



Organisation
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Veterinary legislation support programme

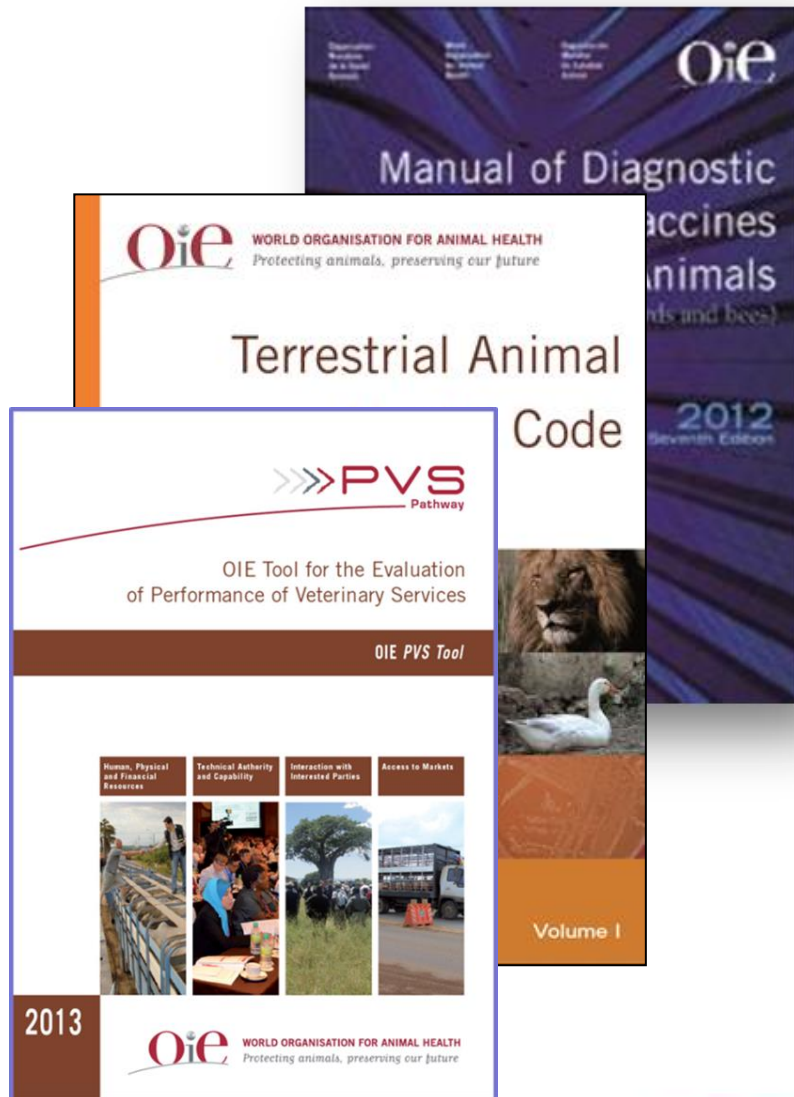


Identification Mission Addis Ababa, 20-24 April 2015

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PVS Pathway



Terrestrial Animal Health Code

Section 3 'Standards for Veterinary Services' is the legal base for the

OIE PVS Tool

Code Chapter 3.4: standards for veterinary legislation.

