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LAW NO. 2003/003 OF 21 APRIL 2003 RELATING TO PHYTOSANITARY PROTECTION

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The National Assembly deliberated and adopted,

The President of the Republic hereby enacts the law set out below:

Chapter I

GENERAL PROVISIONS

Article 1:

This law lays down the principles and rules governing phytosanitary protection in Cameroon.

Article 2:

Phytosanitary protection shall be undertaken through:

- the setting, adoption and adaptation of norms in the domain;
- the prevention and control of plant and plant product pests;
- the use of phytosanitary products which are safe for humans, animals and the environment;
- the dissemination and popularisation of appropriate phytosanitary protection techniques;
- the control of the importation and exportation of phytosanitary products, plants, plant products and other regulated items that may lead to the release of plant pests;
- the control, throughout the national territory, of phytosanitary products, plants and plant products that may serve as vectors of the harmful organisms.

Article 3:

Within the meaning of this law and its implementation instruments, the following definitions shall apply:

“phytosanitary activity”:

Any operation relating to the production, distribution and use of plants, plant products and phytosanitary products on farms, in storage and in the treatment of storage premises and means of transport;

“regulated item”:

Any plant, plant product, place of storage, packaging, means of transport, container, soil, any other organism, item or material likely to carry or release harmful organisms requiring special phytosanitary measures with regard to transboundary movement;

“auxiliary”:

A harmful organism which lives off another and which may contribute to limiting the population of its host, including parasitoids, parasites, predators and pathogenic agents;

“phytosanitary certificate”:

An official document in the format established by the International Convention for Plant Protection certifying the disease-free status of any parcel under phytosanitary control.

“certificate of conformity with the norm”:

Official document issued by the national standardisation body and certifying that the product or service assessed conforms with the norm.

“Homologation”:

Any process following which the competent authority approves the importation, distribution and use of a phytosanitary product, after examining the complete set of scientific facts showing that such product is efficacious for the intended uses and safe for humans, animals and the environment, under recommended conditions of use;

“Inspection”:

The official visual examination of plants, plant products and other regulated items in order to determine the presence or absence of harmful and/or to ensure compliance with phytosanitary regulations;

“quarantine organism”:

A harmful organism which is potentially important for the economy of the threatened zone and which is not yet present in that zone or may be present but not widespread and is subject to official control efforts,

“harmful organism”:

Any species, plant or animal stock or biotype, as well as any pathogenic agent, which is harmful to plants and plant products;

“Pesticide”:

Any substance or combination of substances used for warding off, killing or fighting ravagers, vectors of diseases and undesirable plant or animal species are destructive or otherwise harmful during production, processing, storage, transportation or marketing of food products, agricultural products, timber and non-timber forest products;

“phytosanitary products”:

Pesticides and other products intended for use as regulators of plant growth, defoliants, desiccants, thinning out fruits, or to stop the premature fall of fruits, as well as substances applied to plants, either before or after harvest to protect the produce from damage during storage and transportation;

“plant products”:

A set of activities designed to prevent the release and/or spread of harmful organisms, or to officially control them;

“plant quarantine”:

All activities aimed at preventing the introduction and / or spread of pests or officially combating them;

“quarantine zone”:

A demarcated zone within which a quarantine organism is present and is subject to official control efforts.

Article 4:

Phytosanitary activity shall be exercised freely throughout the national territory, by any natural person or corporate body in compliance with the laws and regulations in force.

Article 5:

The competent authority with regard to phytosanitary protection shall be the Minister in charge of agriculture. He may delegate such powers to any natural person or corporate body under the conditions fixed by law.

Article 6:

The Minister in charge of agriculture may request support from services in other ministries within the context of the implementation of phytosanitary legislation.

Chapter II

PHYTOSANITARY PROTECTION OF THE TERRITORY

Section I

APPLICABLE PHYTOSANITARY NORMS

Article 7:

The phytosanitary norms applicable in Cameroon shall be set and enforced in accordance with national laws and relevant international instruments.

Section II

PLANT QUARANTINE

Article 8:

- (1) It shall be prohibited to introduce, keep or transport throughout the national territory, quarantine organisms irrespective of their level of development.
- (2) The list of quarantine organisms shall be published by order of the Ministry in charge of agriculture and shall be updated regularly.
- (3) However, waivers may be granted for research, experimentation or training purposes.

