

ARRANGEMENT OF SECTIONS

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IT is hereby notified that the Minister of Agriculture Mechanisation and Irrigation Development has, in terms of sections 8, as read with section 29, of the Plant Pests and Diseases Act [*Chapter 19:08*], made the following regulations:—

Title

1. These regulations may be cited as the Plant Pests and Diseases (Common Market for Eastern and Southern Africa) Regulations, 2016.

Interpretation

2. (1) In these regulations—

“additional declaration” means a statement that is required by an importing country to be entered on a phytosanitary certificate, which provides specific additional information on a consignment;

“COMESA” means the Common Market for Eastern and Southern Africa established in 1994 by Article 1 of the Common Market for Eastern and Southern Africa Treaty;

“institute” means the Plant Quarantine Service Institute referred to in subsection (2).

“phytosanitary measure” means any legislation, regulation or official procedure having the purpose of preventing the introduction or spread of quarantine pests, or limiting the economic impact of regulated non-quarantine pests;

“point of entry” means an airport, seaport or land border point officially designated for the importation of consignments or entrance of passengers;

(2) The Plant Quarantine Service Institute is an institute of the Ministry of Agriculture, Mechanisation and Irrigation Development whose functions are—

- (a) to formulate and review Plant Quarantine policies for the benefit of the agricultural industry in Zimbabwe;
- (b) to conduct research and surveillance for generation and dissemination of new technologies and relevant agricultural information;
- (c) to conduct farmer and traders training on phytosanitary services including best farm practices and import and export procedures and requirements;
- (d) to carry out quarantine crop pest surveillance, assessment and pest risk analysis for national early warning purposes;
- (e) to provide testing services on plants including seeds and crop protection technologies;
- (f) to enforce and monitor compliance on destructing and plant dates for cotton, paprika and tobacco for the management of pests.

HOST	PEST TYPE	PEST
	Viruses	<i>Bean yellow mosaic virus</i> <i>Tomato black ring virus</i> <i>Bean common mosaic virus</i> <i>Pea early-browning virus</i>
	Nematode	<i>Ditylenchus dipsaci</i>
SORGHUM (<i>Sorghum</i>)	Fungi	<i>Glomerella graminicola</i> <i>Sporisorium sorghi</i>
WHEAT (<i>Triticum aestivum</i>)	Fungi	<i>Claviceps purpurea</i> <i>Gibberella avenacea</i> <i>Phaeosphaeria nodorum</i> <i>Tilletia controversa</i> <i>Ustilago nuda f.sp.tritici</i>
	Bacteria	<i>Pseudomonas fuscovaginae</i> <i>Pseudomonas syringae</i>
	Virus	<i>Barley stripe mosaic virus</i>
	Nematode	<i>Anguina tritici</i>
MAIZE (<i>Zea mays</i>)	Fungi	<i>Glomerella graminicola</i> <i>Harpophora maydis</i> <i>Sphacelotheca reiliana</i> <i>Ustilago zeae</i>
	Viruses	<i>Maize dwarf mosaic virus</i> <i>Sugarcane mosaic virus</i>
CASSAVA (<i>Manihot esculentum</i>)	Fungu	<i>Glomerella cingulate</i>
	Bacteria	<i>Xanthomonas axonopodis pv. manihotis</i>
	Viruses	<i>Cassava brown streak virus</i> <i>Cassava mosaic disease (CMD)</i> <i>East Africa mosaic disease-Ug.</i>
	Insect Pest	<i>Mononychellus tanajoa</i>
IRISH POTATO (<i>Solanum tuberosum</i>)	Fungi	<i>Spongospora subterranea f.sp. subterranea</i> <i>Verticillium albo-atrum</i>
	Bacteria	<i>Clavibacter michiganensis</i> <i>Ralstonia solanacearum</i> <i>Erwinia carotovora subsp. atroseptic</i>
	Virus	<i>Potato spindle tuber viroid</i>
	Nematodes	<i>Globodera rostochiensis</i>

