

Rwanda

Ministerial Order determining Modalities and Time Limits for Confining any Means of Conveyance and Action to be Taken with Regard to Unlawfully Imported Plants, Plant Products and Regulated Articles

Ministerial Order 13-MO11 of 2017

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Ministerial Order determining Modalities and Time Limits for Confining any Means of Conveyance and Action to be Taken with Regard to Unlawfully Imported Plants, Plant Products and Regulated Articles
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Commenced on 7 August 2017

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The Minister of Agriculture and Animal Resources;

Pursuant to the Constitution of the Republic of Rwanda of 2003, revised in 2015 especially in Articles 121, 122 and 176;

Pursuant to Law n° 16/2016 of 10/05/2016 on plant health protection in Rwanda, especially in Articles 11 and 17;

After consideration and approval by Cabinet in its session of 30/06/2017;

HEREBY ORDERS:

Article One – Purpose of this Order

This Order determines:

- 1° modalities for confinement, holding, treatment or destruction of a plant, a plant product or any other product unlawfully imported;
- 2° the time limit for confinement, holding, treatment or destruction of a plant, a plant product or any other product unlawfully imported;
- 3° modalities for confining a vessel, a vehicle, a train, an aircraft or any other means of conveyance which carries a regulated article.

Article 2 – Modalities for confinement, holding, treatment or destruction of a plant, a plant product or any other product unlawfully imported as well as its container

The following measures are taken on a plant, a plant product or any other regulated article as well as its container illegally imported:

1° confinement:

where a consignment is suspected of being non-compliant with regulations, it is confined within three (3) days, locked, placed in a designated location or remains in its container pending a decision taken by the competent authority;

2° to quarantine:

where a consignment does not comply with the requirements and the situation cannot be immediately rectified, it is put in quarantine station of plants within fourteen (14) days counted from the day it was quarantined;

3° treatment of pests:

if, after the examination of a quarantined consignment, it is established that the consignment contains pests, the competent authority decides on the treatment of the pests within fourteen (14) days counted from the day the final decision on the presence of the pests on the consignment was taken;

4° to destroy:

if the consignment cannot be treated of the pests and cannot be re-exported to its origin, it is then destroyed. This is done in a designated location after consultations with other authorities within fourteen (14) days counted from the day the decision of destruction was taken and the cost is borne by the owner of the consignment.

Article 3 – Modalities for confining a vessel, a vehicle, a train, an aircraft or any other means of conveyance

Where the inspector confines a vessel, a vehicle, a train, an aircraft or any other means of conveyance that carries a plant, a plant product or any other regulated article that is non-compliant with regulations, he/she is required to do the following:

- 1° to place it in a designated location pending a decision taken by competent authorities within twenty four (24) hours counted from the day it was placed in the designated location;
- 2° to inform, in a written notice, the owner of the consignment or a regulated article, the decision taken within twenty four (24) hours counted from the day the final decision was taken, stating reasons for confinement;
- 3° after examination, an inspector informs the owner of a vessel, a vehicle, a train, an aircraft or any other means of conveyance the final decision taken within fourteen (14) days, counted from the day the owner of the consignment was informed of the decision of confinement of a consignment or regulated article.

Article 4 – Appeal

In case of disagreement with the inspector's decision in accordance with Articles 2 and 3 of this Order, the importer lodges an appeal to the Head of the Institution in charge of plant health protection in Rwanda.

Article 5 – Administrative fine

A person who illegally imports any plant/plant product or a regulated article is liable to an administrative fine of fifty thousand Rwandan Francs (50,000) payable to the public treasury.

Article 6 – Repealing provision

All prior provisions contrary to this Order are repealed.

Article 7 – Commencement

This Order comes into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.