PROCLAMATION No. 819/2014

A PROCLAMATION TO PROVIDE FOR LIVE ANIMALS MARKETING

WHEREAS, it has become necessary to put in place a modern and efficient market structure that enables to supply live animals, competitive in quality and price, to domestic and export markets;

WHEREAS, it has become necessary to develop efficient and cost effective live animals market structure supported by up-to-date information and yields proper benefit to live animal breeders, traders, consumers and the country;

NOW, THEREFORE, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia it is hereby proclaimed as follows:

PART ONE
GENERAL

1. Short Title
This Proclamation may be cited as the “Live Animals Marketing Proclamation No. 819/2014”.

2. Definitions
In this Proclamation unless the context requires otherwise:

1/ “live animal” includes cattle, sheep, goat, camel and other animals to be designated as such by the Ministry;

2/ “live animals marketing” means a process that includes selling, buying and transporting of live animals, feedlot letting and other marketing related activities;
first level or second level live animals market center" means a place designated by the appropriate organ for marketing of live animals in accordance with this Proclamation;

“market actors” include breeders, feedlot operators, exporters, abattoirs, butchers, cooperative societies and consumers participating in live animals marketing;

“breeder” means any person raising animals;

“feedlot operator” means a person who buys live animals from first level live animals market centers and fatten them for 4 months and supplies to second level live animals market centers;

“exporter” means a person exporting live animals or meat and meat products;

“abattoir” means a person that slaughters live animals and prepares and processes meat and meat products to supply for market or that provides slaughter house service to butchers and consumers;

“butcher” means a person that supplies meat to consumers;

“cooperative society” shall have the meaning given to it by the relevant law governing cooperative societies;

“consumer” means an individual who buys live animals or meat for household consumption and includes any person who prepares and sells or otherwise supplies food to clients;

“auction” means a marketing modality by which price is determined and transfer of ownership is effected through transparent bidding under the direction of an auctioneer in the presence of sellers and buyers;

“auctioneer” means a person designated by the appropriate organ to conduct auctions independently;
14/ "dealing" means a marketing modality by which price is determined and transfer of ownership is effected through negotiation between seller and buyer;

15/ "transporting" means trekking or transporting of live animals from one place to another;

16/ "transporting permit" means a permit issued by the appropriate organ to transport live animals from breeding or fattening station or from live animals market center to subsequent destination;

17/ "animal identification" means a system put in place to identify live animals by ear tags or other means of identification while transporting them;

18/ "quarantine station" means a separate enclosed place used to segregate live animals and prevent them from direct or indirect contact with other animals for a limited period to follow up their state of health and, as may be necessary, to administer vaccination or treatment;

19/ "force majeure" includes, without prejudice to the definition given to it in the Civil Code, an outbreak of animal disease in the country, embargo imposed by buyer countries and other similar situations;

20/ "misleading act" means any act misleading or deceiving market actors or government body in the marketing process of live animals;

21/ "certificate of competence" means a certificate issued by the relevant sectoral government institution to a person who fulfills the requirements to engage in the business of marketing of live animals as stipulated under the relevant provisions of the Commercial Registration and Business Licensing Proclamation No. 686/2010;
sectoral government institution” include the federal and regional executive bodies that have direct or indirect relationship implementing and supporting the animal marketing system;

23/ “Ministry” means the Ministry of Trade;

24/ “appropriate organ” means, as the case may be, the Ministry or a regional organ empowered to issue business license;

25/ “region” means any state referred to under Article 47(1) of the Constitution of the Federal Democratic Republic of Ethiopia, and includes the Addis Ababa and Dire Dawa city administrations;

26/ “person” means any natural or juridical person;

27/ any expression in the masculine gender includes the feminine.

3. Scope of Application

This Proclamation shall be applicable to any person directly or indirectly involving in live animals marketing within the country.

PART TWO

LIVE ANIMALS MARKET STRUCTURE

4. Marketing of Live Animals

Marketing of live animals shall be carried out at first level and second level live animals market centers in accordance with Article 5 and Article 6 of this Proclamation.

5. First Level Live Animals Market Centers

1/ The organization and administration of first level live animals market centers shall be determined in accordance with the directive to be issued by the Ministry.

2/ Marketing of live animals at first level live animals market centers shall be carried out:

a) among breeders; or
Marketing of live animals at first level live animals market centers shall be carried out through dealings or auctions.

The prices of live animals at first level live animals market centers shall be determined on the basis of their weight and with reference to their breed, age and physical state.

Any person, except consumers, breeders and cooperative societies, participating at first level live animals market centers shall have valid business license.

Animals not sold at a first level live animals market center shall be returned back to where they came from.

Second Level Live Animals Market Centers

The organization and administration of second level live animals market centers shall be determined in accordance with the directive to be issued by the Ministry.

Marketing of animals at second level live animals market centers shall be carried out between:

a) breeders, as sellers, and exporters, abattoirs, butchers and consumers, as buyers;

b) feedlot operators, as sellers, and exporters, abattoirs, butchers and consumers, as buyers;

c) cooperative societies, as sellers, and exporters, abattoirs, butchers and consumers, as buyers.