Article 9:

- (1) The importation or exportation of plants or plant products, soils and culture mediums contaminated by harmful organisms shall be prohibited.

All imports or exports of plants or plant products, soils and culture mediums must be accompanied by a phytosanitary certificate.

- (2) Furthermore, the importation of plants, regulated plant products or biological control agents shall be subject to an importation licence whose conditions of issue shall be fixed by regulation.

Article 10:

- (1) The importation or exportation of plants or plant products must be effected solely at official points of entry or exit.

(2) The importation of plants or plant products subject to an importation licence and in particular the importation of plant material intended for planting or multiplication must be effected solely at the point of entry mentioned on the importation licence. These products and materials may be subjected to prior control at a quarantine station in a third country or in the country of origin prior to its arrival in Cameroon.

Article 11:

The phytosanitary certificate and the importation licence referred to in Section 9 above shall be issued, at the applicant's expense, by the services in charge of phytosanitary policing.

Article 12:

The Minister in charge of agriculture shall fix, as and when necessary, the list of plants, plant parts and plant products whose importation shall be prohibited or restricted in Cameroon according to their origin.

Article 13:

In the event of the introduction, presumption of introduction or spread of an unclassified harmful quarantine organism, the competent authority must take additional phytosanitary measures as deemed necessary.

Article 14 :

- (1) In case of the presence or presumption of presence of a quarantine organism in a part of the territory, the latter may be declared a quarantine zone by regulation until such time that the organism is either under control or eradicated.
- (2) During that period, all movement of plants, plant products or soil samples outside the said part shall be prohibited.

Section III

PHYTOSANITARY SURVEILLANCE

Article 15 :

Any natural person or corporate body who notices or suspects the presence of a quarantine organism or any other harmful organism, either in stocks belonging to him or managed by him, shall be bound to declare such to the competent phytosanitary authority in his area.

Article 16 :

Any natural person or corporate body, whether private or public, who operates a rural or urban stock, shall be bound to ensure the healthy state of the plants and plant products they cultivate, preserve, transport or market.

Article 17 :

- (1) The Minister in charge of agriculture shall set up a surveillance network to watch out for the appearance of harmful organisms, the growth of their populations and in forestalling their attacks.
- (2) He shall publish and regularly update the list of harmful organisms.

Article 18 :

Certain parts of the territory may be classified as threatened zones or safe zones by regulation.

Section IV

PHYTOSANITARY CONTROL

Article 19:

- (1) Chemical treatments must be effected in compliance with good agricultural practices stipulated by the competent authority, with a view to preserving the health of humans and animals and protecting the environment from the hazards caused by the presence or the accumulation of residue of phytosanitary products.
- (2) Methods for treating produce stocks must ensure the absence or presence within tolerable limits, of residue of phytosanitary products, and preserve the organoleptic properties of the treated products.

Article 20:

- (1) Any natural person or corporate body wishing to effect phytosanitary treatments as a profession must be granted prior approval by the competent authority.
- (2) The conditions for approval for the exercise of phytosanitary treatments shall be fixed by regulation.

Chapter III

USE, INSPECTION AND CONTROL OF PHYTOSANITARY PRODUCTS

Section I

USE OF PHYTOSANITARY PRODUCTS

Article 21:

- (1) Only phytosanitary products that have been homologated or whose sale has been temporarily authorised may be imported, distributed, packaged or used in Cameroon.
- (2) The conditions for the application of Section 21(1) above shall be fixed by regulation.

Article 22:

- (1) Phytosanitary products shall be marketed and used in their original packaging and labelling.
- (2) The norms for packaging and labelling, as well as the conditions for formulating and packaging phytosanitary products shall be fixed by regulation.

Article 23:

- (1) It shall be forbidden to use phytosanitary products for purposes other than those for which they had been homologated.
- (2) Special measures may be taken by regulation to protect auxiliaries and pollinating insects.

Article 24:

- (1) It shall be forbidden to retail phytosanitary products or display them for sale. The same shall apply to the stocking of expired phytosanitary products.
- (2) Stocks of expired phytosanitary products must be declared to the phytosanitary authority from the first day of their expiry.

Article 25:

- (1) Any natural person or corporate body who wishes to exercise a professional activity concerning phytosanitary products, in particular, the manufacture, importation, exportation, formulation, packaging and distribution must be granted prior approval.
- (2) The conditions for approval referred to in Section 25(1) above shall be fixed by regulation.

