

BELIZE:

STATUTORY INSTRUMENT

No. 54 of 2004

REGULATIONS made by the Minister responsible for Agriculture, in exercise of the powers conferred upon him by sections 61 and 86 of the Belize Agricultural Health Authority Act, Chapter 211 of the Substantive Laws of Belize, Revised Edition 2000, and all other powers thereunto him enabling.

(Gazetted 6th March, 2004.)

1. These Regulations may be cited as the

Short title.

**BELIZE AGRICULTURAL HEALTH AUTHORITY
(INSPECTION IN A FOREIGN COUNTRY)
REGULATIONS, 2004.**

2. It is hereby declared that the importation of agricultural commodities into Belize from countries specified in the First Schedule shall be subject to an evaluation for compliance in the exporting country in accordance with Regulation 3 to ensure conformity with Belize's sanitary and phytosanitary measures made pursuant to the Sanitary and Phytosanitary Measures (SPS) Agreement, an agreement of the World Trade Organization (WTO).

Inspection of
commodities
before
importation
into Belize.
First
Schedule.

3. Inspection for the evaluation of compliance in a foreign country will be in accordance with Procedure No. FT/N1/08/03 of the Belize Agricultural Health Authority contained in the Second Schedule.

Evaluation of
compliance.

Second
Schedule.

Commencement.

4. These Regulations shall come into force on the 4th day of March, 2004.

MADE by the Minister of Agriculture and Fisheries this
4th day of March, 2004.

FIRST SCHEDULE

[Regulation 2]

All member states of the World Trade Organization.

SECOND SCHEDULE**[Regulation 3]****Procedure No. FT/N1/08/03****Associated With Inspection Conducted by the Belize Agricultural Health Authority (BAHA) officials in a foreign country for the purpose of evaluating the degree of conformity with Belize's Sanitary And Phytosanitary Measures**

- 1.0 Definition of terms:
 - a. Importing country: the trade partner country that will be receiving the commodities originating or proceeding from another country.
 - b. Exporting country: the trade partner country that desires to move commodities originating or proceeding from its territory to another country
 - c. Competent Authority: the body or unit legally recognized as such in the country of origin and accepted by the importing country.
- 2.0 These procedures will only apply after a risk analysis determines that trade in agricultural commodities from the exporting country to the importing country is possible.
- 3.0 The Competent Authority in the country of origin will notify the Belize Agricultural Health Authority on the Companies, Processing Plants, Fields, Farms and any other site that may need to be inspected and approved for the purpose of establishing trade in a particular agricultural commodity. The result of such an inspection will determine whether a commodity may be imported into Belize and if so the conditions that would need to be met for the importation to be authorized.
- 4.0 The Belize Agricultural Health Authority will respond to the request for inspection and approval by the competent authority of the importing country within 11 calendar days after receipt of the request. The competent authority of the exporting country, where necessary, will be immediately advised of any additional information required. The official response will have the following information:
 - 4.1 Measures to evaluate: controls on the systems of inspection in the establishments for slaughter, processing, transformation and packaging of the commodities; bio-security systems; surveillance systems and systems of inspection, approval and certification.
 - 4.2 Documents: The Belize Agricultural Health Authority will indicate the documents, regulations and laws that it may require to review prior to conducting the site visit.
 - 4.3 Tentative dates for conducting the inspection and the number of days it will require: The inspection date will be set for a period not greater than 60

- calendar days from the response date. Where the request is for inspection and approval of various establishments, the Belize Agricultural Health Authority will provide information on the programming of the visits.
- 4.4 Number and names of the official inspectors. There will routinely be two inspectors and, on occasion, three, when justifiable, for establishments sharing similar production characteristics.
- 4.5 Protocol and format of the inspection will be attached to the response. The facilities, equipment and documents that will be required for inspection during the visit will also be indicated.
- 5.0 The Belize Agricultural Health Authority will issue a report on the visit to the competent authority of the exporting country within 15 working days after the visit is completed. If during the site visit, any information requested is not submitted, then the exporting country is responsible for the delay in the reporting procedures.
- 6.0 In instances where the Competent Authority of the exporting country did not initiate the request for the site visit, BAHHA officials will, as a matter of courtesy or protocol, liaise with the relevant regulatory authority in that country, responsible for that commodity.
- 7.0 The Competent Authority of the exporting country is:
- 7.1 to facilitate the visit of the inspectors. It should provide: transportation within the country; fulfillment of the visit schedule according to the programme; services such as fax, telephone, photocopier and computer for official use during the visit.
- 7.2 to guarantee the provision of all information required and unrestricted access to the establishments to be visited.
- 7.3 to accompany the inspectors on their visits. The accompaniment by personnel of the establishment inspected is at the discretion of the officers conducting the inspection.
- 8.0 At the end of the inspection of an establishment, the inspectors will meet with the competent authority of the exporting country and a representative of the establishment inspected. During this reunion, the inspectors will make general comments on the more relevant aspects of the inspection; where there is a critical observation then it

should be stated at this reunion, clearly indicating the consequences and effects. Any report made at this reunion is not to be considered as an official report by the Belize Agricultural Health Authority.