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Federal Negarit Gazette No. 30 26th March 2014 …………page 736

3/ Live animals to be supplied to second level live animals market centers shall be fattened live animals.

4/ Marketing of live animals at second level live animals market centers shall be carried out through dealings or auctions.

5/ The prices of live animals at second level live animals market centers shall be determined on the basis of their weight and with reference to their breed, age and physical state.

6/ Any market actor supplying live animals to a second level live animals market center shall supply the animals with:
   a) the identification tags given to the animals;
   b) the animals health certificate; and
   c) a document showing ownership;

and, upon conclusion of sale, deliver the animals to the buyer with such documents.

7. Live Animals Health Control

1/ The health of live animals marketed at a first level live animals market center shall be checked by a veterinarian of the market center and be given identification tags.

2/ Pre-marketing health check shall be conducted on live animals at a market center in accordance with the directive to be issued by the Ministry of Agriculture before purchasing and transporting them to the subsequent destination.

3/ The appropriate organ shall cause the taking of proper subsequent measure on live animals supplied to a market center and found with symptoms of disease during health check.

4/ Live animals destined for export shall be given animal health certificate after following up their health condition at a quarantine station that meets the required standard.

8. Transportation of Live Animals

1/ Live animals different in breed, sex or age group shall be transported without mixing them.
PART THREE

RIGHTS AND OBLIGATIONS OF MARKET ACTORS

9. Rights and Obligations of Breeders

1/ Any breeder shall have the right to sell live animals raised by him at first or second level live animals market center or to export them directly.

2/ Any live animal breeder shall have the obligations to:

a) sell his live animals only at live animals market centers and effect delivery at places determined by the appropriate organ if he decides to sale for domestic market;

b) possess live animals health certificate, transporting permit and identification tags to supply fattened animals to a second level live animals market center and deliver such documents to buyers during transfer of ownership;

c) respect and implement decisions of the appropriate organ with respect to live animals supplied to a live animals market center and found with symptoms of disease; and

d) present live animals destined for export to a quarantine station and obtain animal health certificate.

10. Rights and Obligations of Feedlot Operators

1/ Notwithstanding sub-article (2) (b) of this Article, a feedlot operator having his own butchery shall have the right to slaughter the live animals without being required to supply them to a second level market center.
Any feedlot operator shall have the obligation to:

a) have his own or rented feedlot station satisfying the required criterion and obtain certificate of competence and business license;

b) supply his fattened live animals only to second level live animals market centers and effect delivery at places determined by the appropriate organ;

c) possess live animals health certificate, transporting permit and identification tags to supply the animals to a live animals market center and deliver such documents to buyers during transfer of ownership;

d) respect and implement decisions of the appropriate organ with respect to live animals supplied to a live animals market center and found with symptoms of disease;

e) record the daily live animals purchase and sales volume in quantity and value, and furnish such information to the appropriate organ when requested;

f) respect the provisions of this Proclamation and regulations and directives issued hereunder.

The provisions of sub-article (2)(a) of this Article shall also be applicable with respect to feedlot letting services.

11. Obligations of Exporters

Any exporter shall have the obligation:

1/ if he exports live animals, to have his own or rented feedlot station or transit barn satisfying the requirements and obtain certificate of competence and export business license;
if he exports meat and meat products, to have his own or rented export abattoir satisfying the requirements and obtain certificate of competence and export business license;

to purchase live animals only from live animals market centers and take delivery of them at places determined by the appropriate organ;

to purchase live animals in compliance with pre-purchase health and quality control directive issued by the Ministry of Agriculture;

to present live animals destined for export to quarantine station and obtain animal health certificate;

to possess live animals health certificate and transporting permit to transport live animals from feedlot and quarantine stations to port and show such documents to the appropriate organ when requested;

unless there is special authorization by the appropriate organ, to export only those live animals destined for export in accordance with the provisions of this Proclamation and regulations and directives issued hereunder;

in the absence of force majeure, not to sell at domestic market live animals destined for export;

to record the daily live animals purchase and export sales volume in quantity and value, and furnish such information to the appropriate organ when requested;

to conclude export sale contract showing the correct sales price and register the contract with the National Bank of Ethiopia in not more than 72 hours after the conclusion of the contract and notify same to the Ministry and other concerned bodies within 5 working days;

to execute the export sales contract entered with a buyer within the agreed time unless an extension of time has been authorized by the National Bank of Ethiopian on justifiable grounds;
12. Obligations of Live Animals Transporters

Any live animal transporter shall have the obligation to:

1/ have a truck satisfying the requirements for transporting live animals and obtain certificate of competence and business license;

2/ transport only those live animals to be supplied to market or purchased and be transported to the next destination in accordance with this Proclamation;

3/ transport live animals without mixing those different in breed, sex and age group;

4/ possess transporting permit while transporting live animals and show same to the appropriate organ when requested and allow inspection of the loading conditions of the animals;

5/ respect the provisions of this Proclamation and regulations and directives issued hereunder.

