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#### **Report Highlights:**

This report is an overview of general legal and technical requirements imposed by the Government of Haiti for food and agricultural imports. The following sections of this report summarize the major requirements for: Food Laws; Labeling; Packaging and Containers; Food Additive Regulations; Pesticides and Other Contaminants; Other Requirements, Regulations, and Registration measures; Other Specific Standards; Trademarks, Brand Names, and Intellectual Property Rights; Import Procedures; and Trade Facility.

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This report was prepared by OAA in Port-au-Prince, for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCTS IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

#### LIST OF ABBREVIATIONS

APN – National Port Authority ASTM - American Society for Testing and Materials AV - Certificate of Verification BHN – Haiti's Bureau of Standards BNC – Credit National Bank BRH - Haiti Central Bank CARICOM - Caribbean Community and Common Market CFI - Center of Facilitation of Investments CIF - Cost, Insurance and Freight CoC – Certificate of Conformity COPANT - Pan-American Standards Commission CROSQ - Region Organization for Standards and Quality DCQPC - Department of Quality Control and Consumer Protection DGI -- Income Tax Office DGPSA - Department of Production and Food Safety DQCSPAP - Office of Quarantine and Control of Fishing and Agricultural Products DR – Dominican Republic FOB - Free on Board **ID** – Identity Document IEC - International Electrotechnical Commission INDOCAL - Dominican Institute for Quality ISO - International Organization of Standard MARNDR - Ministry of Agriculture, Natural Resources and Rural Development MCI – Ministry of Trade and Industry MEF - Ministry of Economy and Finance MDE - Ministry of Environment MSPP - Ministry of Public Health and Population NCR - Non-Conformity Report PVC – Product Verification of Conformity RFC - Request of Certification RNF - Standards Network and Francophonie SGS - Governments and Institutions Services SIM – Inter-American Metrology System USDA - US Department of Agriculture VR - Valuation Report WIPO - World Intellectual Property Organization WTO - World Trade Organization

## **EXECUTIVE SUMMARY**

Haiti depends on the imports of U.S. agricultural products to meet domestic demand. Although Haiti's food legislation has been in place for years, the government continues to update its legislation and regulation in accordance with international agreements. There are no major changes in Haiti's food laws.

## SECTION I. FOOD LAWS

Haiti's food and trade laws have been in place for many years. The Ministry of Agriculture, Natural Resources and Rural Development (MARNDR), the Ministry of Public Health and Population (MSPP), the Ministry of Economy and Finance (MEF) and the Ministry of Trade and Industry (MCI) are the primary regulatory authorities for food products; the Congress of Haiti is responsible for rulemaking. Many food products from partner countries have access to the Haitian market, while other products do not due to sanitary reasons (see Appendix III).

The major food and agricultural product laws, executive orders, and regulations for food and agricultural products in Haiti are listed below:

- 1) Haiti Customs Code
- 2) Haiti Rural Code
  - Law No 12, related to the trade of foodstuffs, transport, and storage of plant and animal byproducts.
- 3) Haiti's Constitution of 1987
  - Article 251 related to the import of foodstuffs and byproducts
- 4) Executive Orders
  - Executive order of April 12, 1919, related to food safety
  - Executive order of November 12, 1987, related to the regulation of the import of plants, animals, and their byproducts
- 5) Laws
  - August 27, 1934, related to plant and animal health protection
  - August 16, 1950, prohibiting the import of pork without authorization
  - August 26, 1963, prohibiting the import of plants or seeds without authorization from the Ministry of Agriculture, Natural Resources and Rural Development (MARNDR)
- 6) Public Notes
  - Decree of July 24, 1937, related to imports of coffee, cacao, and other high-value crops
  - Public statement from March 20, 1984, regulating imports of pork into Haiti
  - Public statement from August 13, 2021, prohibiting imports of pork from the Dominican Republic
  - Public statement from September15, 2015, restricting imports of 23 products from the Dominican Republic through waterway ports of entry

- Public statement from MARNDR and the Minister of Trade and Industry (MCI) of April 1986, related to plant and animal health protection
- Public statement from March 16, 1995, related to imports of carnivorous animals and poultry

Haiti is a signatory to several international agreements, which reinforce its food and trade policies. It is a member of the Caribbean Community and Common Market (CARICOM) and the World Trade Organization (WTO). As a member of CARICOM, Haiti implements agreements outlined in the Regional Organization for Standards and Quality (CROSQ) as well as continues to update its legislation and regulation from the legal framework of the WTO. Haiti is also a member of the Codex Alimentarius Commission. Haiti's Bureau of Standards (BHN in French), which was created in December 2012, is responsible for organizing, managing activities related to standardization, certification, industrial metrology, promotion of quality, provision of technical support to companies and implementing international agreements.

