety and hygiene available in the country are following

- Law setting the Hygiene requirements for establishment that process food products approved by the Parliament. Law number 51/84 Published in the Official Magazine number 40 Seria of 3rd October 1984
- Regulation of Abattoir and slaughter house for poultry and other small animals approved by Portaria number 19520 in 30 May 1975
  - Regulation on Meat inspection approved by Decree 22/73portaria of 26 July 1973
- Regulation of Abattoir and Slaughter house approved by ministerial Diploma Number 53/73 in 24 November 1973

## **Animal feed production and control policies etc.**

- Legislative Diploma Determining that manufacture of the feed staff for animal when it is destinating for sale should be produced by authorized firm. Approved by the legislative Diploma number 2959 published in Official Magazine number 41 Serie in 14 January 1970
- Regulation on Production and commercialization of Feed staff animals approved by Portaria Number 23358 Published in Official Magazine number 63 I Serie of 8 August 1970
- Announcement on trade of Sub-products of oil industry of cashew nuts used for animal feeding Published in the official Magazine number 5811 I serie 8 November 1975

- Portaria number 141n5 Set the Characteristics that food and feed staff for domestic animal feeding should has. Approved by portaria number 141n5 published in the official Magazine number 78 I serie in 25 December 1975

**1.2 Describe the various administrative divisions in the country and their legal responsibilities, from the central state to the local administrative division with respect to the veterinary domain.**

*See definition of veterinary domain above.*

**1.3 Please indicate if the legal system is mainly based on civil law, common law, religious law or customary law. Describe how the legal system supports the enforcement of the veterinary legislation in your country.**

## Q2 – Hierarchy of the veterinary legislation

### A Purpose

*The aim is to identify the legal instruments used by the Veterinary Authority. Relevant information includes the name of each category of legal instrument, the authority responsible for preparing and enacting each, the position of each category of legal instrument in the hierarchy of legislation and the legal source that enables the creation of each.*

### B References

*Veterinary legislation should scrupulously respect the separation between primary legislation, represented by primary acts (laws), and secondary legislation, such as regulations or rule books, as laid down in the constitution or other fundamental legal instruments of the country.*

Terrestrial Code Article 3.4.3.

### Primary Legislation

1. Country Constitution
  2. Ordinary Laws such is the Penal Code Approved by the National Parliament (law number 35/2014)
- Secondary Legislation**

1. The animal Health Regulations approved be Decree number 26/2009

### C Questionnaire

**2.1. Veterinary legislation created and adopted by the central state: *example***

(1) Level of legal instrument	(2) Category	(3) Type	(4) Issuing authority	(5) Source of law and procedure for creation
1	Constitution	Legislative	National Parliament	Parliament, the proposal was submit to a public consultaion
2	Law or Act	Legislative	Parliament	Article z of the Constitution
	Law	Legislative	Parliament	Law number 51/84 October 3, 1984 on Hygiene requirements for establishment that process food products
2b	Statutory order	Legislative	Government	Constitution – legislative empowerment

3	Decree	Regulatory	Government	decree No. 26/2009 August 17, 2009
4	Ministerial order	Regulatory	Minister	
5	Directive	Administrative	Directorate-General and sub-directorates	Ministerial directive No. yy

*This table covers legal instruments issued at the central state level and applicable throughout the country.*

- Level of legal instrument: Please fill in from the highest hierarchical level, No. 1 (Constitution or equivalent fundamental/organic law), to the lowest level, n. Legal instruments should be in strict conformity with and authorised by legal instruments of higher levels. For example, a decree can modify another decree but not a law. Legal instruments may have the same rank but require different adoption procedures, such as laws and statutory orders or the various categories of decree.*
- Indicate the category of the legal instrument.*
- Indicate the constitutional, legislative, regulatory or administrative type. Please note that the administrative instruments (directives, instructions, etc.) do not form part of the legislation but should be identified here for information.*
- Indicate the authority responsible for adopting the final legal instrument.*
- Identify the legal source that provides the authority to create this category of legal instrument and that describes how it should be adopted. Identify the specific articles that are relevant.*

## **2.2. Veterinary legislation created and adopted by decentralised authorities**

*This table deals with authorities that are decentralised, i.e. independent of the central state.*

*Example:*

<b>(1) Level of legal instrument</b>	<b>(2) Category</b>	<b>(3) Type</b>	<b>(4) Issuing authority</b>	<b>(5) Source of law and procedure for creation</b>
1	Order	Regulatory	Head of the region	Decentralisation Law x, Article y
2	Order	Regulatory	Mayor	Code relating to districts, Article z

*The decentralised authority is an entity with its own competencies and powers, which it exercises autonomously without having to refer to the state or another authority. It is usually subject to legal review by the state or the competent jurisdictions.*

*Indicate the legal instruments produced by the decentralised authorities. The level is optional and, where appropriate, relates to legal instruments produced by the same authority. For example, a municipal order is independent of a decision of the President of the Regional Council, since they each act within their own field of competence.*

*Note: This table is mainly for background information and detailed responses are not needed.*

## **2.3. Veterinary legislation created and adopted by authorities holding delegated powers (if applicable)**

*These are legal instruments issued locally by representatives of the state or persons holding relevant delegated powers (e.g. technical directors and heads of department). The authority holding the*

*delegated power is a geographical or functional entity that is competent on behalf of the central authority. The authority holding the delegated power remains in a position of subordination.*

*Example:*

(1) Level of legal instrument	(2) Category	(3) Type	(4) Issuing authority	(5) Source of law and procedure for creation
1	Order	Regulatory	Governor	Decree No. xx, Article gg
2	Decision	Regulatory	Departmental Director of the Veterinary Services	Delegation Order, etc.

#### 2.4. Veterinary legislation created and adopted by private sector organisations (if applicable)

*These are legal instruments issued by private sector organisations holding relevant delegated powers. They are competent to act on behalf of the central authority.*

*The title of the legal instrument and the name and geographical scope (e.g. national, state or province) of the private sector organisation should be provided.*

*Example:*

##### Comments

*Please provide comments on the relationships between the legal instruments produced by the authorities and any other information relevant to the veterinary legislation or the implementation of animal and public health policies. For example, it may be the case that local authorities grant subsidies for the control of animal diseases in the locality. They do not have authority over animal*

(1) Level of legal instrument	(2) Category	(3) Type	(4) Issuing authority	(5) Source of law and procedure for creation
1	Decision	Regulatory	Provincial organisation licensing	Delegation Order, etc.

*health inspection but may have a considerable influence on health policy.*

## Q3 Publication and management of legal documents

### A Purpose

*The purpose is to obtain information on how legal texts are published and on their management subsequent to publication. Access to complete, comprehensive and up-to-date information is essential to the Veterinary Services and their partner agencies in government, as well as to regulated parties, to support awareness of and compliance with legal requirements.*

### B References

*Veterinary legislation should be inventoried and readily accessible and intelligible for use, updating and modification, as appropriate. Competent Authorities should ensure communication of veterinary legislation and related documentation to stakeholders.*

Terrestrial Code Article 3.4.3

## C Questionnaire

### 3.1. Is there an official legal database or a database relating to veterinary legislation?

'Database' means a reliable source of information (manual or electronic) that may belong to the Veterinary Services or other governmental service, giving access to legal instruments in force that are relevant to the Veterinary Services.

In addition to the legislation, information may be provided on the procedures for its implementation. The administration can distribute its operating rules to the public, for example by means of a bulletin or periodic digests.

First-level legislation: ..... Yes ...  No.....X

Second-level legislation: ..... Yes ...  No .....X

Information on the procedures for the implementation of legislation: ..... Yes ...  No .....X

#### If the answer is 'Yes' to any of these questions:

Computerised or manual database? ..... Computerised  Manual X

Manager of the database: .....

Method of accessing the database:

For the Veterinary Services:.....

For the public: .....

### 3.2. Is there a system of consolidation?

Consolidation means the integration into the legal instruments of all subsequent modifications, whatever their origin. This provides a clear picture of the current state of the law.

No.....x Yes, computerised.....  Yes, manual....x

Person(s) in charge: .....

### 3.3 Is veterinary legislation codified?

Yes  No

'Codification' means the compilation in a single document of all or most of the primary legislation and the principal regulations.

Title of the Code: .....

Person in charge: .....

### 3.4 Does other legislation contain legal tools that are used by the VS? If so, provide examples.

This refers to standard legal provisions, which are not specific to the Veterinary Services but which are used by them, explicitly or implicitly. For example, some breaches are covered by penal law and the veterinary legislation simply refers to it. Legal instruments on consumer protection may give the Veterinary Services competencies without giving the overall authority for consumer protection to the ministry responsible for the Veterinary Services (e.g. recording cases of fraud).

In a similar way, the legal instruments relating to penal procedures often set the rules for recording breaches or defining the competencies of officials. Provisions for regulating the professions may be linked with legal instruments dealing with the control of private companies. The veterinary legislation may not necessarily govern these measures but a veterinary legal instrument may introduce the necessary modifications for the Veterinary Services to be able to carry out their missions.

Examples:

Civil law: ..... action to prevent the sale of sick animals

Penal law: ..... the offence of preventing officials from carrying out their duty

Penal procedure: ..... rules governing the recording of breaches

Administrative law: ..... obligations relating to administrative appeals

..... legislation on protected species (e.g. Convention of International Trade in Endangered Species of Wild Fauna and Flora (CITES) listed species)

Consumer protection: ..... detection of fraud and falsification

Customs and finance: ..... licensing of places for conduct of inspection; collection of fees.

### 3.5 Legal publication

Procedures for legal publication: .....

Title of the official publication: **Boletim da Republica** .....

Are the Veterinary Services subscribers? ..... Yes ...  No.....

Is there a system of distribution within the civil service? ..... Yes ...  No.....

*This question is to find out whether the official publication is distributed to the departments responsible for using it.*

### 3.6 Are there rules for distributing veterinary legislation other than by legal publication?

*The publication of legal instruments is usually governed by the constitution or the law. In addition, there may be regulations or administrative instructions to ensure a wider or more targeted dissemination (e.g. via official bulletins or the press).*

*This question is aimed at identifying the formal arrangements that exist.*

*Informal arrangements can be mentioned. In this case, please enter 'informal' under the heading 'Reference document setting out the rules'.*

Within the Veterinary Services: ..... Yes ...  No .....

*Example: weekly internal memorandum circulated to all departments with details of all new legal instruments*

To other administrations: ..... Yes ...  No .....

To organised groups of stakeholders: ..... Yes ...  No .....

To the public: ..... Yes ...  No .....

*Example: Veterinary Services' website, information bulletin, etc.*

**If you answered 'Yes' to at least one of the above categories:**

Reference document setting out the rules:.....

Method of distribution:.....

Distribution lists:

### 3.7 Are there rules for distributing information that is subordinate and relevant to regulatory texts?

*In addition to the legislation, information may be provided on the procedures for its implementation. The administration can distribute its operating rules, for example by means of a bulletin or periodic digests.*

*The requirement for confidentiality is a relevant consideration.*

Within the Veterinary Services: ..... Yes ...  No .....

To other administrations: ..... Yes ...  No .....

To organised groups of stakeholders: ..... Yes ...  No .....

To the public: ..... Yes ...  No .....

**If you answered ‘Yes’ to at least one of the above categories:**

Reference document setting out the rules:.....

Method of distribution: e.g. *bulletin (printed or electronic), website* .....

Distribution lists: e.g. *professional lists, voluntary subscription*.....

Rules regarding confidentiality: e.g. *list of confidential documents*.....

## Q4 – Creation and adoption of legal instruments

### A Purpose

*The objective is to obtain information on how legal instruments are initiated, developed and promulgated, with respect to two broad aspects. One relates to the procedures within government, for example the interaction between veterinary officials and experts in legal drafting. The other relates to procedures for consultation with the regulated parties and evaluation of the impact that the legal instrument will have, including the costs and feasibility of compliance. All of these aspects contribute to the quality of the legislation. A high quality of legislation is essential for achieving legal certainty.*

### B References

*‘Quality of legislation’ means the technical relevance, acceptability to society, sustainability in technical, financial and administrative terms and provision of a basis for effective implementation of laws.*

*‘Legal certainty’ means the situation in which the legislation is clear, coherent, stable and transparent, and protects citizens against adverse side effects of legal instruments.*

*The drafting of new and revised legislation relevant to the veterinary domain should be a consultative process involving Competent Authorities and experts in legal drafting to ensure that the resulting legislation is scientifically, technically and legally sound.*

*To facilitate effective drafting and appropriate implementation of the veterinary legislation, Competent Authorities should establish relationships with stakeholders, including taking steps to ensure that they participate in the development of significant legislation and required follow-up.*

Terrestrial Code Article 3.4.3

### C Questionnaire

**4.1. What is the procedure for creating and approving primary veterinary legislation from initial preparation of a draft bill to final enactment in your country? Identify all steps and the administrative divisions involved as well as the range of time from initial preparation to passage.**

**4.2. What is the procedure for creating and approving the secondary legislation (regulations) in your country? Identify all steps, the administrative divisions involved and the range of time from initial preparation of the draft regulation to final adoption.**

**4.3 Are there formal rules for legal drafting? Yes  No**

If ‘Yes’, please give the title of the publication:.....

**4.4 For the creation or updating of veterinary legislation:**

Are the legal instruments always an initiative of the Veterinary Services? ..... Yes ...  No .....

Are legal experts involved at the design stage? ..... Yes ...  No .....

Do veterinarians/technicians systematically work with the legal experts? ..... Yes ...  No .....

Comments: *If the legislation is not always an initiative of the Veterinary Services, indicate the circumstances in which other organisations have the initiative and at what point legal experts become involved, etc.* .....

**4.5 Is consultation undertaken during legal drafting?**

With the general public: .....	Yes ...	<input type="checkbox"/>	No .....	<input type="checkbox"/>
Is there a formal procedure? .....	Yes ...	<input type="checkbox"/>	No .....	<input type="checkbox"/>
With regulated industries:	Yes ...	<input type="checkbox"/>	No	<input type="checkbox"/>
Is there a formal procedure?	Yes ...	<input type="checkbox"/>	No	<input type="checkbox"/>
With professionals/experts:	Yes ...	<input type="checkbox"/>	No	<input type="checkbox"/>
Is there a formal procedure?	Yes ...	<input type="checkbox"/>	No	<input type="checkbox"/>
With public administrations:	Yes ...	<input type="checkbox"/>	No	<input type="checkbox"/>
Is there a formal procedure?.....	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

If formal procedures are in place, please briefly describe: .....

*Please indicate if there is an official or unofficial process of consultation with each of these groups and identify the relevant text or guidelines as appropriate.*

**4.6 Is there a formal evaluation of the applicability and impact of the legal instruments as part of their creation (e.g. regulatory impact assessments)?**

*The question seeks to ascertain whether such a procedure exists, regardless of its form.*

For primary legislation:	Never.....	<input type="checkbox"/>	Sometimes	<input type="checkbox"/>	.....Always...	<input type="checkbox"/>
For secondary legislation:	Never.....	<input type="checkbox"/>	Sometimes	<input type="checkbox"/>	.....Always...	<input type="checkbox"/>
For procedures for the implementation of legislation:	Never.....	<input type="checkbox"/>	Sometimes	<input type="checkbox"/>	.....Always...	<input type="checkbox"/>

*This assessment may include cost–benefit analysis, feasibility, environmental impact, cultural impact and/or identification of unintended consequences.*

**4.7 What do these evaluations usually take into account?**

*Information that should be provided may include the objective to be attained and the time needed to attain it, the human and financial resources needed for implementation and the cost to stakeholders and the public of compliance with the legal instrument.*

If a template exists for these evaluations, please attach a copy or provide an electronic link or address on a website.

**4.8 Are performance indicators developed in parallel with the legal instruments to monitor the success of the legal provisions when they are implemented?** Yes  No

*The question seeks to ascertain whether the objectives of the legal instruments have been formally quantified and whether indicators to measure them have been developed and implemented. A ‘Yes’ is taken to mean that checking against the indicators is done and recorded.*

**4.9 Is there usually a defined or expected timetable for implementation?** Yes  No

*For many legal instruments, regulated parties and/or the administration will need time to introduce the necessary changes, particularly where there is a need for investment and training to meet new standards. The question seeks to ascertain whether a timetable for implementation is provided and progress monitored.*

- 4.10 When primary legislation is drafted, is the relevant secondary legislation drafted at the same time?** Yes ...  No .....

*In most cases, primary legislation requires detailed, relevant secondary legislation (regulations) to ensure effective implementation, but the procedures for their adoption may vary considerably as may the time interval for their creation and adoption. Good legislation should be designed in its entirety, i.e. with the appropriate secondary legislation drafted at the same time as the primary legislation.*

- 4.11 What is the status of pre-existing secondary legislation when new primary legislation is adopted?**

*The legal status of pre-existing secondary legislation should be clear, i.e. is it repealed or does it remain in force with appropriate modification?*

## Q5 – Definition of the veterinary domain and the division of responsibilities

### A Purpose

*The objective is to develop an understanding of the country's legal foundation for control of the veterinary domain, as defined in Chapter 3.4 of the Terrestrial Code 2013, i.e. 'all the activities that are directly or indirectly related to animals, their products and by-products, which help to protect, maintain and improve the health and welfare of humans, including by means of the protection of animal health and welfare, and food safety'. While administrative models may vary, i.e. different ministries, departments, organisations, etc., may have direct responsibility, all functions identified in Chapter 3.4 nevertheless should be addressed.*

### B References

*Terrestrial Code Article 3.4.6, 'Veterinarians and veterinary para-professionals'; Article 3.4.7, 'Laboratories in the veterinary domain'; Article 3.4.8, 'Health provisions relating to animal production'; Article 3.4.9, 'Animal diseases'; Article 3.4.10, 'Animal welfare'; Article 3.4.11, 'Veterinary medicines and biologicals'; Article 3.4.12, 'Human food production chain'; Article 3.4.13, 'Import and export procedures and veterinary certification'.*

### C Questionnaire

*The questionnaire aims to establish, for each element of the veterinary legislation, how responsibilities are divided between the various administrations. This can help to identify redundancies, overlaps or gaps, as well as to clarify the lines of command.*

*Please complete only those lines that are relevant and for which you have information. Additional lines can be added, as appropriate.*

- 5.1 Is the 'veterinary domain' defined for official purposes?** Yes  No

**5.1.1** If you answered 'Yes', please state the definition and identify the legal instrument where it is found:

- 5.2** For each element of the veterinary domain identified in the following table, please indicate the distribution of responsibilities

Element			Legislation		Control		Texts (8)
Code Chapter 3.4 Article (1)	Primary (2)	Secondary (3)	(4)	Authority responsible for preparation (5)	First level of control (6)	Second level of control (7)	Pertinent texts and comments
3.4.6	Veterinary profession	Private sector	<input type="checkbox"/>				
		Public sector	<input type="checkbox"/>				
		Initial training	<input type="checkbox"/>				
		Continuing education	<input type="checkbox"/>				

Columns (1) to (3) identify the primary and secondary elements of the veterinary domain and where they are referenced in Chapter 3.4 of the Terrestrial Code. Additional lines can be inserted as and where appropriate, to include any other aspects of the veterinary domain covered in your country. To make it easier to identify any gaps, please do not remove any lines.

Tick the box in column (4) if your country has legislation relating to the domain in question. **If you tick this box**, please indicate in column (5) which authority initiates and prepares the regulations. In some cases, there may be more than one authority: if there is more than one authority, enter the names in the same cell.

Column (6) addresses specifically the issue of Competent Authorities. The 'First level of control' column identifies the body that directly controls implementation. This is usually an inspection service within a Ministry of the central state, but could also be a delegated governmental body or agency in the private sector. Control may be performed concurrently by several different Competent Authorities. If this is the case, list them in the same cell.

The second level of control (column 7) may not exist, in which case enter 'no'. Examples of second-level control include state, provincial or local government services under the overall control and responsibility of a central government agency.