HOST	PEST TYPE	PEST
SOYBEAN (<i>Glycine max</i>)	Fungi	<i>Colletotrichum truncatum</i>
	Bacteria	<i>Xanthomonas axonopodis</i> pv.glycines <i>Curtobacterium flaccumfaciens</i> pv. <i>Flaccumfaciens</i>
	Viruses	<i>Tomato black ring virus</i>
COTTON (<i>Gossypium</i> spp)	Fungi	<i>Ascochyta gossypii</i> <i>Fusarium oxisporum</i> f.sp. <i>vasinfectum</i> <i>Verticillium dahlia</i> <i>Colletotrichum gossypii</i>
	Bacteria	<i>Xanthomonas axonopodis</i> pv.malvacearum
SUNFLOWER (<i>Helianthus annuus</i>)	Fungi	<i>Plasmopara halstedii</i> <i>Sclerotinia sclerotiorum</i> <i>Verticillium albo-atrum</i> <i>Verticillium dahlia</i> <i>Alternaria helianthi</i>
	Viruses	<i>Tobacco ringspot virus</i>
RICE (<i>Oryza sativa</i>)	Fungi	<i>Sclerophthora macrospora</i> <i>Magnaporthe grisea</i>
	Bacteria	<i>Acidovorax avenae</i> subsp.avenae <i>Pseudomonas fuscovaginae</i> <i>Xanthomonas oryzae</i> pv.oryzicola
	Nematodes	<i>Aphelenchoides besseyi</i>
PEARL MILLET (<i>Pennisetum glaucum</i>)	Fungi	<i>Claviceps fusiformis</i> <i>Moesziomyces bullatus</i> <i>Sclerospora graminicola</i> <i>Cochliobolus lunatus</i>
	Bacteria	<i>Pseudomonas syringae</i> pv. <i>Syringae</i>
BEAN (<i>Phaseolus lunatus</i>)	Fungi	<i>Colletotrichum lindemuthianum</i>
	Bacteria	<i>Pseudomonas savastanoi</i> pv.phaseolicola <i>Curtobacterium flaccumfaciens</i> pv. <i>Flaccumfaciens</i> <i>Xanthomonas axonopodis</i> pv.phaseoli

Application

3. (1) These regulations shall apply to any seed which is imported, exported or in transit through Zimbabwe and consigned by rail, water transport, aircraft on international flight and by road including motorised and animal driven means of transport.

(2) The Plant Quarantine Services Institute is designated as the national plant protection organisation for Zimbabwe.

Additional functions of Plant Quarantine Services Institute

4. (1) In addition to the functions of the Plant Quarantine Services Institute referred to in section 2(2), the institute shall, for the purposes of applications made to it in terms of these regulations as read with the COMESA Seed Trade Harmonisation Regulations, 2014, have the following functions—

- (a) to facilitate the movement of seed in the COMESA region;
- (b) to facilitate the implementation of the COMESA system in Zimbabwe;
- (c) to ensure that the rules, directions and standards of the COMESA system are observed;
- (d) to facilitate the organisation of technical reviews of phytosanitary measures and their impact on the seed movement within the COMESA region;
- (e) provide technical support to the implementation and improvement of the COMESA system;
- (f) consider and authorise changes for improvement to the rules, directions and standards of the COMESA system.

COMESA import permit

5. (1) Subject to these regulations, no person shall import any seed under the COMESA system, unless he or she is a holder of an import permit issued in terms of subsection (4)(a).

(2) An application for an import permit shall be made to the Head of the Institute on CForm 1 set out in the Second Schedule,

and such application shall be accompanied by the appropriate fee specified in the First Schedule.

(3) On receipt of an application for an import permit, the Head of the Institute shall consider whether—

- (a) the applicant met the conditions set by the Plant Quarantine Services Institute; and
- (b) the phytosanitary certificate from the exporting country confirms that phytosanitary requirements have been met.

(4) Subject to subsection (3), the Head of the Institute may—

- (a) approve the application and issue the applicant with a permit; or
- (b) reject the application; or
- (c) give any other order as he or she deems fit.

(5) Notwithstanding the requirements set out in CForm 1, the Head of Institute may request for additional informational from the applicant, in response to other regional and international requirements.

(6) An import permit issued in terms of subsection (4) shall accompany the seed lot and shall be presented to inspectors at all exit and entry points.

(7) Any person who contravenes this section shall be guilty of an offence and liable to a fine not exceeding level five or an imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

COMESA export permit

6. (1) Subject to these regulations, no person shall export any seed under the COMESA system, unless he or she is a holder of an export permit issued in terms of subsection (4).

(2) An application for an export permit shall be made to the Head of the Institute on CForm 2 set out in the Second Schedule, and such application shall be accompanied by the appropriate fee specified in the First Schedule.

- Date – (*the date on which notification is sent*)
- Identity of the national plant protection organization of the importing Member State.
- Identity of the national plant protection organization of the exporting member state.
- Identity of consignment—consignments should be identified by the phytosanitary certificate number if appropriate or by references to other documentation and including commodity class and scientific name (at least plant genus) for plants or plant products.
- Identity of consignee and consignor.
- Date of first action on the consignment.
- Specific information regarding the nature of the non-compliance and emergency action including.
- Identity of pest.
- Where appropriate, whether part or all of the consignment is affected.
- Problems with documentation.
- Phytosanitary requirements to which the non-compliance applies.
- Phytosanitary actions taken—the phytosanitary actions should be specifically described and the parts of the consignment affected by the actions identified.
- Authentication marks—the notifying authority should have a means for authenticating valid notifications (e.g. stamp, seal, letterhead, authorized signature).

Supporting information

Upon request, supporting information should be made available to the exporting Member State and may include as appropriate:

- Copy of the phytosanitary certificate or other relevant documents.
- Diagnostic results.
- Pest association, i.e. in which part of the consignment the pest was found or how it affects the consignment.
- Other information deemed to be useful for the exporting Member State to be able to identify and correct non-compliance.

THIRD SCHEDULE (*Section 9*)
COMESA QUARANTINE PEST LIST

HOST	PEST TYPE	PEST
GROUNDNUT (<i>Arachis hypogaea</i>)	Fungi	<i>Verticillium dahlia</i>
	Virus	<i>Peanut mottle virus</i> <i>Peanut clump virus</i>

TO: PLANT PROTECTION ORGANISATION
.....

I. DESCRIPTION OF CONSIGNMENT

Name and address of exporter:.....
.....
.....

Declared name and address of consignee:.....
.....
.....

Number and description of packages:
.....

Distinguishing marks:

Place of origin:

Declared means of conveyance:.....
.....

Declared port of entry:

Quantity and name of produce:

Botanical name:.....

II. FUMIGATION OR DISINFECTION

Treatment:Date:.....

Chemical (active ingredient):.....

Duration of exposure:.....

Temperature:

Additional information:.....
.....

CForm 4

NON- COMPLIANCE NOTIFICATION (*Section 8*)

Government of Zimbabwe

Ministry of Agriculture

Non-compliance Notification

-Reference number (PC number)

(3) On receipt of an application for an export permit, the Head of Institute shall consider whether—

- (a) the applicant met the requirements of the importing country;
- (b) an inspection is done in terms of section 9 of the Act;
- (c) the results of an inspection done in terms of section 9 of the Act confirms that the requirements of the importing country were met.

(4) Subject to subsection (3), the Head of the Institute may—

- (a) approve the application and issue the applicant with a permit; or
- (b) reject the application; or
- (c) give any other order as he or she deems fit.

(5) Notwithstanding the requirements set out in CForm 2, the Head of Institute may request for additional information from the applicant, in response to other regional and international requirements.

(6) An export permit issued in terms of subsection (4) shall accompany the seed lot and shall be presented to inspectors at all exit and entry points.

(7) Any person who contravenes this section shall be guilty of an offence and liable to a fine not exceeding level five or an imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Phytosanitary certificate for re-export

7. (1) Subject to these regulations, no person shall re-export any seed under the COMESA system, unless he or she is a holder of a phytosanitary certificate for re-export issued in terms of subsection (4).