## SECTION II. LABELING REQUIREMENTS

The MCI's Department of Quality Control and Consumer Protection (DCQPC in French) establishes labeling requirements in Haiti based on international standards. Haiti does not apply a specific requirement for food and beverages apart from the international requirements. The composition of the products, including the ingredients, must be in accordance with the international recommendations. In general, labels must contain the following information:

- Product name
- Composition (list of ingredients)
- Net weight or quantity
- Manufacturer and importer's name and address
- Manufacturing and expiration dates
- Instructions for use and storage of the product
- Country of origin
- Batch identification number
- Product condition (e.g., frozen food)
- Expiration date

Haiti has two official languages: French and Creole. However, with the proximity of the United States and Latin America, labels in English or Spanish are widespread. Currently, there is no legislation encouraging language requirements for product labels in Haiti.

Legislation to protect consumers, which includes additional labeling requirements, is also pending in the Haitian Parliament. The Ministry of Trade and Industry is the government office responsible for ensuring the quality and the conformity of products in the Haitian market. This Ministry also ensures consumer protection by receiving complaints from consumers, investigating issues, verifying documents and compiling reports. Competent authorities, including, but not limited to, a Justice of the Peace, are able to confiscate and dispose of suspected products, rescind an individual's professional identity card and business license, and issue a temporary closure notice.

## SECTION III. PACKAGING AND CONTAINER REQUIREMENTS

Haiti does not have a set of rules addressing the packaging and container requirements for food and beverages. However, the executive order of April 1919 declared unhealthy and illegal any materials that contaminate food. In addition, the Government of Haiti banned in October 2012 all polymers of styrene (polystyrene and expanded polystyrene), polyethylene plastic containers with a density equal to or over 0.94, and polyethylene with density below 0.94.

## SECTION IV. FOOD ADDITIVE REGULATIONS

Haiti does not have a set of rules addressing food additives in the Haitian market. However, the Ministry of Public Health and Population (MSPP in French), the Ministry of Trade and Industry (MCI), and MARNDR control imports of additives for use in foodstuffs based on international recommendations, including the recommendations from Codex Alimentarius report <u>here</u>, and the proposal for management of chemical products and waste <u>here</u>. In July 2015, Haiti banned wheat flour from the Dominican Republic due to the presence of potassium bromate and azodicarbonamide in amounts exceeding the recommended levels.

#### SECTION V. PESTICIDES AND OTHER CONTAMINANTS

Legislation and regulations pertaining to pesticides and other contaminants have been pending in the Haitian Parliament since 2017. Meanwhile, MARNDR, MSPP, MCI, and the Ministry of Environment (MDE) control the imports of pesticides, pesticide residue in foodstuffs and other contaminants based on international recommendations, including Codex Alimentarius. An import permit is required for any entities involved in pesticide trade. The recommendations state that containers should be hermetically sealed, and resistant to shock and humidity. It is prohibited to store and transport pesticides and other contaminants in multiple-use vehicles, which transport foods, beverages, and medicines. Additionally, organochloride pesticides are banned to import unless a special authorization is attained. The disposal of pesticide residues is not outlined in any regulations. The pest and management plan of Haiti Ministry of Agriculture can be found <u>here.</u>

## SECTION VI. OTHER REQUIREMENTS, REGULATIONS AND REGISTRATION MEASURES

For food trade, it is recommended that importers verify the status of the products, whether they are banned, controlled, or have free entry. A zoo sanitary certificate must accompany shipments of animal and animal products from countries where diseases listed in Appendix III are controlled. A phytosanitary certificate for plant and plant products, which is also listed in Appendix III, must accompany shipments of plant products.

