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# Haiti

Post: Santo Domingo

# Food and Agricultural Import Regulations and Standards – Narrative

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# **Report Highlights:**

This report is an overview of general legal and technical requirements imposed by Haiti for food and agricultural imports. The following sections of this report indicate the requirements for: General Food Laws; Food Additive Regulations; Pesticides and Other Contaminants; Packaging and Container requirements; Labeling Requirements; Other Specific Standards; Facility and Products Registration Requirements; Other Certification and Testing Requirements; Import Procedures; and Copyright and Trademarks laws.

# Contents

List of abbreviations	3
Section I. General Food Laws	ŀ
Section II. Food Additive Regulations5	5
Section III. Pesticides and Other Contaminants5	5
Section IV. Packaging and Container Requirements	5
Section V. Labeling Requirements	5
Section VI. Other Specific Standards	7
Live Animals	7
Animal Products	7
Specific standards for plants	3
Section VII. Facility and Product Registration Requirements	3
Section VIII. Other Certification and Testing Requirements9	)
Section IX. Import Procedures	)
Pre-shipment requirements	)
Shipment and customs clearance 10	)
Shipment 10	)
Verification process	)
Physical Inspection	)
Customs payments 10	)
Custom Clearance	)
Section X. Copyright and/or Trademark Laws 11	L
Appendix I: Key Government Regulatory Agency Contacts	2
Appendix II: Partial list of ban, controlled and restricted product to imports	3

#### 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 CFI – Center of Facilitation of Investments CIF - Cost, Insurance and Freight **COPANT - Panamerican Standards Commission** CROSQ - CARICOM 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 DPI – Declaration Prior to the Import DQCSPAP – Office of Quarantine and Control of Fishing and Agricultural Products DR – Dominican Republic FOB – Free on Board **ID** – Identity Document INDOCAL - Dominican Institute for Quality MARNDR - Ministry of Agriculture, Natural Resources and Rural Development MCI – Ministry of Trade and Industry MDE - Ministry of Environment MSPP - Ministry of Public Health and Population RNF - Standards Network and Francophonie SGS – Governments and Institutions Services SIM - Inter-American Metrology System USDA – US Department of Agriculture WIPO - World Intellectual Property Organization WTO – World Trade Organization

#### **Section I. General Food Laws**

The majority of Haiti's food and trade legislation have been in place for many years. The major laws and other documents that set the requirements for food and agricultural products in Haiti are listed below:

- 1) Haitian customs code of 2015
- 2) Haitian rural code 1962
  - Law No 10, related to agricultural industry and animal husbandry
  - Law No 12, related to the trade of foodstuffs, transport and storage of plant and animal byproducts.
- 3) Haiti's Amended Constitution of 1987
  - Article 251 related to the import of foodstuffs and byproducts
- 4) Presidential decrees
  - Presidential decree of October 15, 1950, related to the import of animals
  - Presidential decree of November 12, 1987, related to the regulation of the import of plants, animals and their byproducts.
- 5) Laws
  - Law of August 27, 1934, related to plant and animal health protection
  - Law of August 16, 1950, prohibiting the import of pork without authorization
  - Law of August 26, 1963, prohibiting the import of plants or seeds without authorization of the Ministry of Agriculture, Natural Resources and Rural Development (MARNDR)
  - Law of June 27, 1951, related to the export of plants and bulb of sisal
- 6) Public notes
  - Decree of July 24, 1937, related to the import of coffee, cacao, and other high crop plants
  - Public statement of March 20, 1984, regulating the import of pork into Haiti
  - Public statement of MARNDR and the Minister of Trade and Industry (MCI) of April 1986, related to plant and animal health protection
  - Public statement of March 16, 1995, related to the import of carnivorous animals and poultry
  - Memo of January 22, 1987, related to plant and animal quarantine