Column (8) seeks to identify the pertinent legislation related to particular elements in the veterinary domain. If you tick the box in column (4) for any row, please identify by name (and section if possible) the relevant legislation (primary and secondary) in the country which addresses that particular element and feel welcome to add any explanatory comments as you see fit.

## 7.4.2 Country's Responses to the OIE Questionnaire Part II

### OIE VETERINARY LEGISLATION SUPPORT PROGRAMME

### VETERINARY LEGISLATION IDENTIFICATION MISSION

### QUESTIONNAIRE: PART II

#### Comparison of Existing Legislation with Chapter 3.4 of the *Terrestrial Code*

##### Introduction

This questionnaire provides the opportunity to compare existing country legislation with the standards for veterinary legislation presented in Chapter 3.4 of the OIE *Terrestrial Animal Health Code*. Chapter 3.4 identifies those elements considered necessary for ensuring good governance of the entire veterinary domain.

Veterinary legislation should address each of these elements, as relevant to the country's situation, in order to ensure that Veterinary Services have the necessary legal basis and authorities for carrying out their necessary functions.

Completion of this questionnaire will help to identify gaps in current legislation. Identification of such gaps will serve to inform the focus and activities of the VLSP Identification Mission. Therefore, it should be completed and returned to the Team Leader at least two weeks before the start of the mission.

Each bold-faced section of this questionnaire corresponds to a particular article in Chapter 3.4, which is indicated in parentheses for your reference. For the various points in each section, please indicate if that point is addressed in your country legislation and, if it is, then whether it is either completely or partially addressed. If completely or partially addressed, then please provide references to the pertinent Acts and regulations that address the particular point as well as any additional explanatory comments you would like to add.

##### EXAMPLE:

#### .. Veterinarians and veterinary para-professionals (Article 3.4.6)

##### 2.1. Veterinary medicine/science

In order to ensure quality in the conduct of veterinary medicine/science, does the veterinary legislation:

- a) define the prerogatives (i.e. rights and responsibilities) of veterinarians and of the various categories of veterinary para-professionals that are recognised in the Member Country?

Yes:

No

Partially:

Pertinent legislation: *The Veterinary Surgeons Act of 1997*

Comments: *This Act creates a veterinary statutory body, The Veterinary Council, to regulate the veterinary profession, but the Act does not address the issue of veterinary para-professionals. Under the Act, the rights and responsibilities of veterinarians are defined, but not the rights and responsibilities of veterinary para-professionals. To date, specific categories of veterinary para-professionals that work in the country have not been officially recognised, though different types do exist, including community-based animal health workers who receive short-term training from NGOs.*

#### ✦ Competent Authorities (Article 3.4.5)

- 1.1. Do the Competent Authorities have the legal mandate, capacity and organisation to ensure that all necessary actions are taken quickly and coherently to address animal health, public health and animal welfare emergencies effectively?

Yes:

No:

Partially:

Pertinent legislation: **Decree 26/2009 and penal code 200350**

Comments:

- 1.2. Are the responsibilities and powers of Competent Authorities clearly defined in legislation, so that a clear chain of command is evident, from the central level to those responsible for the implementation of legislation in the field? Where more than one Competent Authority is involved, e.g. in relation to environmental, food safety or other public health matters, is there a reliable system of coordination and cooperation in place?

Yes:  No:  Partially:

Pertinent legislation: **Decree 26/2009**

Comments:

- 1.3. Do the Competent Authorities appoint technically qualified officials to take any actions needed for implementation or verification of compliance with the veterinary legislation? (Note that the principles of independence and impartiality prescribed in Article 3.1.2 of the OIE *Terrestrial Code* are relevant here.)

Yes:  No:  Partially:

Pertinent legislation:

Comments:

- 1.4. Necessary powers of the Competent Authority

Does the veterinary legislation ensure that:

- a) officials have the legal authority to intervene in accordance with the legislation and the penal procedures in force?

Yes:  No:  Partially:

Pertinent legislation: **Decree 26/2009**

Comments:

- b) while executing their legal mandate in good faith, officials are protected against legal action and physical harm?

**Decree 26/2009** Comments:

- c) the powers and functions of officials are explicitly and completely identified to protect the rights of stakeholders and the general public against an abuse of authority? This includes respecting confidentiality, as appropriate;

Yes:  No:  Partially:

Pertinent legislation: **Decree 26/2009, penal code article , 170**

Comments:

- d) certain essential powers are specifically identified and made available through primary legislation, as exercise of these powers can result in actions that may conflict with individual rights ascribed in fundamental laws. The powers identified, at a minimum, should include:

- i) access to premises and vehicles for carrying out inspections?

Yes:  No:  Partially:

Pertinent legislation: **Decree 26/2009 article, 72, 82, 103 123**

Comments:

- ii) access to records?

Yes:  No:  Partially:

Pertinent legislation: **Decree 26/2009 , article 39, 44**

Comments: There is no specific legal instruction on this matter in the current legislation

- iii) taking samples?

Yes:  No:  Partially:

Pertinent legislation: **Decree 26/2009 article 24,**

Comments:

- iv) retention (setting aside) of animals and goods, pending a decision on final disposition?

Yes:  No:  Partially:

Pertinent legislation: **Decree 26/2009, articles 26, 63,77, 98**

Comments:

- v) seizure of animals, products and food of animal origin?

Yes:  No:  Partially:

Pertinent legislation: **Decree 26/2009, articles 94**

Comments:

- vi) suspension of one or more activities of an inspected establishment?

Yes:  No:  Partially:

Pertinent legislation: **Decree 26/2009, articles,**

Comments:

- vii) temporary, partial or complete closure of inspected establishments? and

Yes:  No:  Partially:

Pertinent legislation:

Comments:

viii) suspension or withdrawal of official authorisations or approvals?

Yes:

No:

Partially:

Pertinent legislation: **Decree 26/2009, articles 6 number 3**

Comments:

#### 1.5. Delegation of powers by the Competent Authority

Does the veterinary legislation provide the possibility for Competent Authorities to delegate specific tasks related to official activities to veterinarians or veterinary para-professionals who are not civil servants?

Yes:

No

Partially:

Pertinent legislation: **Decree 26/2009, articles 119**

Comments:

Does the veterinary legislation:

a) define the field of activities, the bodies to which the tasks are delegated and the specific tasks covered by the delegation?

Yes:

No

Partially:

Pertinent legislation: **Decree 26/2009, articles 119**

Comments:

b) provide for the control, supervision and, when appropriate, financial remuneration of the delegation?

Yes:

No

Partially:

Pertinent legislation: Decree 15/2010

Comments:

c) define the procedures for making delegation?

Yes:

No

Partially:

Pertinent legislation: **Decree 26/2009, articles 7 a)**

Comments:

d) define the competencies to be held by persons receiving delegation? and

Yes:

No

Partially:

Pertinent legislation:

Comments: in separate legislations there is provision on how the delegation of power should be

e) define the conditions of withdrawals of delegations?

Yes:

No

Partially:

Pertinent legislation: **Decree 26/2009, articles 6**

Comments:

#### .. Veterinarians and veterinary para-professionals (Article 3.4.6)

##### 2.1. Veterinary medicine/science

In order to ensure quality in the conduct of veterinary medicine/science, does the veterinary legislation:

a) define the prerogatives (i.e. rights and responsibilities) of veterinarians and of the various categories of veterinary para-professionals that are recognised in the Member Country?

Yes:

No

Partially:

Pertinent legislation: **Law 13/2011**

Comments:

b) define the minimum initial and continuous educational requirements and competencies for veterinarians and veterinary para-professionals?

Yes:

No

Partially:

Pertinent legislation: **Law 13/2011**

Comments:

c) prescribe the conditions for recognition of the qualifications for veterinarians and veterinary para-professionals?

Yes:

No

Partially:

Pertinent legislation: **Law 13/2011**

Comments:

d) define the conditions (e.g. licensing) for the exercise/practice of veterinary medicine/science by veterinarians and veterinary para-professionals

Yes:

No

Partially:

Pertinent legislation: **Law 13/2011**

Comments:

e) identify the exceptional situations, such as epizootics, under which persons other than veterinarians can undertake activities that are normally carried out by veterinarians?

Yes:

No

Partially:

Pertinent legislation:

Comments:

## 2.2. The control of veterinarians and veterinary para-professionals

To provide a basis for regulation of veterinarians and veterinary para-professionals in the public interest, does the veterinary legislation:

- a) describe the general system of control in terms of the political, administrative and geographic configuration of the country?

Yes: X  No  Partially:

Pertinent legislation: **Law 13/2011**

Comments:

- b) describe the various categories of veterinary para-professionals recognised by the Member Country according to its needs, notably in animal health and food safety, and for each category, prescribe the training, qualifications, tasks and extent of supervision required?

Yes: X  No  Partially:

Pertinent legislation: **Law 13/2011**

Comments:

- c) prescribe the powers to deal with conduct and competence issues, including licensing requirements that apply to veterinarians and veterinary para-professionals?

Yes: X  No  Partially:

Pertinent legislation: **Law 13/2011**

Comments:

- d) provide for the possibility of delegation of powers to a professional organisation such as a veterinary statutory body? and

Yes:  No x  Partially:

Pertinent legislation:

Comments:

- e) describe the prerogatives (i.e. rights and responsibilities) and the functioning of the mandated professional organisation where powers have been so delegated?

Yes:  No X  Partially:

Pertinent legislation:

Comments:

### 3. Laboratories in the veterinary domain (Article 3.4.7)

#### 3.1. Facilities

Does the veterinary legislation define the role, responsibilities, obligations and quality requirements for:

- a) reference laboratories? (These are responsible for controlling the veterinary diagnostic and analytical network, including the maintenance of reference methods);

Yes:  No X  Partially:

Pertinent legislation:

Comments:

- b) laboratories designated by the Competent Authority for carrying out the analysis of official samples?

Yes:  No X  Partially:

Pertinent legislation:

Comments:

- c) laboratories recognised by the Competent Authority to conduct analyses required under the legislation, e.g. for the purposes of quality control?

Yes:  NoX  Partially:

Pertinent legislation:

Comments:

- d) Does the veterinary legislation define the conditions for the classification, approval, operations and supervision of laboratories at each level?