Zoo Sanitary Certificate: It must include the following information:

Animal products including fresh and frozen meat:

- Are certified safe by the competent authorities for human consumption
- Are not contaminated with agents such as aflatoxin, dioxin, and radioactive products
- Were prepared in best hygienic condition

- Are imported from a country free of prohibited diseases listed in Appendix III.
- Were from an inspected animal before and after slaughtering.
- Were prepared and packaged in officially certified facilities for exports and stored at recommended temperature
- Confirm that the cold chain has never been interrupted.

#### Milk and milk products:

- Product name
- Descriptive information of the product
- Product usage
- Country of origin
- Exporter's name and address
- Permit number (required only for frozen and fresh meat, eggs, and eggs products)
- Competent authority (e.g., USDA's Agricultural Marketing Service)
- Certifying institution name
- Importer's country
- Port of departure
- Transport type
- Transport and storage condition
- Port of arrival
- Net weight, or volume
- Packaging type
- Lot number
- Manufacturing and expiry date
- Container type

#### Eggs and egg products:

- Country of origin
- Exporter's name and address
- Farm area's name
- Certifying authority's name and address
- Importer's name and address
- Production date
- Quantity of the shipment
- Quantity of boxes of the shipment
- Product usage

**Phytosanitary Certificate:** It must accompany plant and plant products except for plant products sealed in cans. This phytosanitary certificate must include the following information:

- That the plant and plant products are from areas free of infectious diseases or highly harmful parasites (see Appendix III).

Please note that an import authorization from DQCSPAP is required for plant and plant products. Once the import is authorized a copy of the authorization should be given to any person captain, pilot, or driver in charge of transporting the plants.

**Facility Registration:** Haiti's legislation does not require U.S. facilities to be registered prior to export. However, Post recommends U.S. exporters to keep close contact with Haitian importers to inform of any changes.

**Product Registration:** Haiti's legislation does not require a product to be registered before import, except for medical products. However, Post recommends U.S. exporter to keep close contact with Haitian importers to inform of any changes.

Live animals require an import authorization before arriving in Haiti. This category includes live animals and birds (except domestic animals, which require a zoo sanitary certificate and an inoculation certificate). The request for the import authorization should be submitted to DQCSPAP 25 days before the expected loading date and must include the following information:

- Importer's name, address and fiscal ID
- Name and address of destination farm in Haiti
- Name and address of exporting farm owner
- Import purpose
- Information about imported animals, including country of origin, sex, breed, age, and quantity of animals
- Tag numbers of imported animals
- Boarding port name and boarding date

In addition, all animals imported to Haiti must be tested in a certified laboratory by a certified veterinarian. A zoo sanitary certificate must accompany all imported animals to Haiti. This zoo sanitary certificate must include the following information:

- Was tested and free of infectious diseases
- Was dewormed 15 days prior to shipment
- Include the date and nature of vaccines

## SECTION VII. OTHER SPECIFIC STANDARDS

The Government of Haiti published in February 2017 a law on food fortification. Haiti has required that all importers and producers fortify wheat flour, edible oil, and salt in micronutrients, including vitamins A, B1, B2, B3, folic acid, iron, zinc, and iodine.

# SECTION VIII. GEOGRAPHICAL INDICATORS, TRADEMARKS, BRAND NAMES, AND INTELLECTUAL PROPERTY RIGHTS

As a signatory to the World Intellectual Property Organization (WIPO), Haiti continues to adjust its legislation to the legal framework of WIPO. The law of July 22, 1954, sets out provisions for legal protection of trademarks and service marks. The application process begins with a letter request addressed to Legal Service Affairs of MCI, including the following information:

- Applicant's name and address
- Fiscal ID number
- Printed version of Trademark to be registered
- Branch of activity
- Telephone number and e-mail

- Original of the request and two copies
- Deposit by wire transfer of 152 gourdes to MCI, or address a request to make a direct deposit of 152 gourdes to the Tax Office (DGI)

If the trademark is approved, its protection is granted for ten years by MCI and can be renewed.

