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Law on Veterinary-Sanitary Controls for Imported Animals and Animal Products

Report Categories:

FAIRS Subject Report

Sanitary/Phytosanitary/Food Safety

SP2 - Prevent or Resolve Barriers to Trade that Hinder U.S. Food and Agricultural Exports

Livestock and Products

Poultry and Products

Dairy and Products

Fishery Products

Honey

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Report Highlights:

This report contains an unofficial translation of Law No. 99-24 on veterinary-sanitary control for imports and exports. Tunisian imports of animals and animal products (including fishery products) are valued at \$175 million annually, of which \$1-3 million is currently sourced from the United States. The United States has established health certificates to better facilitate trade of U.S. livestock and poultry genetics, dairy products, and treated hides and skins.

In the name of the people,

The Chamber of Deputies having adopted,

The President of the Republic promulgates the Law which content follows:

First Chapter

GENERAL PROVISIONS

First article. - This Law lays down the provisions on veterinary-sanitary control of animals and animal products for imports and exports.

Animals and animal products means all animals including seafood, animal products and food products containing components of animal origin.

Art. 2. - Subject to the provisions of the legislation in foreign trade, imports and exports of animals and animal products is carried out at the border points in Tunisia, with customs offices where there is veterinary control.

The border points referred to above must be equipped with local and appropriate facilities for veterinary-sanitary inspections and provisional seizure.

In the event of unavailability of the said premises and installations, such inspections are made in the nearest center to this effect.

Art. 3. - The imports and exports of all animals without exception of species and all animal products in their natural or transformed state are subject to veterinary-sanitary control. However, the animal products contained in the luggage of travelers and intended for their personal consumption and those subject to small shipments addressed to individuals and not having a commercial character provided that they come from countries from which their import is not prohibited are not subject to veterinary-sanitary control for imports and exports.

Art. 4. - Without prejudice to particular customs provisions, the customs authorities can only admit animals or animal products on the Tunisian territory or authorize their export if the importer or exporter presents a veterinary-sanitary inspection certificate issued by veterinarians referred to in Article 8 of this Law.

¹ Preparatory work: Discussion and adoption by the Chamber of Deputies in its meeting of 23 February 1999.

Chapter II

Veterinary-Sanitary Control

Art. 5. - Imported animals and animal products must be accompanied by health documents issued by the official veterinary authorities of the exporting country attesting to their health, safety and compliance with sanitary and hygienic requirements in force in Tunisia.

Animals and animal products to be exported must also be accompanied by health documents drawn up by the relevant veterinary services of the Ministry of Agriculture attesting to their compliance with the health requirements of the importing country.

Art. 6. - Veterinary-sanitary control includes:

- A documentary check consisting of the verification of veterinary certificates or documents accompanying the animals and animal products.
- An identity check consisting of visual verification between certificates or documents and animals and animal products as well as stamps and marks that must be included.
- A physical check consisting of the control of the animals and animal products themselves and may include a sample collection and laboratory examination.

Art. 7. - Live imported animals must be routed under customs control to border inspection posts to undergo the necessary veterinary-sanitary control and be quarantined when needed.

During the quarantine, and to avoid contagion, the slaughter of sick animals and their destruction, if any, may be prescribed.

Art. 8. - The veterinary-sanitary control provided for in Article 6 of this Act is performed by designated veterinarians by the Minister for Agriculture, sworn and empowered to draw up minutes of the infractions which they observe.

In addition to the veterinarians referred to in paragraph 1 of this Article, the Minister of Agriculture may require the help of agents appointed by the Minister of Public Health, sworn and empowered to draw up minutes of offenses they find.

The intervention of veterinarians and targeted agents will be organized by Decree².

Art. 9. - Importers of animals and animal products may submit them to a veterinary-sanitary check on the premises of their raising, production or marketing. This control does not replace the veterinary-sanitary control at points of entry and cannot be carried out by the agents referred to in Article 8 of this Law.

However, if the number of animals and the quantities of imported animal products are considered important, the Minister responsible for Agriculture and the Minister of Public Health can instruct these agents to examine these animals and animal products on the premises of their raising, production or marketing and report on their health status.

² [Decree No. 2002-668](#) of March 26, 2002, organizing the intervention of veterinarians and veterinary-sanitary control officers for imports and exports

Chapter III

From Re-importation, Transit, Reshipment, Seizure, Destruction and Liquidation

SECTION I

Re-importation and Transit

Art. 10. - The re-importation of animals and animal products of Tunisian origin exported and refused by the competent authorities of the importing country may be authorized if the products are accompanied by certificates issued by the competent authorities of the importing country specifying the reasons for refusal and guarantees that the conditions of storage and transport of the products have been respected and that the products in question have not been tampered with.

In the case where products are transported in sealed containers, they must be accompanied by an attestation of the carrier certifying that the contents have not been handled or discharged.

The products in question must be subject to veterinary-sanitary control.

Art. 11. - The transit of animals and animal products is allowed only if:

1- These products come from a third country whose products are not prohibited from the introduction on the Tunisian territory and are destined for another country.

2- This transit was previously authorized by the competent veterinarian services of the Ministry of Agriculture.

3- The party involved in the loading commits beforehand to take possession of the products if they are refused.

Any costs incurred by the application of this Article are the responsibility of the person responsible for loading or his representative.

SECTION 2

Re-dispatch, Seizure, Destruction, and Elimination

Art. 12. - Where the veterinary-sanitary control states that animals and animal products do not meet the conditions of documentary control or identity, it will be proceeded to forwarding out of Tunisian territory when the conditions of the veterinary-sanitary services do not oppose it.

Art. 13. - Animals and animal products will be destroyed when their return is impossible.

Art. 14. - In case of suspicion, veterinarians and veterinary control officers are authorized to perform on animals and animal products at the time of their presentation at the crossing points, a physical check by lot in accordance with the regulations in force.

When this physical check reveals that the animals and animal products do not meet veterinary-sanitary conditions, they will be seized.

Art. 15. - The seizure of animals and animal products must be enshrined in minutes of seizure by veterinarians referred to in Article 8 above who inform the ministers responsible for public health and agriculture immediately.

It may not exceed one month on the authorization of the territorially competent public prosecutor.

Perishable animals and animal products seized are held in places devoted to this purpose under customs control and in good conditions of conservation. The minutes of the seizure are communicated within 48 hours to the territorially competent public prosecutor.

Art. 16. - The slaughter of live animals and the destruction of animals and animal products takes place in view of the results of the physical control and after authorization of the territorially competent judge issued by order at the request of the competent veterinarian.

Art. 17. - The results of laboratory analyzes and examinations carried out in accordance with Article 7 of this Law by the agents referred to in Article 8 of the same law in laboratories whose list is fixed by Order³ of the Minister of Agriculture are authentic.

In cases where these analyzes and examinations are favorable to importers and exporters, the value of animals and animal products will be reimbursed. It is the same in case of counter evidence ordered by the territorially competent judge on the condition that its results are obtained from the same lots having been physically checked.

However, the slaughter of animals that are sick or have been exposed to the contagion and destruction of animals and animals exposed to contamination and any measures that the fear of the spread of the disease would make it necessary not to give rise to any compensation.

Art. 18. - The Minister of Agriculture may take by order, temporary measures motivated by exceptional circumstances to prohibit, for a specified period, the entry into Tunisia of certain animal species and animal products.

He can also proscribe by order and definitely, the importation of animals and animal products from countries infested with contagious animal diseases and this until proven opposite.

The opinion of the Minister of Public Health is required when taking the above measures.

Art. 19. - Healthy animals and animal products, but having entered the Tunisian territory in violation of the provisions of Articles 2 and 18 of this Law shall be seized and eliminated in accordance with the customs code.

³ [Order of the Minister of Agriculture of May 26, 2000](#), fixing the list of laboratories authorized to carry out the analyzes and examinations within the framework of the veterinary-sanitary control on imports and exports.

Chapter IV

MISCELLANEOUS

Art. 20. - The costs of the physical inspection, the holding of perishable animals and animal products, slaughter, destruction, re-export and all other costs to which the sanitary measures may give rise are the importers, exporters or their representatives.

In the event of their refusal to cover the expenses caused by these measures, it is automatically charged to their account. Recovery takes place by way of recovery decisions enforceable by the Minister of Agriculture.

Art. 21. - Veterinary-sanitary control operations of imports and exports and all prescribed health measures give rise to payment by the importers and exporters of a contribution whose fees and methods of collection and use are fixed by Decree⁴⁵.

Art. 22. In addition to the penalties provided for in the legislation in the field of foreign trade and consumer protection and the measures provided for in Articles 12, 13 and 14 of this Act is punishable by a fine of 10,000 dinars to 50,000 dinars, anyone who imports or exports animals and animal products contrary to the provisions in sections 2, 3, 5 and 18 of this Act.

In the event of a second offense, the penalty is double the maximum and imprisonment ranging from 16 days to 3 months is pronounced.

Art. 23. - The Decree of February 14, 1904 regulating the imports and exports of animals and animal products in Tunisia is repealed.

This Law will be published in the Official Journal of the Republic of Tunisia and executed as the law of the State.

Tunis, March 9, 1999.

Zine El Abidine Ben Ali

⁴ [Decree No. 2001-576](#) of February 26, 2001, fixing the amount, the methods of collection and use of fees relating to veterinary-sanitary control operations on imports and exports

⁵ [Government Decree No. 2016-1269](#) of November 14, 2016, amending Decree No. 2001-576 of February 26, 2001, fixing the amount, methods of collection and use of fees relating to veterinary-sanitary control operations on imports and exports.