OIE Legislation Identification Mission

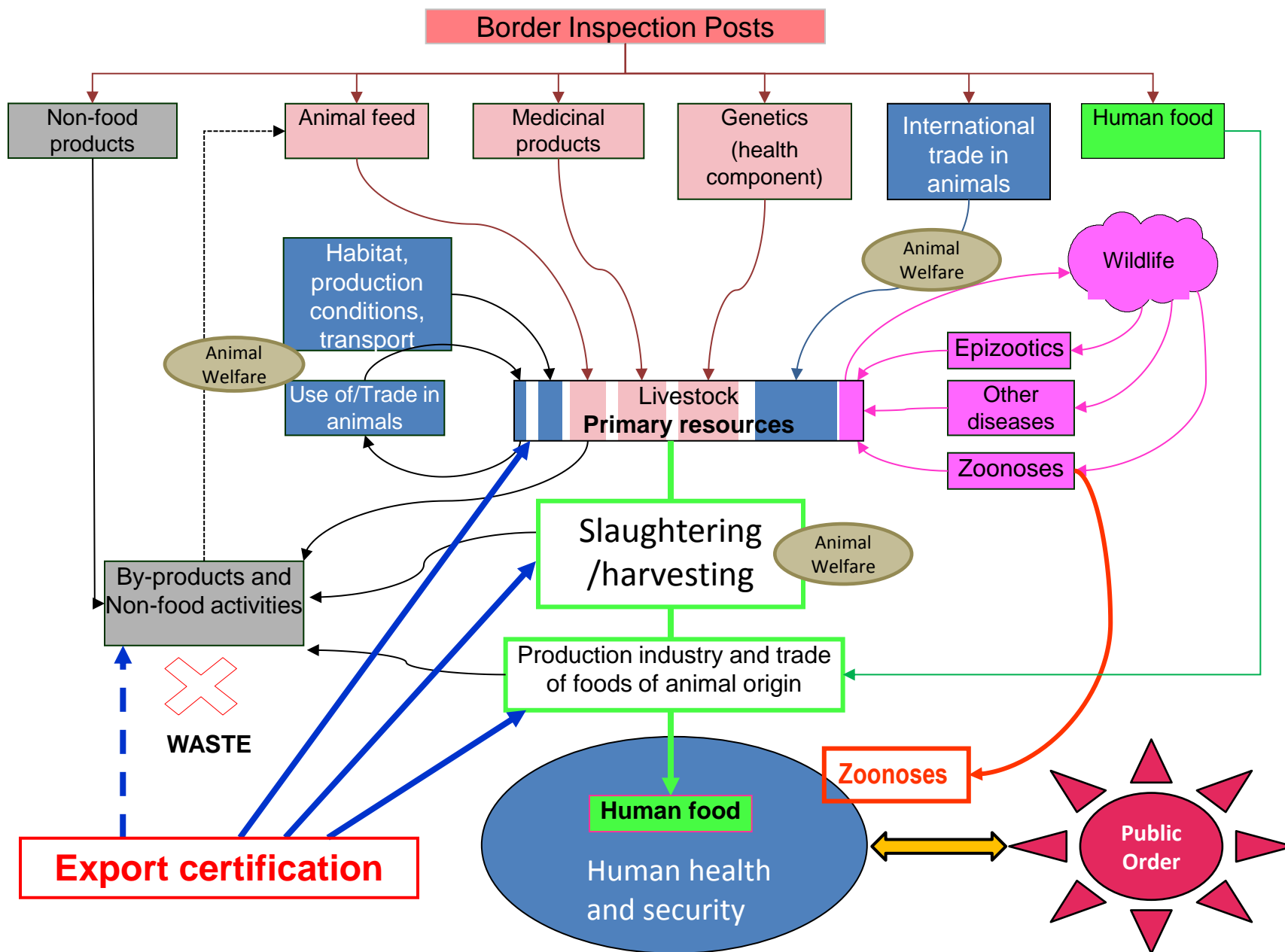
Part of the country's engagement with the OIE PVS Pathway. The objective is to clarify the situation in the country and analyse needs relative to the OIE standards for veterinary legislation (Code Chapter 3.4.)

- **Preparatory phase** - questionnaires on the characteristics of the legal system and technical content of current laws.
- **Step 1** – concepts and tools presented at in-country discussion; overview of current situation.
- **Step 2** – Review of legislation and questionnaires to determine coverage of the veterinary domain.
- **Step 3** – Assessment of needs.

Key definitions in the Terrestrial Code

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.

Veterinary legislation: the set of legal texts necessary for the governance of the veterinary domain.



OIE standards for veterinary legislation: Code Chapter 3.4

Article 3.4.12.

Human food production chain

Veterinary legislation should provide a basis for actions to safeguard the human food production chain through controls at all critical steps, consistent with national food safety standards. The role of the *Veterinary Services* in food safety is described in Chapter 6.1.

1. General provisions

Veterinary legislation should provide a basis for actions to address the following elements:

- a) controls over all stages of the production, processing and distribution of food of animal origin;
- b) recording all significant animal and public health events that occur during primary production;
- c) giving operators of food production premises the primary responsibility for compliance with food safety requirements, including traceability established by the *Competent Authority*;
- d) inspection for compliance with food standards, where this is relevant to health or safety;
- e) inspection of premises;
- f) prohibition of the marketing of products not fit for human consumption; and
- g) provisions for recall from the marketplace of all products likely to be hazardous for human or animal health.

Legal framework of the veterinary domain

Type	No./date	purpose
Constitution	1994	
Proclamation	81/1976	Amends Proc. 274/1970 on abattoirs and meat inspection
Proclamation	267/2002	Prevention and control of animal diseases
Proclamation	661/2009	Food Medicine & Healthcare administration & control
Proclamation	728/2011	Veterinary drug & feed administration and control
Proclamation	814/2013	Raw hides and skins marketing
Proclamation	819/2014	Live animals marketing
Regulation	428/1972	Meat Inspection
CM Regulation	52/1999	Establishment of the National Veterinary Institute
CM Regulation	189/2010	Establishes the Food Medicine & Healthcare Administration & Control Authority (FMHACA)
CM Regulation	193/2010	Establishment of the Ethiopian Standards Agency
Draft Proclamation to provide for the regulation of animal health and welfare and veterinary public health.		
Draft CM Regulation to provide for the Ethiopian Veterinary Council		

The mission noted strengths, such as:

There is definite recognition of the importance of legislation as a foundation of good governance.

Senior officials acknowledge existing problems and are actively seeking solutions.

There is Ministerial level support for strengthening the Veterinary Services, including key elements of the infrastructure, and financial & human resources (strategic planning process).

A lot of good work has already been done.

Planned WTO accession will help to drive the modernisation of legislation that is relevant to international trade.