Haitian legislation does not require an exporter to be registered in Haiti. However, the Government of Haiti requires any business in Haiti to be registered in order to receive legal documents, including, but not limited to, its patent. Post recommends that exporters maintain close contact with Haitian importers to advise about changes.

## SECTION IX. IMPORT PROCEDURES

The customs clearance process involves several agencies, including the Income Tax Office (DGI in French), the General Administration of Custom (AGD in French), the Office of Quarantine and Control of Fishing and Agricultural Products (DQCSPAP), and the National Bank of Credit (BNC in French). Customs clearance may take 48 hours if all documents meet Haitian requirements. The import procedures can be completed in seven steps:

- 1) **Deposit of customs declaration:** The Customs office requires that all importers fill out the customs declaration within 21 days from the arrival of the vessel. The customs declaration must be prepared and signed by an approved customs broker.
- 2) **Submission of required documents:** The customs office requires that importers submit the following documents for clearance:
  - Customs declaration
  - Bill of lading or air waybill
  - Tax clearance
  - Freight cost certificate
  - List of products
  - Commercial invoice
  - Import permit, if required
  - Zoo sanitary or phytosanitary certificate, if required
  - Certificate of origin
  - Laboratory certificate, if required
  - Certificate of weight and quality, if required
  - Insurance certificate, if required
  - Fumigation treatment certificate, if required
  - Certificate of freeze, if required
- 3) **Verification process:** At the arrival port, the customs office reviews the documentation and proceeds for physical inspection. A customs agent and an inspector of the DQCSPAP conduct the inspection and control the status of imported goods. For live animals, the inspector may recommend fifteen days in quarantine before release. If the inspection reveals anything abnormal, the goods may be confiscated or returned to the exporting country. Once the verification is completed, importers should withdraw the customs slip to proceed with the payment within four business days.

- 4) Data entry on goods and preparation of custom slip
- 5) Withdrawal of customs slip
- 6) Payment of customs slip in BNC
- 7) Delivery of goods

## SECTION X. TRADE FACILITATION

The Government of Haiti provides trade information on the government websites, but U.S. exporters must keep close contact with Haitian importers for updates. The trade facilitative processes have not changed yet. However, the Government of Haiti is working on a new custom code.

Customs duties and taxes are required for the clearance of goods. The cost, insurance, and freight (CIF) value of imported goods is used as a basis for the calculation of the import customs duties and taxes. However, the Brussels Definition of Value on the shipment arrival date may be considered separate from the final invoice. Taxes include the verification fee (6 percent of CIF), value-added tax (10 percent of transaction value), Contribution to Territorial Collectivities Funds (2 percent of CIF, applicable for some food products), and a Special Duty (1 percent of CIF). The payment of customs duties and taxes is collected within four business days by Credit National Bank (BNC in French), which is commissioned by the Central Bank of Haiti (BRH in French).

#### **APPENDIX I: GOVERNEMENT REGULATORY AGENCY CONTACTS**

- Ministry of Agriculture Natural Resources and Rural Development (MARNDR) National Road #1, Damien Port-au-prince, Haiti – P.O. Box 1441 Tel: (509) 2943-2851 e-mail: <u>contact@agriculture.gouv.ht</u> <u>http://agriculture.gouv.ht/</u>
- 2) Office of Animal Quarantine and Control of Fishing and Agricultural Products (DQCSPAP) Claircine 20, Shabisco Street Port-au-prince, Haiti Tel: (509) 2943-4651 (509) 2513-2676 <u>https://agriculturequarantaine.gouv.ht/</u>
- 3) Ministry of Trade and Industry (MCI) 6, Legitime Street Port-au-prince, Haiti – POX 00116 Tel: (509) 2943-4488 <u>https://www.mci.gouv.ht/</u>
- 4) Center of Facilitation of Investments (CFI) 27, rue Armand Holly, Debussy Port-au-Prince, Haiti Tel: +509 2813 0369 / +509 2813 0367 Email: cfihaiti@gmail.com; info@cfihaiti.com https://www.cfihaiti.com/
- 5) Ministry of Public Health and Population 1 J. Roumain Street, Maïs-Gate Road (509) 2816-1442 Email: <u>info@mspp.gouv.ht</u> https://www.mspp.gouv.ht/
- 6) General Administration of Customs