Article 26:

It shall be forbidden to advertise any unauthorized phytosanitary product. Advertisements for authorized phytosanitary products may mention only the purposes for which such products are authorized.

Article 27:

- (1) Equipment used for phytosanitary treatment which are made, imported or distributed in Cameroon must be certified as compliant with the norms in force.
- (2) The conditions for certifying phytosanitary treatment equipment shall be fixed by regulation.

Section II

INSPECTION AND CONTROL OF PHYTOSANITARY PRODUCTS

Article 28:

All plants, plant products, soils or culture mediums, biological control organisms as well as phytosanitary products shall be subject to:

- phytosanitary inspection, irrespective of their place of production, multiplication and storage and the mode of transportation;
- control during their manufacture, at importation, exportation, packaging, distribution and use.

Article 29:

Phytosanitary inspection and control of phytosanitary products shall be effected in accordance with provisions stipulated in national norms, tire code of inspection procedure adopted by the national phytosanitary authority, and where applicable, international guidelines.

Article 30:

Any natural person or corporate body carrying plants, plant products or phytosanitary products in their luggage shall be bound to declare them to officials in charge of phytosanitary inspection and control of phytosanitary products at entry and exit points in the country.

Chapter IV

PUNISHING OFFENCES

Section I

REPRESSION PROCEDURE

Article 31:

Without prejudice to the prerogatives of the Legal Department and criminal investigation officers with general jurisdiction, sworn officers of phytosanitary inspection services shall be responsible for investigating, establishing and instituting legal proceedings for offences in the phytosanitary domain.

In that capacity, they shall establish the facts of the case, impound the plants, plant products or biological control agents without certificates or importation licences, phytosanitary products being retailed or displayed for sale, as well as such products which are either introduced or used in violation of this law and shall draw up a report thereon.

The report written and signed by the sworn official shall constitute material proof of the facts stated therein until challenged.

Article 32:

Sworn officials in charge of phytosanitary inspection and the control of phytosanitary products, in the exercise of their duties and following procedures stipulated by the regulation in force, may:

- request the services of the Police to search for and impound plant products and phytosanitary products which are fraudulently brought in, sold or circulated, or to obtain the particulars of the offender ;
- visit the premises, trains, vessels, vehicles or aircraft carrying, containing or likely to carry or contain such products ;
- order that plants and plant products be either treated, quarantined, destroyed or turned back ;
- affix the seals.

Section II

OFFENCES AND SANCTIONS

Article 33:

Anyone who :

- fails to present a phytosanitary certificate ;
- fails to declare plants, plant products and phytosanitary products ;
- fails to declare expired phytosanitary products ;

shall be punished with a fine of 50,000 (fifty thousand) francs.

Article 34:

Whoever brings in plants, regulated plant products or biological control agents without an importation licence shall be sentenced to imprisonment for from 1 (one) to 3 (three) months or a fine of from 100,000 (one hundred thousand) to 1,000,000 (one million) francs, or to both such imprisonment and fine.

Article 35:

Whoever infringes the provisions of Sections 20 to 26 of this law shall be sentenced to imprisonment from 1 (one) to 3 (three) months or a fine of from 100,000 (one hundred thousand) to 1,000,000 (one million) francs, or both such imprisonment and fine.

Article 36:

- (1) Whoever, either through negligence or failure to comply with the regulations, causes pollution before, during or after a phytosanitary treatment shall be punished in accordance with Section 261 of the Penal Code.
- (2) Whoever, under the circumstances described in sub-Section (1) above, poisons another person such that he/she becomes disabled, shall be punished in accordance with Section 289 (1) of the Penal Code.

Chapter V

MISCELLANEOUS AND FINAL PROVISIONS

Article 37:

- (1) A National Phytosanitary Council, which shall be a consultative body on phytosanitary protection policy in Cameroon, is hereby established.
- (2) The composition, missions and conditions of functioning of the National Phytosanitary Council shall be fixed by regulation.

Article 38:

All provisions of Law No 90/13 of 10 August 1990 relating to phytosanitary protection are hereby repealed.

Article 39:

This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and in French.

Yaounde, 21 April 2003

**Paul Biya
President of the Republic**