

**ASSEMBLY
OF
FRENCH POLYNESIA**

COUNTRY LAW

SCHEDULE to the Country Law No. 2013-12 regulating, for protection purposes in matters of biosecurity, the introduction, import, export and inter-island transport of living organisms and their by-products, published in the Official Journal of French Polynesia No. 16 NS of 06 May 2013.

Definitions

For the purposes of this Country Law and the texts adopted for its enforcement, the following terms shall have the following meanings:

- 1) *Feed for animals*: any processed product, partially processed product, or unprocessed product, intended for feeding animals by mouth;
- 2) *Feed of animal origin*: any feed of animal origin and also those that contain both products of plant origin and products of animal origin;
- 3) *Risk analysis*: step involving identifying hazards, risk appraisal, risk management and the communication regarding the risk;
- 4) *Animals*: all living animals, their gametes intended for reproductive purposes and hatching eggs, except living animals prepared for human consumption;
- 5) *Audit*: a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives;
- 6) *Phytosanitary certificate*: an official document in conformity with the templates of the International Plant Protection Convention and which certifies the phytosanitary condition of a shipment that is subjected to phytosanitary regulations;
- 7) *Compartment*: means an animal sub-population that is kept in one or more farms, and which depends on a common biosecurity management system, and characterised by a distinct health status with regard to one or more particular

diseases against which specific surveillance, prophylactic and biosecurity steps have been taken for the purpose of international trade;

- 8) *Control*: any form of control carried out by the agents of the competent authority, the persons or control bodies empowered by this country law in order to check the compliance with regulations as far as biosecurity is concerned, in international or inter-island trade;
- 9) *Documentary control*: the examination of commercial documents and, if necessary, of the documents that come with the batch and are required by regulations. Documents may be in written or electronic format.
- 10) *Onboard waste*: kitchen and catering waste, and packages and other objects soiled by this waste, kitchen wastewater, refuse and wastewater coming from spaces used for carrying animals, coming from transport means operating at the international or inter-island level;
- 11) *Food or foodstuff*: any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans. It includes drink, chewing gum and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment.
The term “food” or “foodstuff” does not include feed, live animals unless they are prepared for placing on the market for human consumption, plants prior to harvesting, medicinal products, cosmetics, tobacco and tobacco products, narcotic or psychotropic substances within the meaning of the United Nations Single Convention on Narcotic Drugs, 1961, and the United Nations Convention on Psychotropic Substances, 1971, residues and contaminants;
- 12) *Food of animal origin*: any foodstuff containing more than 2% of products of animal origin, including honey and blood, and any foodstuff containing both products of plant origin and more than 2% of products of animal origin;
- 13) *Ballast water*: water and its suspended matter taken aboard a vessel in order to control the trim, list, draught, stability and the constraints. This definition includes the sediments coming from ballast water settled in a vessel;
- 14) *Inter-island exchanges*: the transport of a good from one island to the other within French Polynesia;
- 15) *International exchanges*: the introduction, import and export of goods;
- 16) *Species threatening biodiversity*: a species whose introduction by humans (voluntary or accidental), establishment or spread threatens ecosystems, habitats and native species resulting in negative social, cultural, ecological, economic and health consequences;

- 17) *Packaging*: any product made of materials of any kind, intended to contain and to protect given goods, to allow their handling and their transport from the producer to the consumer or user and to ensure their presentation. it is made up of:
- a sales package or primary package conceived so as to constitute a sales unit to the final user or consumer at the point of purchase;
 - grouped package or secondary package so as to constitute a group of a certain number of sales units; it can be removed from the product without modifying its characteristics;
 - transport package or tertiary package conceived so as to facilitate handling and transport of a certain number of sales units;
- 18) *Shipment*: a set of articles shipped from one country to the other and covered, if necessary, by one phytosanitary, veterinary or health certificate (a shipment may consist of several goods or batches);
- 19) *Re-exported shipment*: a shipment introduced or imported into a country from which it is then re-exported. The shipment may be subject to storing, splitting, grouping with other shipments or renewal of its packaging;
- 20) *Equivalent*: able to achieve identical objectives;
- 21) *Gamete*: means pollen, semen, ova or unfertilised animal eggs;
- 22) *Free island*: an island in which a specific pest, disease or species threatening biodiversity does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained;
- 23) *Infested island*: an island in which a specific pest, disease or species threatening biodiversity does occur.
- 24) *Phytosanitary inspection*: the official visual inspection of plants, plant products or other regulated items in order to determine the presence or absence of harmful organisms and/or make sure the phytosanitary regulation is complied with;
- 25) *Pass*: the official document that authorises the import of a good according to specified requirements;
- 26) *Batch*: a quantity of goods of the same nature and covered by the same documents, carried by the same means of transport and coming from the same country or from the same area of a country;
- 27) *Official control*: the active implementation of mandatory biosecurity regulations and the application of mandatory biosecurity measures aiming to eradicate or stop organisms harmful to plants, species threatening biodiversity or animal communicable diseases;

- 28) *Animal communicable diseases*: an animal communicable disease that must be declared (notifiable disease) or an animal communicable disease subject to animal health measures according to the order No. 760 CM of 04 June 2007, as amended, relating to the nomenclature of notifiable animal communicable diseases and animal communicable diseases subject to animal health measures and the conditions relating to their declaration;
- 29) *Goods in customs custody*: goods that have been introduced and are either:
- a) Waiting for the application of a customs status;
 - b) Placed under the customs status of temporary admission;
 - c) Placed in a customs warehousing or industrial facility;
 - d) Placed in works operated by customs;
 - e) Or placed in a free zone.
- 30) *Pathological material*: samples collected from live or dead animals, containing or likely to contain infectious or parasitic agents, and intended to be sent to a laboratory;
- 31) *Micro-organism*: any microbiological entity, cellular or non-cellular, capable of replication or of transferring genetic material, including prions, viruses, viroids, plant and animal cell cultures;
- 32) *Pathogenic micro-organism*: any collection or culture of organisms or any derivative either on its own or in recombinant form of such collection or culture of organisms which may cause disease in any living being (except humans) and any modified derivatives of these organisms which can carry or transmit an animal or plant pathogen. This definition does not include immunological veterinary medicinal products.
- 33) *Organisms harmful to plants*: all regulated pests of plants or plant products, including those having an adverse impact on the environment, which belong to the animal or plant kingdoms, or which are viruses, mycoplasmas or other pathogens;
- 34) *Cruise ships*: cruise ships as defined in article LP1 of the Country Law No. 2010-13 of 07 October 2010, as amended, making provisions for cruise ships operating tourist cruises in French Polynesia;
- 35) *Prior import permit*: the official document authorising the introduction of a good according to specified requirements;
- 36) *Control plan*: a description drawn up by the competent authority, containing general information about the structure and organisation of its control systems;
- 37) *Products of animal origin*: foodstuffs of animal origin, including honey and blood; living bivalve molluscs, echinoderms, tunicates and marine gastropods for human

consumption; and other animals destined to be prepared with a view to being supplied live to the final consumer;

38) *Plant products*: products of plant origin in unprocessed state or having undergone only simple preparation, such as milling, drying or pressing, but excluding plants;

39) *Ship's and aircraft's stores*: the various products for consumption by the crew and passengers of vessels or aircraft;

40) *Quarantine*: is the means by which live animals or plants are maintained in isolation, with no direct or indirect contact with other animals or plants, in order to place them under observation during a determined period of time and, if necessary, to submit them to diagnosis tests or to treatments, including the proper treatment of wastewater;

41) *Rejection*: the refusal to import a shipment or any other regulated item that does not comply with the requirements laid down by this Country Law;

42) *Animal by-products*: means entire bodies or parts of animals of dead animals, products of animal origin or other products obtained from animals, not intended for human consumption, including oocytes, embryos and semen not intended for reproduction purposes;

43) *Quarantine station*: set of premises intended to ensure the isolation of plants and animals placed in quarantine;

44) *Phytosanitary treatment*: the official procedure for the destruction, deactivation, elimination or sterilisation or organisms harmful to plants, or for devitalisation.

45) *Plants*: living plants and parts of living plants, including gametes and semen;

46) *Area*: means a clearly delineated part of the territory of a country, which has an animal sub-population characterised by a distinct health status with regard to a particular disease against which surveillance, prophylactic and biosecurity measures required for international trade, are applied: For aquatic animals, an area means a part of country or of a set of countries including:

- a) *An entire watershed from the spring of a stream down to the estuary or the lake, or*
- b) *More than a watershed, or,*
- c) *A section of a watershed from the spring of a stream down to a barrier which prevents the introduction of one or more particular diseases, or*
- d) *A part of the coastal area with clearly delineated geographical contours; or*
- e) *An estuary with clearly delineated contours*