   Blvd La Saline, Du Quai & Des Fonts-forts Streets
   Port-au-prince, Haiti

   https://douane.gouv.ht/
- 7) National Port Authority (APN)
   1 Blvd La Saline, Du Quai & Des Fonts-forts Streets Port-au-prince, Haiti

## **APPENDIX II: OTHER CONTACTS**

### Foreign Agricultural Service (FAS) Office in Port-au-Prince

U.S. Embassy, Port-au-prince, BLVD 15 Octobre, Port-au-prince, Haiti Telephone: 1 + 509-2229-8401 E-mail: <u>agportauprince@usda.gov</u> <u>www.fas.usda.gov</u>

Comment: Please contact this office for more detailed information about the Haitian market, lists of importers, major players in the sector, or questions.

# APPENDIX III: PARTIAL LIST OF BANNED, CONTROLLED, AND RESTRICTED PRODUCTS TO IMPORT

Common Name	Scientific name
Tomato	Solanum lycopersicum L.
Eggplant	Solanum melongena L.
Sweet pepper	Capsicum annuum L.
Chili pepper	Capsicum frutescens L.
Cucumber	Cucumis sativus L.
Coconut	Cocos nuciferal L.
Mango	Mangifera indica L.
Citrus	Citrus sp.

## Table 1. List of prohibited fruits and vegetables from all sources

### Table 2. List of prohibited fruits from the Dominican Republic

Common Name	Scientific name
Lemon	Citrus aurantifolia L.
Orange	Citrus sinensis L.
Grapefruit	Citrus grandis L.
Tangerine	Citrus reticulate L.
Mango	Mangifera Indica L.
Apple	Pyrus malus L.
Grapes	Vitis vinifera L.
Lucuma fruit	Lucuma mammosa L.
Star fruit	Averrhoa carambola L.
Breadfruit	Artocarpus Altilis var non-seminifera
Chestnut	Artocarpus Altilis var seminifera
Sapodilla	Achras zapota L.
Passionfruit	Passiflora edulis L.
Cashew	Annona reticulata L.
Cherry	Malpighia punicifolia L.
Soursop	Annona muricata L.
Avocado	Persea Americana L.
Coffee	Coffea Arabica L.
Papaya	Carica papaya L.
Star apple	Chrysophyllum cainito L.
Watermelon	Momordica charantia L.
Melon	Cucumis melo L.
Giant passionfruit	Passiflora quadrangularis L.
Plantain	Musa paradisiaca L.
Banana	Musa sapientum L.

## Table 3. List of prohibited animal and animal products from the Dominican Republic

Common Name	Scientific name
Pig	Sus Scrofa domesticus

### Table 4. Partial list of controlled agricultural products

Products	Requirements
Wheat flour	Sanitary certificate
Ham	Sanitary certificate
Salami	Sanitary certificate
Meat	Sanitary certificate

## Table 5. List of prohibited food and beverage products to terrestrial ports of entry

Number	Products	Entry	Port of entry
1	Wheat flour	Air/sea	Port-au-prince & Cap-Haitian
2	Edible oil	Air/sea	Port-au-prince & Cap-Haitian
3	Drinking water	Air/sea	Port-au-prince & Cap-Haitian
4	Cooking butter	Air/sea	Port-au-prince & Cap-Haitian
5	Butter	Air/sea	Port-au-prince & Cap-Haitian
6	Pasta	Air/sea	Port-au-prince & Cap-Haitian
7	Powdered drinks	Air/sea	Port-au-prince & Cap-Haitian
8	Soda	Air/sea	Port-au-prince & Cap-Haitian
9	Beer	Air/sea	Port-au-prince & Cap-Haitian
10	Snack (cheeco)	Air/sea	Port-au-prince & Cap-Haitian
11	Corn meal	Air/sea	Port-au-prince & Cap-Haitian
12	Cookies	Air/sea	Port-au-prince & Cap-Haitian