Yes:  No X  Partially:

Pertinent legislation:

Comments:

#### 3.2. Reagents

Does the veterinary legislation provide a basis for actions to address:

- a) procedures for authorising reagents that are used to perform official analyses?

Yes:  No  Partially: X

Pertinent legislation: **Decree 26/2009, articles 29**

Comments:

- b) quality assurance by manufacturers of reagents used in official analyses?

Yes:  No x  Partially:

Pertinent legislation:

Comments:

- c) surveillance of marketing of reagents, where these can affect the quality of analyses required by the veterinary legislation?  
 Yes:  No  Partially:   
 Pertinent legislation:  
 Comments:

.. **Health provisions relating to animal production (Article 3.4.8)**

4.1. Identification and traceability

Does the veterinary legislation provide a basis for actions to address all the elements in Article 4.2.3.6, identified as follows?

a) the desired outcomes and scope of animal identification;

Yes:  No  Partially:   
 Pertinent legislation: 13/2005  
 Comments:

b) the obligations of the Veterinary Authority and other parties;

Yes:  No  Partially:   
 Pertinent legislation:  
 Comments:

c) management of animal movement;

Yes:  No  Partially:   
 Pertinent legislation: Decree 26/2009 and 13/2005  
 Comments:

d) data access/accessibility;

Yes:  No  Partially:   
 Pertinent legislation: Decree 26/2009 and 13/2005  
 Comments:

e) organisational arrangements, including the choice of technologies and methods used for the animal identification system and animal traceability;

Yes:  No  Partially:   
 Pertinent legislation: 13/2005  
 Comments:

f) checking, verification, inspection and penalties;

Yes:  No  Partially:   
 Pertinent legislation: 13/2005  
 Comments:

g) confidentiality of data;

Yes:  No  Partially:   
 Pertinent legislation:  
 Comments:

i) where relevant, funding mechanisms;

Yes:  No  Partially:   
 Pertinent legislation: 13/2005  
 Comments: Although the funding mechanism is there the availability of the funds is limiting the implementation

i) where relevant, arrangements to support a pilot project.

Yes:  No  Partially:   
 Pertinent legislation:  
 Comments:

4.2. Animal markets and other gatherings

Does the veterinary legislation address, for animal markets and other commercially or epidemiologically significant animal gatherings, the following elements:

a) registration or other official approval?

Yes:  No  Partially:   
 Pertinent legislation: Decree 26/2009

- Comments:
- b) measures to prevent disease transmission, including procedures for cleaning and disinfection, and animal welfare measures?

Yes: X  No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

- c) provision for veterinary checks?

Yes: X  No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

#### 4.3. Animal reproduction

Does the veterinary legislation provide a basis for actions to address the health regulation of animal reproduction as appropriate? (Measures may be implemented at the level of animals, genetic material, establishments or operators.)

Yes: X  No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

#### 4.4. Animal feed

Does the veterinary legislation provide a basis for actions to address the elements listed below:

- a) standards for the production, composition and quality control of animal feed to control biological, chemical and physical hazards to animal and public health?

Yes: X  No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

- b) registration or other procedures for approval of establishments and the provision of health requirements for relevant operations?

Yes: X  No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

- c) recall from the market of any product likely to present a hazard to human health or animal health?

Yes:  No x  Partially:

Pertinent legislation:

Comments:

#### 4.5. Animal by-products (not intended for human consumption, e.g. meat and bone meal, tallow)

Does the veterinary legislation:

- a) define the animal by-products subject to the legislation?

Yes: X  No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

- b) provide for rules for collection, processing, use and disposal of animal by-products?

Yes:  No  Partially: x

Pertinent legislation: Decree 26/2009

Comments:

- c) provide for registration or other procedure for approval of establishments and the provision of health requirements for relevant operations?

Yes:  No  Partially: X

Pertinent legislation: Decree 26/2009

Comments:

- d) provide for rules, if any, to be followed by animal owners in preparation and handling of animal by-products.

Yes: x  No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

#### 4.6. Disinfection

Does the veterinary legislation provide a basis for actions to address the regulation and use of products and methods of disinfection relating to the prevention and control of animal diseases?

Yes: x  No  Partially:

Pertinent legislation: 26/2006

Comments:

### 5. Animal diseases (Article 3.4.9)

5.1. Does the veterinary legislation provide a basis for the Competent Authority to manage diseases of importance to the country and to list those diseases, guided by the recommendations in Chapters 1.1 and 1.2 of the OIE *Terrestrial Code*?

Yes:  No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

5.2. Surveillance

Does the veterinary legislation provide a basis for the collection, transmission and utilisation of epidemiological data relevant to diseases listed by the Competent Authority?

Yes:  No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

5.3. Disease prevention and control

a) Does the veterinary legislation include general animal health measures applicable to all diseases and, if necessary, additional or specific measures such as surveillance, establishment of a regulatory programme or emergency response for particular diseases listed in the country?

Yes:  No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

b) Does the legislation provide a basis for contingency plans, for use in disease responses, including:

i) administrative and logistic organisation?

Yes:  No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

ii) exceptional powers of the Competent Authority?

Yes:  No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

iii) special and temporary measures to address all identified risks to human or animal health?

Yes:  No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

c) Does the veterinary legislation provide for the financing of animal disease control measures, such as operational expenses and, as appropriate, owners' compensation in the event of killing or slaughtering of animals and seizure or destruction of carcasses, meat, animal feed or other things?

Yes:  No  Partially:

Pertinent legislation: 26/2006

Comments:

5.4. Emerging diseases

Does the veterinary legislation provide for measures to investigate and respond to emerging diseases?

Yes:  No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

### 6. Animal welfare (Article 3.4.10)

6.1. General provisions

The animal welfare requirements are found in Section 7 of the OIE *Terrestrial Code*.

Does the veterinary legislation contain a legal definition of cruelty as an offence, and provisions for direct intervention of the Competent Authority in the case of cruelty or neglect by animal keepers?

Yes:  No  Partially:

Pertinent legislation:

Comments:

## 6.2. Specific provisions

Does the veterinary legislation provide a basis for actions to address the animal welfare requirements of the OIE Codes, notably in relation to:

### a) transport (by sea, by land or by air) and handling?

Yes:  No  Partially:

Pertinent legislation: 26/2006

Comments:

### b) accepted practice in animal production (e.g. beef cattle production)?

Yes:  No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

### c) slaughter for human consumption?

Yes:  No  Partially:

Pertinent legislation:

Comments:

### d) killing for disease control purposes?

Yes:  No  Partially:

Pertinent legislation:

Comments:

### e) the use of animals in research and education?

Yes:  No  Partially:

Pertinent legislation:

Comments:

## 6.3. Stray dog population control

Does the veterinary legislation provide a basis for actions to effectively control stray dog populations?

Yes:  No  Partially:

Pertinent legislation:

Comments:

## 6.4. Abandoned animals

Does the veterinary legislation make provision for prohibition of the abandonment of animals, and management of abandoned animals, including transfer of ownership, veterinary interventions and euthanasia?

Yes:  No  Partially:

Pertinent legislation: 26/2006

Comments:

## 4. Veterinary medicines and biologicals (Article 3.4.11)

This question seeks to determine whether the veterinary legislation provides a basis for assuring the quality of veterinary medicines and biologicals and minimising the risk to human, animal and environmental health associated with their use.

### 7.1. General measures

Does the veterinary legislation provide a basis for actions to address:

#### a) definition of veterinary medicines and biologicals, including any specific exclusions?

Yes:  No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

#### b) regulation of the importation, manufacture, distribution and usage of, and commerce in, veterinary medicines and biologicals.

Yes:  No  Partially: x

Pertinent legislation: 26/2006

Comments:

7.2. Raw materials for use in veterinary medicines and biologicals

Does the veterinary legislation provide a basis for actions to address:

- a) quality standards for raw materials used in the manufacture or composition of veterinary medicines and biologicals and arrangements for checking quality?

Yes: x No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

- b) establishment of the withdrawal periods and maximum residue limits for veterinary medicines and biologicals, as appropriate?

Yes:  No  Partially: x

Pertinent legislation: Decree 26/2009

Comments:

- c) requirements for substances in veterinary medicines and biologicals that may, through their effects, interfere with the conduct of veterinary checks?

Yes:  No x Partially:

Pertinent legislation:

Comments:

7.3. Authorisation of veterinary medicines and biologicals

- a) Does the veterinary legislation ensure that only authorised veterinary medicines and biologicals may be placed on the market?

Yes: x No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

- b) Does the veterinary legislation make special provisions for:

- i) medicated feed?

Yes: x No  Partially:

Pertinent legislation: 26/2006

Comments:

- ii) products prepared by authorised veterinarians or authorised pharmacists?

Yes:  No  Partially: x

Pertinent legislation: Decree 26/2009

Comments:

- iii) emergencies and temporary situations?

Yes: x No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

- c) Does the veterinary legislation address the conditions associated with the granting, renewal, refusal and withdrawal of authorisations?

Yes:  No x Partially:

Pertinent legislation:

Comments:

- d) In defining the procedures for seeking and granting authorisations, does the veterinary legislation:

- i) describe the role of the relevant Competent Authorities?