Gaps in Ethiopian veterinary legislation

There are various gaps, some of which affect several elements of the veterinary domain:

Lack of clarity on institutional framework, both horizontal (between federal ministries) and vertical (between federal VA and regional states)

Key WTO SPS principles are not addressed

Arrangements for accreditation to carry out official activities ('sanitary mandate') are not addressed

Legal base and arrangements for animal identification and traceability need to be clarified.

Lack of secondary legislation for Proc. 267/2002.

No Veterinary Statutory Body.

Gaps in Ethiopian veterinary legislation

The legal framework for import/export of animals and animal products is inadequate.

Veterinary laboratories are not addressed in law.

Animal welfare is not addressed in law.

Legal framework for food safety and inspection exists for abattoirs and meat inspection but poultry meat & eggs, dairy products and fish are not covered under the current legislation.

Veterinary drugs: provisions are needed for residue testing, minimum withdrawal periods and recall.

There are no powers for the recall of unsafe foods.

Comments on specific topics that are covered in the Draft Bills

1. General legal comments
2. The Institutional Framework ('Chain of Command')
3. Animal Health and Welfare and Veterinary Public Health
4. Regulation of the Veterinary Professions

General legal comments (1)

- The legal challenges noted here are common to many developing countries.
- Drafting style
 - Balance clarity with accuracy.
 - Improve structure in some places
 - Note that drafting can affect feasibility and scope
- The SPS principles should underpin the design of the draft Proclamation.

General legal comments (2)

- Transparency
 - Decision-making criteria
 - Fees
 - Draft Council Regulation – disciplinary procedures
 - Graduated penalties according to the seriousness of the offence
- Hierarchy of legislation
- Consideration of impact, implementation and feasibility.

The Institutional Framework

Recommendations

- Clarify institutional boundaries and mechanisms for collaboration (horizontal and vertical).
- Separate mandate (responsibilities) from powers.
- Clarify the role of Councils (advisory vs. enforcement) and their appropriate composition.
- Specify the functions of all bodies/institutions mentioned in the text.

The draft Proclamation

There are very many positive aspects, however:

- Some important definitions are inconsistent with OIE definitions, are overly complex or are absent.
- Excessive detail and repetition makes the text unclear and introduces ambiguities.
- The coverage of animal products other than meat and dairy products should be clarified.
- Some provisions may be impossible to enforce
- In other cases, the resource implications for Federal and/or Regional State services will need careful evaluation.

The draft Proclamation

- The repeal of existing laws will leave important gaps until such time as new Directives can be adopted.
- Legal obligations in some key areas are not clear [e.g. animal ID, diagnostic laboratories, food safety standards].
- Draft animal welfare provisions are not practical and will not address requirements of higher value/more demanding meat export markets.
- Key WTO SPS principle of transparency must be addressed [note: this is not complex!]

Regulation of the Veterinary Professions (1)

- The draft regulations for the Ethiopian Veterinary Council are sound – some good work has been accomplished.
- The OIE team has some recommendations to improve clarity of the regulations, performance of the Council and harmonization with international standards
- These can be generally classed with regard to:
 - Issues related to definitions
 - Issues related to organization and operation

Regulation of the Veterinary Professions (2)

- There is no definition of veterinary medicine
- Standard OIE definitions are not used, e.g. 'veterinarian'.
- The replacement of the term 'veterinary para-professionals' with 'animal health professionals' is problematic.
- Not clear if BSc holders conduct activities that require supervision under a definition of veterinary medicine.
- There may need to be two classes of non-veterinarians separately addressed – those requiring supervision or direction and those who do not.
- Lack of clarity in the definition of 'higher learning veterinary institution'.
- Degree requirements for veterinarians too narrowly defined.
- Disciplinary proceedings not included in the text.

Regulation of the Veterinary Professions (3)

- Include a legal basis for the VSB in the draft proclamation.
- Add a definition of veterinary medicine
- Add veterinary para-professionals to the definitions.
- Reconsider taking on the responsibility of inspecting veterinary service facilities (re: 728/2011).
- Clarify if the work of the Council will be carried out only centrally or also at the regional level.
- Consider RVA membership on Council – regions represented but not RVAs.
- Include wording for non-council members to attend certain meetings and sit on committees.
- Address issues of conflict of interest related to the Council
- Add a new section describing disciplinary procedures.

Preliminary conclusions and recommendations

- The draft Proclamation and Regulation for the Veterinary Council are good starting points.
- With dedicated technical and legal resources it can be possible to develop texts of acceptable quality in a short time.
- The bulk of the Proclamation should be reduced and the text made simpler and stronger, by revising and moving many details to Regulations or Directives.

Preliminary conclusions and recommendations

- Consultation with Regional State Veterinary Authorities and with regulated industries is essential.
- It is recommended to provide training for veterinarians and other technical managers on the OIE standards for quality of veterinary services, including veterinary legislation.

Final words

- The OIE will continue supporting Member countries by developing science-based standards and offering capacity building to help Members to implement the standards.
- Ethiopia has demonstrated a strong commitment through its active engagement in the PVS Pathway and associated missions, including the veterinary legislation support mission and plans to undertake twinning to strengthen specific elements of the veterinary domain.
- This is a long term process and efforts must be sustained.

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



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