Haiti has signed several international agreements, which reinforce its food and trade policies. As a member of the World Trade Organization (WTO) since 1996, Haiti continues to adjust its legislation and regulation to the legal framework of the WTO. The government of Haiti refers meanwhile to the topics covered by the WTO Agreements to fill in the gaps in its trade policy. Haiti is also a member of Codex Alimentarius Commission, which advocated for the establishment of Codex Alimentarius committees in

member states. The Government of Haiti has never established this committee. However, Haiti's Bureau of Standards (BHN in French) was created in December 2012 to organize and manage activities related to standardization, certification, industrial metrology, promotion of quality, and provision of technical support to companies. Through this bureau, Haiti implements agreements signed with the <u>CARICOM</u> <u>Regional Organization for Standards and Quality (CROSQ)</u>, Panamerican Standards Commission (COPANT in Spanish), Standards Network and Francophonie (Réseau Normalisations et Francophonie (RNF) in French), <u>Inter-American Metrology System</u> (SIM in French), American Society for Testing and Materials (ASTM), and Dominican Institute for Quality (INDOCAL in Spanish).

In addition, a November 1987 Presidential decree established the Department of Production and Food Safety (DGPSA in French) within the Ministry of Agriculture, Natural Resources and Rural Development (MARNDR). DGPSA oversees the Office of Animal Quarantine and Control of Fishing and Agricultural Products (DQCSPAP in French). While many products have access to the Haitian market, others are banned or restricted. In addition, some products are banned or restricted from all sources, while other bans or restrictions only apply to products from the Dominican Republic (DR). The list of affected products is provided in Appendix II.

#### Laws for quarantine office (French version)

http://haiticommerce.gouv.ht/Download\_Document/149.%20MARNDR%20-%20Arrêté%20du%203%20Décembre%201919,%20Règlements%20du%20Service%20de%20Quarant aine.pdf

#### Section II. Food Additive Regulations

Haiti does not have any domestic regulations related to food additives. 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 of <u>Codex Alimentarius Commission report (French version)</u> and the Proposal for <u>management of chemical products and waste (French version)</u>. Since July 2015, Haiti has banned wheat flour from the DR due to the presence of potassium bromate and azodicarbonamide in amounts exceeding the recommended levels.

#### Section III. 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 and other contaminants. An import permit is required for any entities involved in pesticide trade. The recommendations state that containers should be hermetically sealed, and resistant to choking 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 from import unless a special authorization is attained. The disposal of pesticide residues is not controlled by any regulations.

# Pest and pesticide management plan by MARNDR (French version)

https://agriculture.gouv.ht/view/01/IMG/pdf/Plan\_de\_Gestion\_des\_Pestes\_et\_Pesticides.pdf

#### Section IV. Packaging and Container Requirements

Requirements for foodstuff packaging and containers are regulated by Haitian standards. In October 2012, the Government of Haiti banned 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.

Hygienic standards for buildings, people and materials that come into contact with foodstuffs are listed in the 2013 general standards of quarantine. This document specifies the chemical products to avoid when handling foodstuffs. The Government of Haiti recommends cleaning and sterilizing all tools after each operation.

For animal products, the exporting country's sanitary certificate must indicate that the product was prepared and packaged by certified enterprises. Imported plants, flowers, fresh vegetables, and roots must be free of soil.

General Standards of quarantine

https://agriculturequarantaine.gouv.ht/css/Document/Reglement\_general.pdf

#### Section V. Labeling Requirements

The MCI's Department of Quality Control and Consumer Protection (DCQPC in French) establishes labeling requirements in Haiti. Current requirements include:

- Product name
- Composition (list of ingredients)
- Net weight or quantity
- Manufacturer's 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)

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 in Haiti. Currently, there are no language requirements for product labels in Haiti.

Legislation to protect consumers, which includes additional labeling requirements, is also pending in the Haitian Parliament. The proposed legislation is available (in French) <u>here: http://www.sgcm.gouv.ht/wp-content/uploads/2017/03/PROJET-DE-LOI-RELATIVE-A-LA-PROTECTION-DU-CONSOMMATEUR.pdf</u>.

#### Section VI. Other Specific Standards

Food trade is regulated by several entities of the Government of Haiti. Importers should comply with the requirements of MCI, MARNDR, and in specific cases with MDE and MSPP.

Some categories of products require an import authorization before arriving in Haiti. This category includes live animals and birds (except domestic animals and birds, which require inoculation certificates), frozen fresh meat from contaminated areas, eggs, semen and embryos.

Other categories require a sanitary permit to introduce the product into the Haitian market. Those categories include domestic animals and birds, live animals, and birds and meat-products from unaffected areas.

Imports of live animals, plants, and their products are controlled by MARNDR through DQCSPAP. This office issues the required import authorization for live animals, plants, and their products upon receiving the specific information listed below.

#### Live Animals

For live animals, a 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 farm owner in Haiti (may be different from farm address)
- Import purpose
- Information about imported animals, including country of origin
- Tag numbers of imported animals
- Boarding port name and boarding date
- Zoosanitary certificate from the competent authority of the exporting country that includes information related to the examination process and indicates the health condition of the animals

Please note that a fee is required for the process. Once the import is approved a copy of the import authorization should be given to any person - captain, pilot or driver - in charge of transporting the animals.

Bans and disease-specific restrictions are listed in Appendix II.

Animal Products

Animal products require a sanitary certificate from the competent authority of the exporting country. This sanitary certificate must include the following information:

- Product name
- 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 Food Safety and Inspection Service)
- Certifying institution name
- Importer's country
- Port of departure
- Transport type
- Transport and storage condition
- Port of arrival
- Net weight, or volume
- Manufacturing and expiry date
- Container type
- Zoosanitary certificate from the competent authority of the exporting country that includes information related to the examination process and indicates the health condition of the animals and sanitary conditions of the animal products

In addition, an import authorization is required for frozen and fresh meat, eggs, and egg products. Bans and disease-specific restrictions are listed in Appendix II.

#### Specific standards for plants

For plants and plant products, an import authorization is required. The request should be submitted to DQCSPAP 25 days before the expected loading date and must include the following information:

- Importer's name and fiscal ID
- Importer's address
- Exporter's name and address

In addition, a phytosanitary certificate is required for plant products from the competent authority of the exporting country. Please note that plant products in cans are exempt from import authorization and phytosanitary certificate requirements.

In addition, plants, flowers, fresh vegetables and roots must be free of any soil. Exporters of seeds must be certified. Bans and restrictions are listed in Appendix II.

Please note that a fee is required for the process. 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.

#### Section VII. Facility and Product Registration Requirements

Haiti's legislation does not require a product to be registered before import, with the exception of medical products.

#### Section VIII. Other Certification and Testing Requirements

All required certifications and testing requirements are covered in the quarantine measures and import requirements.

#### Section IX. Import Procedures

Import procedures are normally completed in ten steps gathered into two phases (Pre-shipment and Shipment/Custom clearance).

#### Pre-shipment requirements

The pre-shipment requirements depend on the free on board (FOB) value of the goods. If the FOB value is below \$3,000, the importer must submit the commercial invoice or quote, bill of lading, and transport type, plus the freight fee for customs clearance. However, if the FOB value is over \$3,000, additional documents are required, including a Declaration Prior to the Import (DPI) and a Certificate of Verification (AV in French). Please note that a full container is valued over \$3,000.

To obtain the DPI, importers must submit the following to Governments and Institutions Services (SGS in French): tax clearance certificate, commercial invoice or quote for enterprises, residence permit for foreigners, and fiscal ID for Haitian citizens. SGS is commissioned by the Government of Haiti to verify the accuracy of the trade information and inspect the goods onsite. It is recommended to submit the DPI request to SGS five days before shipment.

For food trade, it is recommended that importers verify the status of the products, whether they are banned, controlled, or have free entry (see Appendix II).

Additional documents may include:

- Zoosanitary or Phytosanitary certificate
- Inoculation certificate
- Laboratory test certificate
- Fumigation treatment certificate

For veterinary medicine

- Officially Approved Laboratory test certificate
- Manufacturer, type of medicine, net quantity
- Usage
- Storage method and expired date

#### Shipment and customs clearance

#### Shipment

Depending on the product, Haitian legislation requires that the manifest provide additional information, such as transport temperature, net weight or quantity and packaging type.

#### Verification process

At the arrival port, SGS reviews the documentation to ensure that all requirements are met and if physical inspection is required. In addition, SGS confirms the customs classification and submits the customs value of the imported goods.