(2) Where seeds are in transit, the institute shall issue a re-export phytosanitary certificate where the consignment of seeds—

- (a) is being stored or repackaged in Zimbabwe under circumstances which may expose the consignment to infection before re-export to a third member state; or
- (b) has stayed in Zimbabwe longer than six months.

(3) An application for a re-export phytosanitary certificate shall be made to the Head of the Institute on CForm 2 set out in the Second Schedule, and such application shall be accompanied by the appropriate fee specified in the First Schedule.

(4) On receipt of an application referred to in subsection (3), the Head of Institute may—

- (a) approve the application and issue the applicant with a certificate; or
- (b) reject the application; or
- (c) give any other order as he or she deems fit.

(5) Notwithstanding the requirements set out in CForm 2, the Head of Institute may request for additional informational from the applicant, in response to other regional and international requirements.

(6) The re-export phytosanitary certificate issued in terms of subsection (4) shall be attached to the export certificate issued by the exporting member state.

(7) Any person who contravenes this section shall be guilty of an offence and liable to a fine not exceeding level five or an imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Non-compliance notification

8. (1) Where—

- (a) a consignment of seeds or the accompanying phytosanitary certificates do not comply with the conditions set out in the import permit; or
- (b) a quarantine pest has been intercepted;

The following plants:

for the purpose of

(State which one or more of the following applies:—Sale, private use, manufacture, consumption or propagation for sale)

I intend to grow these plants at:
(State exact locality if plants are to be grown)

No. of current import licence:

Date:

(Signature of applicant)

Phone No:

Cell No:



Plant Pests and Diseases Act [Chapter 19:08]

CForm 2 (Sections 6 and 7)

APPLICATION FOR PHYTOSANITARY CERTIFICATE FOR THE EXPORTATION OF PLANTS

The Secretary to the Ministry of Agriculture, Mechanisation and Irrigation Development. (Plant Exportation Phytosanitary Certificate),

P. O. Box CY550,
Causeway,
Harare.

PLEASE PRINT

Name of Applicant:

I.D. No:

Contact No:

Signature:

FIRST SCHEDULE (Section 5)
APPLICATION FEES (US\$)

COMESA import permit	30
COMESA export permit	15
COMESA phytosanitary certificate for re-export	15

SECOND SCHEDULE (Section 5)



Plant Pests and Diseases Act [Chapter 19:08]

CForm 1

APPLICATION FOR PERMIT FOR IMPORTATION OF PLANTS

The Secretary to the Ministry of Agriculture, Mechanisation and Irrigation Development (Plant Importation Permits),

P. O. Box CY550,
Causeway,
Harare.

I,
of
.....
(State postal and residential address)

hereby apply to import by
.....
(State mode of importation, i.e. whether by post, rail, and road or air freight)
from
(State full name of consignor and address)

of
(State postal and residential address)

through
(State port of entry into Zimbabwe, if mode of importation is not by post)

the institute shall issue a non-compliance notification to the national plant protection organisation of the exporting member state.

(2) Subject to subsection (1), the consignment of seeds shall be forfeited by the institute.

(3) The non-compliance notification referred to in subsection (1) shall be in the form provided for in CForm 4 set out in the Second Schedule.

COMESA quarantine pests

9. The COMESA quarantine pests are as set out in the Third Schedule.

Appeals

10. (1) An applicant aggrieved by a decision, proposal or action of the Head of the Institute may appeal against the decision, proposal or action to the Minister.

(2) An appeal in terms of subsection (1) shall be lodged with the Minister, in writing, within seven days after the appellant was notified of the decision, proposal or action appealed against.

(3) In an appeal in terms of subsection (1), the Minister may conduct or cause to be conducted such inquiry into the matter as he or she thinks appropriate and may confirm, vary or set aside the decision, proposal or action appealed against:

Provided that the Minister shall ensure that the appellant and the Head of the Institute, as the case may be, are given an adequate opportunity to make representations in the matter.

(4) The Minister shall ensure that the appellant and the Head of the Institute, as the case may be, are notified in writing of any decision reached by him or her in terms of subsection (3).