## Table 6. - Partial list of pest and disease controlled by quarantine measures in Haiti

### A. Animal and animal products

Animal and animal products	Disease prohibited from	Disease controlled from affected
	affected country	country
Poultry, chicks, fertile eggs	Avian influenza	Gumboro
	Fowl plague	Avian Leukosis Mycoplasmosis
		Mareck disease
		New Castle
		Avian Tuberculosis
		Infectious Bronchitis
		Avian Chlamydia
		Infectious Laryngotracheitis
		Pullorosis
		Duck Virus Enteritis

		Duck Virus Hepatitis
Larvae, alevin, fish and		Haemorragic Septicemia
crustacean for reproduction		Heamatopoietic Necrosis
		Herpes Virus
		Salmon viral disease
		Spring Viremia of Carp
Bee		Foulbrood
		Nosema Disease
		varroasis
African bee	Prohibited	Prohibited
Rabbit	Rabbit Haemorragic Disease	Rabbit Pasteurellosis
	Myxomatosis	Papillomatosis
	Tularemia	Scab
		Smallpox
Pig	Foot-and-mouth disease	Atrophic Rhinitis
8	African Swine Fever	Aujesky Disease
	Classic Swine Fever	Transmissible gastroenteritis
	Vesicular Exanthema	Glasser disease
	Vesicular Disease	Brucellosis
	Porcine Enzootic	Mycoplasmosis
	Encephalomyelitis	Tuberculosis
	Trichinellosis	Leptospirosis
		Parvovirosis
		Cysticercosis
		Scab
		Porcine Reproductive and
		Respiratory Syndrom
Equine	African horse sickness	Equine Rhinopneumonitis
Equine	Glanders	Scab
	Dourine	Equine Arthritis
	Trypanosomiasis	Equine smallpox
	Vesicular stomatitis	Epizootic Lymphangitis
	Contagious Equine Metritis	Equine encephalomyelitis
	Equine infectious Anemia	Gasterophylosis
Bovine	Foot-and-Mouth Disease	Bovine Viral Diarrhea
Bovine	Bovine spongiform	Infectious bovine Rhinotracheitis
	Encephalomyelitis	Brucellosis
	Contagious Peripneumonia	Tuberculosis
	Rinderpest	
	Vesicular stomatitis	Leptospirosis Trichomonosis
	Dermatose nodulaire	Vibriosis
	contagieuse	Hypodermosis
		Cysticercosis
		Anasplamosis
		Bovine babesiosis
		Enzootic bovine leukosis

		Hemorragic Septicemia
		Theilerosis
		Trypanosomosis
		Bovine malignant catarrhal
		Bovine genital
		Campylobacteriosis
		Tuberculosis
		Brucellosis
Succell many in a set	East and Marsth Discours	Leptospirosis
Small ruminant	Foot-and-Mouth Disease	Brucellosis
	Small ruminant plague	Tuberculosis
	Small ruminant pox	Leptospirosis
	Ovine catarrhal	Contagious Ectyma
	Vesicular Stomatitis	Scab
		Goat encephalitis
Frozen meat	Foot-and-Mouth Disease	
	Vesicular stomatitis	
	Porcine vesicular Disease	
	Rinderpest	
	Fièvre catarrhale du mouton	
	Classic Swine Fever	
	African Swine Fever	
	High Pathogen Avian Influenza	
	Sheep and goat pox	
	Bovine Spongiform	
	Encephalopathy	
	Liteopharopaany	

## **B.** Plant and plant products

Plant and plant products	Disease prohibited from affected country	Disease controlled from affected country
Coffee seeds	coffee leaf rust, coffee berry borer, and smut	infectious disease, and pests
Plantain suckers		Fusarium wilt, bacterial soft rot, Moko disease and Sigatoka disease of banana
Grain seeds		Rust disease, Smuts, and Sheath rot disease
Fruits of coconut, cashew nut, mango, avocado, papaya, and beans	lethal disease, cashew nut acarosis, anthracnose, bunchy top, bacterial wilt, golden mosaic virus, mango seed weevil	lethal disease, cashew nut acarosis, anthracnose, bunchy top, bacterial wilt, golden mosaic virus, mango seed weevil
Citrus fruits	-	Citrus tristeza, Bacterial canker

#### Attachments:

No Attachments