#### Physical Inspection

A physical inspection may be conducted by an inspector of the DQCSPAP to verify the documents and control the status of imported goods. For live animals, the inspector may recommend fifteen days in quarantine before release of the animal. If the inspection reveals anything abnormal, the goods may be confiscated or returned to the exporting country.

#### Customs payments

Customs duties and taxes are required for goods clearance. 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. Taxes include the verification fee (5 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 Special Duty (1 percent of CIF). The payment of customs duties and taxes is collected by Credit National Bank (BNC in French), which is commissioned by Haiti Central Bank (BRH in French).

#### Custom Clearance

The Customs office requires all importers fill out the customs declaration and submit the following documents for customs clearance:

- Declaration Prior to Import (DPI)
- Original of Certificate of Verification (AV)
- Customs declaration
- Bill of lading
- Freight cost certifcate
- List of products
- Commercial invoice
- Import permit, if required
- Zoosanitary or phytosanitary certificate, if required
- Certificate of origin

#### Import procedures (French version)

http://haiticommerce.gouv.ht/Pl/Home/ProceduresImportation.aspx#Exigences-Sp%C3%A9cifiquesaux-Produits

#### Sample of SGS import request form (French version)

http://haiticommerce.gouv.ht/Download\_Document/01.%20Declaration%20prealable%20a%20l'importa tion.pdf

Sample of import permit form from quarantine office (French version)

http://haiticommerce.gouv.ht/Download\_Document/0.09%20Permis%20d'importation%20-%20Materiel%20Vegetal.pdf

Sample of SGS verification request form (French version)

http://haiticommerce.gouv.ht/Download\_Document/02.%20Attestation%20de%20Verification.pdf

### Section X. Copyright and/or Trademark Laws

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.

# **Appendix I: Key Government 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 https://agriculturequarantaine.gouv.ht/index.html
- Ministry of Trade and Industry (MCI)
   6, Legitime Street
   Port-au-prince, Haiti POX 00116
   Tel: (509) 2943-4488
   www.mci.gouv.ht
- 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 <u>http://www.cfihaiti.net/</u>
- Ministry of Public Health and Population 1 J. Roumain Street, Maïs-Gate Road (509) 2816-1442 <u>http://mspp.gouv.ht/</u>
- General Administration of Customs

   Blvd La Saline, Du Quai & Des Fonts-forts Streets

   Port-au-prince, Haiti

   <a href="http://www.douane.gouv.ht/">http://www.douane.gouv.ht/</a>
- 7) APN 1 Blvd La Saline, Du Quai & Des Fonts-forts Streets Port-au-prince, Haiti <u>http://www.apn.gouv.ht/</u>

# Appendix II: 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. - Partial list of controlled agricultural products

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

Ban on Dominican wheat flour import (French version)

http://www.mci.gouv.ht/index.php?option=com\_content&view=article&id=324%3Afarine&catid=1%3 Anouveautes&Itemid=227&lang=en

Controlled and restricted products http://haiticommerce.gouv.ht/Pl/Home/ListeProduitProhibited.aspx

# Table 4. – List of prohibited products to terrestrial port of entry

Number	Products	Entry	Port of entry
1	Wheat flour	Air/sea	Port-au-prince & Cap-Haitian
2	Grey cement	Air/sea	All ports
3	Edible oil	Air/sea	Port-au-prince & Cap-Haitian
4	Laundry soap	Air/sea	Port-au-prince & Cap-Haitian
5	Powder detergent	Air/sea	Port-au-prince & Cap-Haitian
6	Foam packaging	Air/sea	Port-au-prince & Cap-Haitian
7	Drinking water	Air/sea	Port-au-prince & Cap-Haitian
8	Automotive paints and products	Air/sea	Port-au-prince & Cap-Haitian
9	Cooking butter	Air/sea	Port-au-prince & Cap-Haitian
10	Butter	Air/sea	Port-au-prince & Cap-Haitian
11	Construction iron	Air/sea	Port-au-prince & Cap-Haitian
12	Pasta	Air/sea	Port-au-prince & Cap-Haitian
13	Steel and metal sheet	Air/sea	Port-au-prince & Cap-Haitian
14	PVC pipe	Air/sea	Port-au-prince & Cap-Haitian
15	Powdered drinks	Air/sea	Port-au-prince & Cap-Haitian
16	Soda	Air/sea	Port-au-prince & Cap-Haitian
17	Beer	Air/sea	Port-au-prince & Cap-Haitian
18	Snack (cheeco)	Air/sea	Port-au-prince & Cap-Haitian
19	Corn meal	Air/sea	Port-au-prince & Cap-Haitian
20	Mattress	Air/sea	Port-au-prince & Cap-Haitian
21	Heavy construction equipment	Air/sea	Port-au-prince & Cap-Haitian
22	Plastic household equipment	Air/sea	Port-au-prince & Cap-Haitian
23	Cookies	Air/sea	Port-au-prince & Cap-Haitian

# Prohibited products to terrestrial port of entry (French version)

 $\frac{http://www.haiticommerce.gouv.ht/Download_Document/196.\%20Communique\%20rectificatif\%20relatif\%20aux\%20lieux\%20de\%20dedouanement\%20de\%20certains\%20produits\%20importes.pdf}{}$ 

Animal and animal products	Disease controlled from	Disease prohibited from affected
	affected country	farm
Poultry, chicks, fertile eggs	Avian influenza	Gumboro
	Fowl plague	Avian Leukosis Mycoplasmosis
		Mareck disease
		New Castle
		Avian Tuberculosis
		Infectuous Bronchitis
		Avian Chlamydia
		Infectuous Laryngotracheitis
		Pullorosis
		Duck Virus Enteritis
		Duck Virus Hepatitis
Larvae, alevin, fish and crustacean		Haemorragic Septicemia
for reproduction		Heamatopoietic Necrosis
I. T.		Herpes Virus
		Salmon viral disease
		Spring Viremia of Carp
Bee		Foulbrood
		Nosema Disease
		varroasis
African bee	Prohibited	Prohibited
Rabbit	Rabbit Haemorragic Disease	Rabbit Pasteurellosis
i doon	Myxomatosis	Papillomatosis
	Tularemia	Scab
	Tututetinu	Smallpox
Pork	Foot-and-mouth disease	Atrophic Rhinitis
TOIR	African Swine Fever Pest	Aujesky Disease
	Classic Swine Fever	Transmissible gastroenteritis
	Vesicular Exanthema	Glasser disease
	Vesicular Disease	Brucellosis
	Porcine Enzootic	Mycoplasmosis
		Tuberculosis
	Encephalomyelitis Trichinellosis	
	Trichinenosis	Leptospirosis
		Parvovirosis
		Cysticercosis
		Scab
		Porcine Reproductive and
		Respiratory Syndrom
Equine	African horse sickness	Equine Rhinopneumonitis
	Glanders	Scab
	Dourine	Equine Arthritis

### Table 5. - Partial list of pest and disease controlled by quarantine measures in Haiti

	Trypanosomiasis	Equine smallpox
	Vesicular stomatitis	Epizootic Lymphangitis
	Contagious Equine Metritis	Equine encephalomyelitis
Destina	Equine infectious Anemia	Gasterophylosis
Bovine	Foot-and-Mouth Disease	Bovine Viral Diarrhea
	Bovine spongiform	Infectious bovine Rhinotracheitis
	Encephalomyelitis	Brucellosis
	Contagious Peripneumonia	Tuberculosis
	Rinderpest	Leptospirosis
	Vesicular stomatitis	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
		Leptospirosis
Small ruminant	Foot-and-Mouth Disease	Brucellosis
	Small ruminant plague	Tuberculosis
	Small ruminant page	Leptospirosis
	Ovine catarrhal	Contagious Ectyma
	Vesicular Stomatitis	Scab
	vesteurar Stomatrus	Goat encephalitis
Frozen meat	Foot-and-Mouth Disease	
	Vesicular stomatitis	
	Porcine vesicular Disease	
	Rinderpest	
	Fièvre catarrhale du mouton	
	Classic Swine Fever	
	African Swine Fever	
	Avian Influenza hautement	
	pathogène Shaan and goat nou	
	Sheep and goat pox	
	Bovine Spongiform	
	Encephalopathy	