- 9.0 At the end of the inspection in the exporting country, the inspectors will meet with the competent authority of the exporting country. During this reunion, the inspectors will report on general aspects of the visit and will indicate any critical observations and the consequences these may have on the final report. Any report made at this reunion is not to be considered as an official report of the Belize Agricultural Health Authority.
- 10.0 Where the report on the visit is favourable and approval for importation is granted, the importing country is to notify the exporting country within 16 calendar days the measures the commodities need to fulfill for their importation.
- 11.0 The report on the visit will contain:
 - 11.1 an evaluation of the relevant legislation in the exporting country;
 - 11.2 an analysis of the sanitary or phytosanitary situation. Risks due to pests and/or diseases will be detailed where they exist and where they prohibit the trade in specific commodities. If there are no risks associated with the importation, this is to be clearly stated.
 - 11.3 an evaluation of the plant protection or veterinary services and their laboratories, specifying whether the certificates issued by the services are acceptable or not. If not acceptable then the deficiencies should be explained.
 - 11.4 an evaluation of the establishments inspected, indicating their approval or not. Where the establishments are not approved then the reasons and their corrective measures should be listed. It should also be specified whether a follow-up inspection will be necessary or whether the competent authority can be delegated with the verification of the fulfillment of the recommendations.
 - 11.5 validity date of the approval (minimum is one year) and the date of the next visit are to be specified. Also, the epidemiological surveillance measures that the competent authority of the exporting country needs to execute to maintain the approval are to be specified.

11.6 approval: need describe ways that the approval status can be modified, suspended or invalidated and the notification channels to use as well as the measures that the exporting country can take to regain its status.

12.0 Exports can initiate 8 working days after the importing country notifies the exporting country the sanitary and phytosanitary measures the commodities need to fulfill for their importation based on a favourable report having been emitted.

13.0 The importing country is to immediately notify any change of conditions in those evaluated. Upon receipt of this notification, the Belize Agricultural Health Authority will determine whether: (i) it maintains the approval status; or (ii) it modifies or suspends the approval status; or (iii) whether a new inspection visit is necessary.

14.0 Unless otherwise noted, it will be the exporter or importer's responsibility to cover all costs associated with the inspection. :

14.1 The cost will include all of the following :

- (i) All airfares and other travel costs, which may be incurred and are associated with the inspection. Tickets will need to be received by BAHA officials at least three (3) days prior to departure.
- (ii) Per Diem for the officials will be at the rate currently in force by OIRSA for her Technical Directors within and without the OIRSA region. The per diem will be paid for every overnight that the BAHA officials will be spending outside of Belize. The per diem shall be paid directly to the BAHA officials upon arrival at the country requesting the inspection.
- (iii) A minimum administrative fee of five hundred United States dollars (\$500.00 US) to be paid directly to the Belize Agricultural Health Authority not less than ten (10) working days prior to departure from Belize. An inspection which may result in a length of stay that exceeds a maximum of three (3) working days, will result in an additional administrative fee of one hundred United States dollars (\$100.00 US) per day.

- 14.2 Payments shall be made as follows: To the Belize Agricultural Health Authority, Bank of Nova Scotia, Albert Street, Belize City, Account Number 288-10 Swift Code NOSCBZBS.
- 14.3 An official invoice will be sent to the Competent Authority or the exporter indicating the description of the services offered, the rates charged and the amount due.
- 14.4 BAHA will verify payments and will issue an official receipt.
- 15.0 Attached is sample of a Pro Forma Invoice that shall be delivered to the Exporter or Competent Authority upon receipt of the request.

PRO FORMA INVOICE

Bill to: _____ Office Address: _____ Address of Site _____ Visited: _____ _____ Tel: _____ Fax: _____ Email: _____		Date: _____ <div style="text-align: center; font-size: 2em; opacity: 0.5;">SAMPLE</div>	
Inspection visit	Breakdown of Costs	Unit Price (USD)	TOTAL (USD)

Inspection conducted for the period: (D/M/YEAR)	Minimum Administrative fee	500.00	500.00
By BAHA Officials	Other administrative fee		
	Local Transportation		
	International Travel		
	Per Diem - _____ days	150.00	
		TOTAL	
		USD	