Yes: x No  Partially:

Pertinent legislation: Decree 26/2009

- Comments:  
 ii) establish rules providing for transparency in decision making?  
 Yes:  No  Partially: x  
 Pertinent legislation: Decree 26/2009  
 Comments:
- e) Does the veterinary legislation provide for the possibility of recognition of the equivalence of authorisations made by other countries?  
 Yes:  No  Partially: x  
 Pertinent legislation: Decree 26/2009  
 Comments:
- 7.4. Quality of veterinary medicines and biologicals
- Does the veterinary legislation address the following elements:
- a) the conduct of clinical and non-clinical trials to verify all claims made by the manufacturer?  
 Yes:  No  Partially: x  
 Pertinent legislation: Decree 26/2009  
 Comments:
- b) conditions for the conduct of trials?  
 Yes:  No  Partially: x  
 Pertinent legislation: Decree 26/2009  
 Comments:
- c) qualifications of experts involved in trials?  
 Yes:  No x Partially:   
 Pertinent legislation:  
 Comments:
- d) surveillance for adverse effects arising from the use of veterinary medicines and biologicals?  
 Yes:  No x Partially:   
 Pertinent legislation:  
 Comments:
- 7.5. Establishments producing, storing and wholesaling veterinary medicines and biologicals
- Does the veterinary legislation provide a basis for actions to address:
- a) registration or authorisation of all operators manufacturing, importing, storing, processing, wholesaling or otherwise distributing veterinary medicines and biologicals or raw materials for use in making veterinary medicines and biologicals?  
 Yes:  No  Partially: x  
 Pertinent legislation: Decree 26/2009  
 Comments:
- b) definition of the responsibilities of operators?  
 Yes:  No X Partially:   
 Pertinent legislation:  
 Comments:
- c) good manufacturing practices?  
 Yes:  No  Partially: X  
 Pertinent legislation: Decree 26/2009  
 Comments:
- d) reporting on adverse effects to the Competent Authority?  
 Yes:  No x Partially:   
 Pertinent legislation:  
 Comments:
- e) mechanisms for traceability and recall?

Yes:  No x Partially:

Pertinent legislation:

Comments:

7.6. Retailing, use and traceability of veterinary medicines and biologicals

Does the veterinary legislation provide a basis for actions to address:

- a) control over the distribution of veterinary medicines and biologicals and arrangements for traceability, recall and conditions of use?

Yes:  No  Partially: X

Pertinent legislation: Decree 26/2009

Comments:

- b) establishment of rules for the prescription and provision of veterinary medicines and biologicals to end users?

Yes:  No x Partially:

Pertinent legislation:

Comments:

- c) restriction to authorised professionals and, as appropriate, authorised veterinary para-professionals of commerce in veterinary medicines and biologicals that are subject to prescription?

Yes:  No x Partially:

Pertinent legislation:

Comments:

- d) the supervision by an authorised professional or organisations approved for holding and use of veterinary medicines and biologicals?

Yes:  No x Partially:

Pertinent legislation:

Comments:

- e) the regulation of advertising claims and other marketing and promotional activities?

Yes:  No x Partially:

Pertinent legislation:

Comments:

- f) reporting on adverse effects to the Competent Authority?

Yes:  No x Partially:

Pertinent legislation:

Comments:

.. **Human food production chain (Article 3.4.12)**

The role of the Veterinary Services in food safety is described in Chapter 6.1 of the OIE *Terrestrial Code*.

8.1. General provisions

Does the veterinary legislation provide a basis for:

- a) controls over all stages of the production, processing and distribution of food of animal origin?

Yes: x No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

- b) recording all significant animal and public health events that occur during primary production (i.e. pre-slaughter)?

Yes: x No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

- c) giving operators of food production premises the primary responsibility for compliance with food safety requirements, including traceability, established by the Competent Authority?

Yes: x No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

- d) inspection for compliance with food standards that are relevant to health or safety?

Yes: x No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

- e) inspection of premises?

- Yes:  No  Partially:   
 Pertinent legislation: Decree 26/2009  
 Comments:
- f) prohibition of the marketing (i.e. sale) of products not fit for human consumption?  
 Yes:  No  Partially:   
 Pertinent legislation: Decree 26/2009  
 Comments:
- g) provisions for recall from the marketplace of all products likely to be hazardous for human or animal health?  
 Yes:  No  Partially:   
 Pertinent legislation: Decree 26/2009  
 Comments:
- 8.2. Products of animal origin intended for human consumption
- Does the veterinary legislation provide a basis for actions to address:
- a) arrangements for inspection and audit?  
 Yes:  No  Partially:   
 Pertinent legislation:  
 Comments:
- b) the conduct of inspection and audit?  
 Yes:  No  Partially:   
 Pertinent legislation:  
 Comments:
- c) food safety standards?  
 Yes:  No  Partially:   
 Pertinent legislation: Decree 26/2009  
 Comments:
- d) the application of health identification marks that are visible to the intermediary or final user?  
 Yes:  No  Partially:   
 Pertinent legislation: Decree 26/2009  
 Comments:  
 Does the Competent Authority have the necessary powers and means to rapidly withdraw any products deemed to be hazardous from the food chain and to prescribe uses or treatments that ensure the safety of such products for human or animal health?  
 Yes:  No  Partially:   
 Pertinent legislation: Decree 26/2009  
 Comments:
- 8.3. Operators responsible for premises and establishments pertaining to the food chain
- Does the veterinary legislation provide a basis for actions to address, as appropriate:
- a) registration of premises and establishments by the Competent Authority?  
 Yes:  No  Partially:   
 Pertinent legislation: Decree 26/2009  
 Comments:
- b) the use of risk-based management procedures?  
 Yes:  No  Partially:   
 Pertinent legislation: Decree 26/2009  
 Comments:
- c) prior authorisation of operations that are likely to constitute a significant risk to human or animal health?  
 Yes:  No  Partially:   
 Pertinent legislation: Decree 26/2009  
 Comments:
- x. Import and export procedures and veterinary certification (Article 3.4.13)**
- 9.1. Does the country belong to the World Trade Organization?  
 Yes:  No  Partially:   
 Pertinent legislation:  
 Comments:
- 9.2. Does your veterinary legislation make specific reference to the World Trade Organization?  
 Yes:  No  Partially:   
 Pertinent legislation:  
 Comments:
- 9.3. Does the veterinary legislation provide a basis for actions to address the elements relating to import and export procedures and veterinary certification referred to in Section 5 of the OIE *Terrestrial Code*, including:
- a) certification procedures?  
 Yes:  No  Partially:

Pertinent legislation: Decree 26/2009

Comments:

- b) animal health measures applicable before and at departure?

Yes:

No

Partially:

Pertinent legislation: Decree 26/2009

Comments:

- c) border posts and quarantine stations?

Yes:

No

Partially:

Pertinent legislation: Decree 26/2009

Comments:

- d) animal health measures applicable on arrival?

Yes:

No

Partially:

Pertinent legislation: Decree 26/2009

Comments:

- e) classification, importation and laboratory containment of animal pathogens?

Yes:

No

Partially:

Pertinent legislation:

Comments:

- f) quarantine measures applicable to non-human primates?

Yes:

No

Partially:

Pertinent legislation: Decree 26/2009

Comments:

## Appendix 7.5 List of Legislation Consulted

Instrument	Short Title	Date	Enacting Body	Source/Comments
<b>Constitution</b>				
	Constitution of the Republic of Mozambique	16 November 2004	Assembly of the Republic	Internet (www.mozlegal.com)
<b>Acts</b>				
Law N° 13/2011	Order of Veterinarians of Mozambique	17 May 2011	Assembly of the Republic	Boletim Da República, 21 de Julho de 2011, I Serie, Número 29
Law N° 3/90	Fisheries Act	26 September 1990	Assembly of the Republic	Boletim Da República, 26/09/90. I Serie, Número 39
Law N° 7/2012	Organisation and Functions of Public Administration	8 February 2012	Assembly of the Republic	DINAV electronic copy
<b>Regulatory Decrees and Orders</b>				
Decree N° 26/2009	Animal Health Regulation	17 August 2009	Council of Ministers	Imprensa Nacional de Moçambique (copy given to Team by DINAV)
Decree N° 47/2004	Organic Statute of the Mozambique Institute of Agricultural Research (IIAM)	27 October 2004	Council of Ministers	Boletim da República, 27/10/04, I Serie, Número 43
Presidential Decree N° 1/2015	Termination and Creation of Several Ministries	16 January 2015	President of the Republic	Boletim da República, 26/07/15, I Serie, Número 51
Presidential Decree N° 15/2015	Attributions and Competencies of the Ministry of Agriculture and Food Security	25 March 2015	President of the Republic	Boletim da República I Serie, Número 24
Presidential Decree N° 17/2015	Establishment of the Ministry of the Sea, Inland Waters and Fisheries	25 March 2015	President of the Republic	Boletim da República I Serie, Número 24
Resolution N° 4/2015	Organic Statute of Ministry of Agriculture and Food Security	26 June 2015	Council of Ministers <sup>9</sup>	Boletim da República, 26/07/15, I Serie, Número 51
Decree N° 21/2015	Organic Structure of Provincial Governments	9 September 2015	Council of Ministers	Boletim da República, 09/09/15, I Serie, Número 72
Decree N° 13/2005	Livestock Identification and Registration	10 June 2005	Council of Ministers	Boletim da República, 10/06/05, I Serie, Número 23
Order N° 71/75	Regulation on Animal Insemination	13 September 1975	MASA <sup>10</sup>	Boletim da República, 14/08/75,

<sup>9</sup> Delegated to Inter-ministerial Commission on Public Administration

<sup>10</sup> "MASA" includes predecessor ministries responsible for agriculture.

				I Serie, Número 22
Provincial <sup>11</sup> Decree N° 22/1973	Meat Inspection Regulation	26 July 1973	Governor General of Mozambique	DINAV
Legislative Diploma N° 53/1973	Abattoirs and slaughtering places Regulation	24 November 1973	Governor General of Mozambique	Boletim Da República, 24/11/73, I Serie, Número 137
Not Available	Poultry Processing Plants Regulation	30 May 1966	Governor General of Mozambique	DINAV (Electronic copy, no number)
Order N°. 23.358	Regulation on the Production and Trade of Forage for Animal Consumption	3 August 1970	MASA	Boletim da República, 08/08/70, I Serie Número 63
Decree N° 15/2006	Hygiene and Sanitation Requirements for Production, Transport, Trade and Inspection of Food Regulation	22 June 2006	Council of Ministers	Ministry of Health
Ministerial Order I N°. 88/87	Pesticides Regulation	29 July 1987	MASA	Ministry of Health
Ministerial Order N°. 51/84	Hygiene Requirements for Food Establishments Regulation		Ministry of Health	Ministry of Health

<sup>11</sup> "Provincial" refers to colonial era (up to 1975) when Mozambique was an overseas province of Portugal

---

## 7.6 List of Reports Consulted

1. OIE PVS EVALUATION OF THE VETERINARY SERVICES OF MOZAMBIQUE, January 2008. Dr Herbert Schneider and Dr Chris Daborn.
2. OIE PVS GAP ANALYSIS OF MOZAMBIQUE, 22 September – 2 October 2009. Dr Ana Batalha, Dr Helio Barbosa, Dr Eric Fermet-Quinet and Dr Herbert Schneider.
3. Legislation for Veterinary Drugs Control, August 2004. Jim Fingleton, FAO Legal Paper Online # 38.
4. National Agricultural Investment Plan 2014 – 2018. Ministry of Agriculture, Mozambique.
5. Animal Welfare in OIE Member Countries and Territories in the SADC Region, 2011. OIE Regional Commission for Africa, OIE.
6. Trade Policy Review of Mozambique, 2008. World Trade Organisation.
7. Veterinary Statutory Bodies in Africa, 2013. Patrick Bastiaensen *et al*, OIE Global Conference on Veterinary Education and the Role of the Veterinary Statutory Body.
8. Mozambique Agriculture Sector Risk Assessment, Risk Prioritization, August 2015. Kilara C Suit and Vikas Choudhary, Agriculture Global Practice Technical Assistance paper A World Bank Report.
9. Mozambique Profile Report, May 2011. Tinashe Kapuya, Mmatlou Kalaba and Mariam Mapila, The Bureau for Food and Agricultural Policy (BFAP).
10. Republic of Mozambique: Poverty Reduction Strategy Paper, June 2011. IMF Country Report. No. 11/132.



## 7.7 PowerPoint Presentations at Entry/Exit Meetings




**OIE Veterinary Legislation Support Programme (VLSP)**  
 Veterinary Legislation Identification Mission for  
**Republic of Mozambique**  
 5 – 9 October 2015

Victor Gongora (Team Leader)  
 Julia Rogers (Expert)



### Overview

- Background on the OIE
- Background on the OIE PVS Pathway
- Introduction to the VLSP
- Mozambique's experience with the PVS Pathway
- Chapter 3.4. of the OIE Terrestrial Code and the veterinary domain
- Veterinary legislation
- Conclusions



### Brief History of the OIE

- Founded in 1924 in Europe in response to rinderpest outbreak.
- Headquarters in Paris, France.
- Objective was to coordinate activities in neighbouring countries to effectively control outbreak.
- OIE evolved into a global, international organization, now with 180 member countries and territories.
- In 2003, The International Office of Epizootics became the World Organisation for Animal Health, but kept its historical acronym, OIE




### OIE's Mandate

The OIE was created in 1924

The 4<sup>th</sup> Strategic Plan 2006-2010 extended the OIE's mandate to

The 5<sup>th</sup> Strategic Plan 2011-2015 extended the OIE's mandate to

"To prevent the spread of animal diseases throughout the world"

"The improvement of animal health worldwide"

"Scientific excellence to strengthen global animal health with special emphasis on improvement in veterinary legislation and on initial and continuous veterinary education"



### OIE and the World Trade Organization

- The global visibility of the OIE increased in 1995 with the adoption by the World Trade Organization (WTO) of the Agreement on Sanitary and Phytosanitary (SPS) Measures.
- OIE became the WTO's standard setting organization for safe trade in animals and animal products.



WTO functions:

- Facilitate free trade,
- Negotiate trade rules,
- Implement trade agreements,
- Resolve trade disputes,
- Review national trade policies.



### The Global Expansion of Trade

- International trade is an engine for economic growth
- Trade in livestock and foods of animal origin is especially important to developing countries with agriculture-based economies
- Control of livestock and zoonotic disease creates new opportunities for trade
- Global cooperation and coordination on standards for health and safety are essential




### The Global Expansion of Trade

- Sanitary and Phytosanitary (SPS) Measures of the WTO
- FAO/WHO Codex Alimentarius for trade in food
- OIE for trade in livestock and aquatic animals

### Increased trade is not the only benefit of compliance with international standards

The activities of the OIE to strengthen Members' Veterinary Services and their compliance with international standards can also:

- Improve the health and productivity of national flocks and herds;
- Increase the supply of animal protein for domestic consumption;
- Increase the quality and value of animal products;
- Improve food safety;
- Reduce the incidence of zoonotic diseases; and
- Improve the general health and welfare of the nation's people and animals.

### Overview

- Background on the OIE
- Background on the OIE PVS Pathway
- Introduction to the VLSP
- Mozambique's experience with the PVS Pathway
- Chapter 3.4. of the OIE Terrestrial Code and the veterinary domain
- Veterinary legislation
- Conclusions

### OIE Assistance to Members: The PVS Pathway

- PVS Evaluations (Performance of Veterinary Services) – Terrestrial and Aquatic
- PVS Gap Analysis
- Veterinary Legislative Support Programme (VLSP)
  - Identification Mission
  - Agreement
- Twinning Programmes
  - Laboratories
  - Veterinary Education Establishments
  - Veterinary Statutory Bodies
- Follow up evaluations

## >>PVS Pathway

### OIE PVS Pathway

is a **continuous process** aiming to **sustainably improve** compliance of Veterinary Services with **international standards and their sustainable efficiency**

## >>PVS Pathway

**Diagnosis**  
PVS Evaluation

**Prescription**  
PVS Gap Analysis  
including Veterinary Services' Strategic Priorities

**Treatment**  
Capacity Building, Specific Activities, Projects and Programs

Veterinary Legislation

Public-Private Partnerships

Veterinary Education

Laboratories

PVS Evaluation Follow-Up Missions

OIE collaborates with governments, donors and other stakeholders



## Overview

- Background on the OIE
- Background on the OIE PVS Pathway
- **Introduction to the VLSP**
- Mozambique's experience with the PVS Pathway
- Chapter 3.4. of the OIE Terrestrial Code and the veterinary domain
- Veterinary legislation
- Conclusions

## Brief history of the VLSP

- The Veterinary Legislation Support Programme (VLSP) was inaugurated as part of the PVS Pathway in 2008
- In 2009, at Members' request, the OIE developed **Guidelines on Veterinary Legislation**, identifying the essential elements that should be covered by legislation to meet the OIE standards. These were posted on the OIE website.
- In December 2010, the first **OIE Global Conference on Veterinary Legislation** was held in Djerba, Tunisia.



## Brief History of VLSP

- A recommendation of the Djerba Conference was that the OIE propose the adoption & publication of the current **Veterinary Legislation Guidelines as standards in the Terrestrial Code**
- In response to this recommendation, OIE convened an **Ad Hoc Group on Veterinary Legislation** to develop the draft chapter on veterinary legislation.
- The **draft chapter on veterinary legislation** was unanimously adopted by the World Assembly of Delegates at the 80th OIE General Session in May 2012.
- **It is now Chapter 3.4 of the OIE Terrestrial Animal Health Code**

## VLSP Components

The VLSP has two key components:

- Component One: Veterinary Legislation Identification Mission
- Component Two: Veterinary Legislation Agreement



## Component 1: VLSP Identification Mission

**Objectives:**

- Raise awareness of the importance of veterinary legislation for modern, effective operation of the veterinary services
- Review the principles for developing high-quality veterinary legislation
- Review the current status of the Member's legislation relative to the OIE standards for veterinary legislation presented in Chapter 3.4

**Process:**

- Initial request, OIE Team selection and designation of local contact
- Pre-mission information gathering
  - Constitution, key veterinary laws and questionnaires
- On-site mission of one week by OIE Team of experts (veterinary and legal).
  - VLSP tools and concepts presented and overview of the current situation is discussed
  - Current legislation and questionnaires are reviewed to determine existing coverage of the veterinary domain
  - Needs are assessed, especially regarding methodology of legal drafting, and provisional findings and recommendations presented
- Follow up report and recommendations
- Possible recommendation for an OIE Legislation Agreement

### Component Two: Legislative Agreement

- Objectives:**
  - To establish specific objectives of legislative reform/modernization
  - To sharpen skills in legislative drafting
  - To develop specific new laws and regulations according to the Member's priority needs
- Process:**
  - Based on findings of the Identification Mission, Member may request to enter into an agreement
  - 6 month preparatory phase to identify work plan, working group, and benchmarks
  - One year agreement working with OIE expert to implement plan
  - Role of expert is to provide methodological support, not to draft text
  - Renewable for an additional year

### Overview

- Background on the OIE
- Background on the OIE PVS Pathway
- Introduction to the VLSP
- Mozambique's experience with the PVS Pathway**
- Chapter 3.4. of the OIE Terrestrial Code and the veterinary domain
- Veterinary legislation
- Conclusions

### PVS Pathway Participation in Mozambique

- PVS Evaluation Mission in Jan/2008
- PVS Gap Analysis in Sept/Oct 2009
- VLSP Veterinary Legislation Identification Mission 5 – 9 October 2015
- Future Activities? Follow up missions?

### Sample PVS Evaluation Results for Mozambique in 2008

PVS Critical Competency*	PVS level (1 - 5)
I-2A Professional competency of veterinarians	3 ➤ 3
I-4 Technical independence	3 ➤ 3
I-7 Physical resources	1 ➤ 4
II-1 Veterinary laboratory disease diagnosis (Access to veterinary laboratory diagnosis)	2 ➤ 4
II-5A Passive epidemiological surveillance	2 ➤ 3
II-7 Disease prevention, control and eradication	2 ➤ 4
II-9 Veterinary medicine and biologicals	1 ➤ 3
III-5 Veterinary Statutory Body (Authority, Capacity)	1 ➤ 4
IV-7 Transparency	3 ➤ 4

### Critical Competency IV-1 Mozambique result: Level 2

IV-1: Preparation of legislation and regulations, and implementation of regulations	Levels of advancement
The authority and capability of the VS to actively participate in the preparation of national legislation and regulations, and to implement animal health and food safety regulations for animals, animal products and processes under their mandate	1. The VS have neither the authority nor the capability to participate in the preparation of national legislation and regulations, and implement resultant regulations.
	2. The VS have the authority and the capability to participate in the preparation of national legislation and regulations, but cannot implement resultant regulations nationally.
	3. The VS have the authority and the capability to participate in the preparation of national legislation and regulations, and to implement resultant regulations nationally.
	4. The VS consult their stakeholders in participating in the preparation of national legislation and regulations, and in implementing regulations to meet national needs.
	5. The VS consult their stakeholders in implementing regulations to meet international trade needs.

**Critical Competency IV-2**  
**Mozambique result: Level 1**

<p><b>IV-2 Stakeholder compliance with legislation and regulations</b></p> <p>The authority and capability of the VS to ensure compliance with legislation and regulations under the VS mandate.</p>	<p style="text-align: center;"><b>Levels of advancement</b></p> <ol style="list-style-type: none"> <li>1. The VS have no programme to ensure stakeholder compliance with relevant regulations.</li> <li>2. The VS implement a programme consisting of inspection and verification of compliance with regulations relating to animals and animal products, report instances of non-compliance, but generally do not take further action.</li> <li>3. If necessary, the VS impose appropriate penalties in instances of non-compliance.</li> <li>4. The VS work with stakeholders to minimise instances of non-compliance.</li> <li>5. The VS carry out audits of their compliance programme.</li> </ol>
--	--

**Critical Competencies related specifically to legislation: CCIV-1 & IV-2**

**IV-1 Preparation of legislation and regulations**

The authority and capability of the VS to actively participate in the preparation of national legislation and regulations in domains that are under their mandate, in order to guarantee its quality with respect to principles of legal drafting and legal issues (internal quality) and its accessibility, acceptability, and technical, social and economical applicability (external quality).

**IV-2 Implementation of legislation and regulations and compliance thereof**

The authority and capability of the VS to ensure compliance with legislation and regulations under the VS mandate.

**CC IV-1 - Levels of Advancement**

<p><b>IV-1 Preparation of legislation and regulations</b></p> <p>The authority and capability of the VS to actively participate in the preparation of national legislation and regulations in domains that are under their mandate, in order to guarantee its quality with respect to principles of legal drafting and legal issues (internal quality) and its accessibility, acceptability, and technical, social and economical applicability (external quality).</p> <p>This competency includes collaboration with relevant authorities, including other ministries and Competent Authorities, national agencies and decentralised institutions that share authority or have mutual interest in relevant areas.</p>	<p style="text-align: center;"><b>Levels of Advancement</b></p> <ol style="list-style-type: none"> <li>1. The VS have neither the authority nor the capability to participate in the preparation of national legislation and regulations, which result in legislation that is lacking or is out-dated or of poor quality in most fields of VS activity.</li> <li>2. The VS have the authority and the capability to participate in the preparation of national legislation and regulations and can largely ensure their internal quality, but the legislation and regulations are often lacking in external quality.</li> <li>3. The VS have the authority and the capability to participate in the preparation of national legislation and regulations, with adequate internal and external quality in some fields of activity, but lack the formal methodology to develop adequate national legislation and regulations regularly in all domains.</li> <li>4. The VS have the authority and the capability to participate in the preparation of national legislation and regulations, with a relevant formal methodology to ensure adequate internal and external quality, involving participation of interested parties in most fields of activity.</li> <li>5. The VS regularly evaluate and update their legislation and regulations to maintain relevance to evolving national and international contexts.</li> </ol>
---	---

**CC IV-2 - Levels of Advancement**

<p><b>IV-2 Implementation of legislation and regulations and compliance thereof</b></p> <p>The authority and capability of the VS to ensure compliance with legislation and regulations under the VS mandate.</p>	<p style="text-align: center;"><b>Levels of advancement</b></p> <ol style="list-style-type: none"> <li>1. The VS have no or very limited programmes or activities to ensure compliance with relevant legislation and regulations.</li> <li>2. The VS implement a programme or activities comprising inspection and verification of compliance with legislation and regulations and recording instances of non-compliance, but generally cannot or do not take further action in most relevant fields of activity.</li> <li>3. Veterinary legislation is generally implemented. As required, the VS have the power to take legal action/institute prosecution in instances of non-compliance in most relevant fields of activity.</li> <li>4. Veterinary legislation is implemented in all domains of veterinary competence and the VS work to minimise instances of non-compliance.</li> <li>5. The compliance programme is regularly subjected to audit by the VS or external agencies.</li> </ol>
---	---

**Overview**

- Background on the OIE
- Background on the OIE PVS Pathway
- Introduction to the VLSP
- Mozambique's experience with the PVS Pathway
- **Chapter 3.4. of the OIE Terrestrial Code and the veterinary domain**
- Veterinary legislation
- Conclusions

**Chapter 3.4 of the OIE Terrestrial Animal Health Code**

"The objective of this chapter is to provide advice and assistance to Member Countries when formulating or modernising veterinary legislation so as to comply with OIE standards, thus ensuring good governance of the entire veterinary domain."



### Principles of Veterinary Legislation

- Veterinary legislation must be designed holistically, integrating:
  - ✦ Legal aspects
  - ✦ Technical veterinary aspects
  - ✦ Organisational and administrative aspects
- It requires a complete set of legal instruments that generally involves:
  - ✦ Primary legislation
  - ✦ Secondary or derived legislation (e.g. regulations)
  - ✦ Related legislation – both within a sector and cross-cutting between sectors
- With the development of a full set of measures including:
  - ✦ Objectives
  - ✦ Authorities, competencies and powers
  - ✦ Implementation and enforcement
  - ✦ Financial provisions
  - ✦ Penalties

Improvement of veterinary legislation is a prerequisite to improving capacity of VS



### Quality of Veterinary Legislation

- Sound legislation must have good **internal quality** and **external quality**:
- **Internal quality** refers to the organization, structure, formatting and drafting of the legislation. Aspects include:
    - Normative value: creation of obligations, prohibitions and rights
    - Logical and interrelated arrangement of sections and subsections
    - Sound drafting that promotes legal certainty, accountability, transparency
  - **External quality** addresses the content of the legislation and how well it achieves its identified objectives. It entails:
    - Proper alignment with the national legal framework
    - Technical and legal compliance with international provisions
    - Practical and effective provisions that achieve the policy goal



### Overview

- Background on the OIE
- Background on the OIE PVS Pathway
- Introduction to the VLSP
- Mozambique's experience with the PVS Pathway
- Chapter 3.4. of the OIE Terrestrial Code and the veterinary domain
- Veterinary legislation
- **Conclusions**



### Conclusions

- Sound veterinary legislation is necessary to provide a **legal basis for the Competent Authority** to properly and effectively regulate the veterinary domain.
- The VLSP is an integral component of the OIE's PVS Pathway which is dedicated to the robust development of Members' Veterinary Services consistent with international standards.
- The VLSP serves specifically to provide advice and assistance to Members on the formulation or modernisation of high quality veterinary legislation so as to comply with OIE standards, thus ensuring good governance of the entire veterinary domain.



Thank you for your attention.....  
questions?



Organisation mondiale  
de la santé animale

World Organisation  
for Animal Health

Organización Mundial  
de Sanidad Animal

12 rue de Prony, 75017 Paris, France  
[www.oie.int](http://www.oie.int) [oie@oie.int](mailto:oie@oie.int)






Veterinary Legislation Identification Mission for  
**Republic of Mozambique**

**Preliminary Findings and Recommendations**  
9 October 2015

Victor Gongora (Team Leader)  
Julia Rogers (Expert)



### VLSP Identification Mission

**Objectives:**

- Raise awareness of the importance of veterinary legislation for modern, effective operation of the veterinary services
- Review the principles for developing high-quality veterinary legislation
- Review the current status of the Member's legislation relative to the OIE standards for veterinary legislation presented in Chapter 3.4



**Process:**

- Initial request, OIE Team selection and designation of local contact
- Pre-mission information gathering
  - ❖ Constitution, key veterinary laws and questionnaires
- On-site mission of one week by OIE Team of experts (veterinary and legal).
  - ❖ VLSP tools and concepts presented and overview of the current situation is discussed
  - ❖ Current legislation and questionnaires are reviewed to determine existing coverage of the veterinary domain
  - ❖ Needs are assessed, especially regarding methodology of legal drafting, and provisional findings and recommendations presented
- Follow up report and recommendations
- Possible recommendation for an OIE Legislation Agreement



### Quality of Veterinary Legislation

Sound legislation must have good **internal quality** and **external quality**:

- **Internal quality** refers to the organization, structure, formatting and drafting of the legislation. Aspects include:
  - ❖ Normative value: creation of obligations, prohibitions and rights
  - ❖ Logical and interrelated arrangement of sections and subsections
  - ❖ Sound drafting that promotes legal certainty, accountability, transparency
- **External quality** addresses the content of the legislation and how well it achieves its identified objectives. It entails:
  - ❖ Proper alignment with the national legal framework
  - ❖ Technical and legal compliance with international provisions
  - ❖ Practical and effective provisions that achieve the policy goal



### Definition of veterinary legislation

- Veterinary legislation is grounded in established veterinary policies and serves to translate those policies into concrete actions and results.
- The whole is necessarily very complex; there cannot be only one law.
- Definition of veterinary legislation for the purposes of the VLSP:

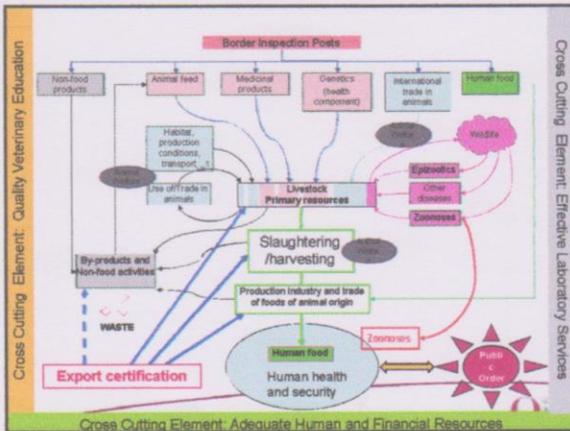
« the set of legal texts necessary for the governance of the veterinary domain »



### Definition of the veterinary domain

“All actions directly or indirectly related to animals, their products and by-products, whenever such actions help to protect, maintain and improve human health, namely the physical, moral and social welfare of humans”





- ### Types and Hierarchy of Legislation in Mozambique
- I. Constitution - Assembly of the Republic (Parliament)
  - II. Law - Assembly of the Republic
  - III. Decree-Law - Council of Ministers under authorization of Parliament, signed by President
  - IV. Decree - Council of Ministers, signed by Prime Minister
  - V. Presidential Decree – President
  - VI. Ministerial Diploma - Minister or Ministers jointly
  - VII. Ministerial Order - Minister

- ### Current Veterinary Legislation
- > First regulation of livestock health 1908 – revised 1968, 1975, 2004, 2009 (Regulamento de sanidade pecuária)
  - > Meat inspection Regulation 22/1973 (Regulamento de inspeção de carnes – decreto provincial)
  - > Slaughter house regulation 53/1973 (Regulamento de matadouros e casas de matança – diploma legislativo)
  - > Poultry slaughterhouses and other farm animals 1998 (Regulamento de matadouros de aves e outros animais de capoeira – portaria/diploma legislativo)
  - > Livestock registration and marking regulation 13/2005 (Regulamento de registo e marcação de gado – decreto)
  - > Livestock registration and marking regulation 218/2002 (Regulamento de registo e marcação de gado – diploma ministerial)
  - > Veterinary Statutory Board Order 7/2011 (Ordem dos médicos veterinários de Moçambique - lei)

- ### Veterinary Legislation Under Development
- > Animal health regulation: N° ...../2015 drafted 2012 (Regulamento de sanidade animal)
  - > Veterinary medicines and products regulation (Regulamento relative aos medicamentos e productos veterinarios)
  - > Slaughter house regulation 53/1973 (Regulamento de matadouros e casas de matança – diploma legislativo)

- ### Related legislation...
- Food establishment hygiene requirements regulation 51/84**  
(Regulamento sobre os requisitos higienicos dos estabelecimentos alimentares – diploma ministerial)
  - General bases for organisation and function of public administration 7/2012**  
(Bases gerais de organizacao e funcionamento de administração publicas Lei 7/2012)
  - Revision of penal code law 35/2014**  
(Lei de revisão do codigo penal, lei 35/2014)

### VETERINARY DOMAIN LEGISLATION

Element	Complete	Partial	None	Legislation
Veterinarians and veterinary para-professionals		X		Law 12/2011
Laboratories			X	
Animal production		X		Decree 26/2009 Decree 13/2005 Diploma 218/2002
Animal diseases		X		Decree 26/2009
Animal welfare			X	
Veterinary medicines and biologicals			X	
Human food Production chain		X		Decree 26/2009 Diploma 53/73 Provincial decree 22/1973 Provincial decree 19 5 19/1966
Import/export procedures and certification		X		Decree 26/2009

### Comments on Legislation Reviewed: Veterinary Profession



- Good organic statute for Veterinary Statutory Body (Ordem)
- Needs subsidiary instrument(s)
  - Qualifications
  - Examination
  - Continuing professional development
  - Specializations
  - Veterinary para-professionals
- Criteria for registration of foreign veterinarians



### Comments on Legislation Reviewed: Laboratories



- Currently: central (1), regional (3) and provincial (5) laboratories
- Only provincial labs are under direct DNV control
- No legislation except a few references in the animal health regulation (regulamento sanidade animal)
- Need
  - Designate official central laboratory under DNV control;
  - Regulation and control of other laboratories
  - Standard operating procedures
  - Technical specifications



### AH provisions related to animal production



- Livestock identification and registration is covered in Decree 26/2009, Decree 13/2005 and Diploma Ministerial 218/2002.
- Needs
  - Consolidation of existing legislation (repeal, update, harmonize)
  - system of traceability – both of livestock and related to food traceability
  - Animal feed: supplements, medicated feed, foodstuffs



### Animal Disease Control



Legislation covers several key areas to some extent:

- ❖ Animal ID
  - ❖ Movement control
  - ❖ Quarantine
  - ❖ Required list of notifiable diseases
  - ❖ Most sanitary measures
  - ❖ Disease status declaration
- Provisions needed:
- ❖ Surveillance and reporting system
  - ❖ Disease control programmes (other than dipping)
  - ❖ Declaration of animal health emergency
  - ❖ Contingency plan: generic and for priority diseases, including funding
- Outreach and awareness programs for farmers, public



### Animal Welfare



- Essentially nothing in existing legislation
- Trade/consumer demand
- Mutual benefit – animal welfare promotes human welfare (and mistreatment harms human productivity, health, economy, food security)
- Key areas to regulate:
  - transportation
  - slaughter;
- also AW in intensive production practices and research.
- No cultural practices impacting animal welfare



### Vet Medicines and Biologicals



- Currently only one provision giving competence to MASA but no legislation setting forth regulatory scheme (Art 104)
- The only existing regulatory system is under MoH
- Proposed new pharmaceuticals law under development with MoH; reference to veterinary domain
- DNV had drafted a Vet Medicine Regulation; needs to be reviewed in context of the proposed MoH law.
- Key matters to be regulated:
  - ❖ Importation/manufacturing, distribution, sale
  - ❖ licensing, inspection, quality control
  - ❖ classification (prescription, OTC, restricted), use requirements
  - ❖ Heightened controls for dangerous drugs
  - ❖ Penalties, suspension of licenses, fees



### Human Food Production Chain

- Some legislation in place, mostly outdated
- Needed:
  - ❖ Slaughterhouse inspection
  - ❖ Processing plants
  - ❖ Testing animal-based products for residues, pathogens and other contaminants
  - ❖ Producer recordkeeping on significant animal and public health events during primary production



### Import, Export and Certification

- Generally sound legal framework but weak implementation and enforcement
- Border with 5 countries, extensive
- Difficult to cover entire border area
- Contraband a major problem: many causes and effects
  - ❖ Risk to animal and human health, domestic livestock sector and rule of law

#### Need

- Realistic yet effective legislation that optimizes limited resources
- Reference to WTO SPS Agreement and other international standards and obligations



### Strengths Noted

- Definite recognition of the importance of legislation as the foundation for good governance of the veterinary domain
- Culture of dynamic legislative review
- Genuine enthusiasm for and commitment to quality legislative reform
- Comprehensive stakeholder consultation process
- Senior officials acknowledge existing problems and actively seek solutions
- Positive, proactive collaboration with other relevant authorities, e.g. Ministry of Health
- Comprehensive treatment of certain areas, with accurate legal and technical details
- Logical and clear layout, organization and structure of instruments



### Issues Related to External Quality

- Uneven enabling provisions giving DNV legal authority to carry out functions and duties
- Weaknesses in vertical chain command and reporting among central, provincial and district levels
- Lack of clarity in defining DNV competencies in relation to provincial authorities
- Obligations and competencies exceed resources (financial and human) in some areas
- No mechanism for impact evaluation of legislation, including costing and human resources for implementation and enforcement, during drafting process
- Insufficient buy-in of DNV policies at provincial and district levels



### Issues Related to Internal Quality

- Choice of instrument not always optimal for matters to be regulated (e.g. animal health regulation vs. law)
- Too many implementing details and activity-related provisions in primary legislation
- Tendency to formulate primary and implementing legislation at the same time instead of sequentially
- Superfluous provisions (unnecessary or duplicative)
- Terms and definitions not aligned with OIE and other international norms
- Imbalance in treatment of different subject matter



### Recommendations

- Consolidate national veterinary policy (objectives, division of responsibilities, activities, allocation of resources)
- Ensure that MASA (via DNV) has sufficient authority to carry out the planned functions and responsibilities
- Formulate legislative strategy
  - Confirm appropriate level of instrument (law, regulation, etc) for veterinary legislation that needs drafting or revising, especially in the area of animal health and disease control
  - Consider covering certain topics separately if they can be regulated effectively independently of the other matters
  - Take into account proposed laws that may affect DNV's legislation or activities (e.g. MoH pharmaceuticals law, Agrarian law, other?)
- Continue to consult with stakeholders
- Enter into VLSP Legislative Agreement with OIE for technical support in organizing and drafting veterinary legislation according to identified needs and priorities, including:
  - primary legislation for animal health and other areas within the veterinary domain
  - subsidiary instruments containing the relevant technical and administrative details



## VLSP Legislative Agreement

OIE criteria for recommending Legislation Agreement:

1. Is there genuine motivation and capacity to reform legislative framework Are there specific needs for legislative reform that have been identified by the team or the Member Country during the Identification Mission?
2. Is there a strategic plan or strategic objectives for the veterinary services that reflects national and/or ministerial plans and objectives?
3. Is there genuine support for the process of legislative reform at higher political levels (at least at the Ministerial level)?
4. Are there sufficient numbers of qualified actors (lawyers, legal drafters, veterinarians, relevant stakeholders) with sufficient time and commitment to undertake the legislation reform activities that might be proposed in an Agreement?
5. Is there reliable access to financial support (for workshops, travel, per diems, etc.) that may be required to implement the proposed work?
6. Is there a need for an Agreement? In other words, can the country benefit from further OIE input on legislation reform efforts or can they proceed independently or with help from other sources?



## Legislation Agreement with the OIE



- Preconditions: a PVS mission, a legislative identification mission, a formal request from the country concerned and **approval by the OIE Director General**.
- Country commits to a strategic plan and designation of a project leader to undertake a six-month **preparatory phase**.
- The OIE provides methodological support and external references via an accredited expert with possible advice and participation of the OIE Regional Representation.
- If approved after the **preparatory phase**, a 1 year Agreement is signed which can include 1 or 2 country missions by the expert.
- Between visits, the **country takes primary responsibility for the preparation of new legislation** with consultation by the expert from a distance.
- The OIE does not draft legislation on behalf of the country concerned or finance its activities.



## Acknowledgements



Dr. José Libombo Jr

- Government of Mozambique
- CVO and OIE delegate
- Contact point in DNV, Mozambique
- DNV staff
- Government agencies and private sector



Dr. Zacarias Massicame  
Dr. Fernando Rodrigues



## Thank you for your attention ...questions..?



Organisation mondiale  
de la santé animale

World Organisation  
for Animal Health

Organización Mundial  
de Sanidad Animal

12 rue de Prony, 75017 Paris, France  
[www.oie.int](http://www.oie.int) [oie@oie.int](mailto:oie@oie.int)