13. Obligations of Abattoir Operators

Any abattoir operator shall have the obligation to:

1/ have his own or rented abattoir satisfying the requirements and obtain certificate of competence and business license;

2/ without prejudice to slaughter live animals from his own feedlot, purchase live animals only from live animals market centers;

3/ respect the provisions of this Proclamation and regulations and directives issued hereunder.
14. **Obligations of Butchers**

Any butcher shall have the obligation to:

1/ have his own rented butchery house satisfying the requirements and obtain certificate of competence and business license;

2/ purchase live animals only from live animals market centers; and

3/ respect the provisions of this Proclamation and regulations and directives issued hereunder.

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**PART FOUR**

**MISCELLANEOUS PROVISIONS**

15. **Powers and Duties of the Appropriate Organ**

Without prejudice to the powers and duties under other laws and other provisions of this Proclamation, the appropriate organ shall have the powers and duties to:

1/ designate live animals market centers and ensure that they meet the required criteria;

2/ authorize the selling and buying of live animals through dealings or auctions and assign auctioneers;

3/ ensure that health check is conducted on live animals supplied to domestic or export market and provide with health certificate and ownership document;

4/ monitor the quality standards of live animals to be supplied to export market;

5/ take appropriate administrative measure on any market actor who distorts live animals marketing process through misleading act;

6/ issue business license to persons who have obtained certificate of competence to engage in the business of marketing live animals;

7/ establish and implement live animals identification system;
II. Duty to Cooperate

Every person shall have the obligation to cooperate with the Ministry and the appropriate organ in the implementation of this Proclamation, regulations and directives to be issued hereunder.

17. Penalties

1/ Any person who sales or supplies for sale or buys live animals at a place other than a market center shall be confiscated the animals provided, however, that if it is conducted by a person other than a person who buys for domestic consumption or who sales live animals raised by him, it shall, in addition, be punishable with simple imprisonment not exceeding two years and with fine not exceeding Birr 30,000.

2/ Any person who transfers his business license to third party or harbors or creates conducive condition for foreigners to engage in the business of marketing live animals shall, in addition to the confiscation of the live animals, be punishable with simple imprisonment not exceeding five years and with fine not exceeding Birr 150,000.

3/ Any person, except breeders, who engages in marketing of live animals with the same category of market actor shall, in addition to the confiscation of the live animals, be punishable with simple imprisonment not exceeding one year and with fine not exceeding Birr 15,000.
Federal Negarit Gazette No. 30 26th March 2014

4/ Any person who supplies to export market live animals which have not completed their quarantine time shall be punishable with simple imprisonment not exceeding five years and with fine not exceeding Birr 150,000.

5/ Any foreigner who, except supplying live animals raised at his own breeding station to market centers or directly exporting them, engages in the business of marketing live animals shall be punishable with simple imprisonment not exceeding six months and with fine not exceeding Birr 50,000 and thereafter shall be deported.

6/ Any person who commits a misleading act in the process of marketing live animals shall be punishable with simple imprisonment not exceeding four years and with fine not exceeding Birr 60,000.

7/ Any person who treks or causes the trekking of live animals in a city prohibited in accordance with the directive issued by the Ministry shall, in addition to the confiscation of the live animals, be punishable with simple imprisonment not exceeding six months and with fine not exceeding Birr 5,000.

8/ Any person who treks or causes the trekking of live animals beyond the permitted distance from market center or breeding or feedlot station to the next destination shall be punishable with simple imprisonment not exceeding six month and with fine not exceeding Birr 5,000.

9/ Any person, other than a person who buys for domestic consumption, who transports live animals from market center or breeding or feedlot station to the next destination without having a transporting permit or through a route other than that specified in the transporting permit shall be punishable with simple imprisonment not exceeding one year and with fine not exceeding Birr 15,000.

10/ Any transporter who transports illegally marketed live animals shall be punishable with simple imprisonment not exceeding two years and with fine not exceeding Birr 30,000.
11/ Any person who demands additional payment or hinders the movement of live animals being transported from market centers or breeding or feedlot stations to the next destination shall be punishable with simple imprisonment not exceeding one year and with fine not exceeding Birr 15,000.

12/ Any person who commits any other offence in violation of the provisions of this Proclamation or regulations or directives issued hereunder shall be punishable with simple imprisonment not exceeding six months and with fine not exceeding Birr 5,000.

13/ A legal person which participates in the commission of offence under this Article as provided in Article 34 of the Criminal Code shall be punishable in accordance with Article 90 of the Code.

18. Power to Issue Regulation and Directive

1/ The Council of Ministers may issue regulations necessary for the implementation of this Proclamation.

2/ The Ministry may issue directives necessary for implementation of this Proclamation and regulations issued pursuant to sub-article (1) of this Article.

19. Effective Date

This Proclamation shall enter into force on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa, this 26th day of March, 2014.

MULATU TESHOME (DR.)

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA