

## Mission Report

Twining Project : BA05-IB-AG-01

<b>Name of Expert:</b>	
DR. BAMBAUER	
<b>Activity No.</b>	<b>Date(s) of visit:</b>
2.2	02.04. – 06.04.2007

### 1. Identification

- Activities to be undertaken according to the Terms of Reference
  1. Validate the last missions results in particular the composition of the working group and the working structure
  2. Discussion and preparation of the legislative frame for animal health, veterinary public health and animal welfare secondary legislation.
  3. Exemplary work out of a piece of secondary legislation regarding animal health or public health matter (i.e. for BR, TB, ND, TSE, ASF ...)
  4. Discussion of the programs and plans for disease surveillance, control and eradication in the light of the existing and future planned legislation and – if required – work out of a framework for necessary adoptions to be drafted.
  5. Definition of “to do” list for the Task-Force “legislation” to be accomplished until next expert mission.
  6. Carry out workshop: how to draft national regulations and directives based on EU legislation and Seminar: “From Thessalonica to Brussels – reform progress of BiH towards the EU accession”
  
- Persons visited:
  - Dr. Nihad Fejsic, Deputy Director, State Veterinary Service
  - Darko Cobanov, Veterinary Epidemiologist, State Veterinary Service
  - Dr. Alija Ceremic, Senior Expert
  - Dr. Kazimir Juric, Senior Expert, State Veterinary service
  - Zorana Mehmedbasic, State Veterinary service
  - Dr. Karoline Schollmeyer, RTA, TwiningBA05/IB/AG-01
  - Dr. Edin Lendo, RTA Assistant
  - Dr. Haunhorst, President, Lower Saxony Office for Consumer Protection and Food Safety (LAVES)
  - Dr. Grugel, President, Federal Office for Consumer Protection and Food Safety (BVL)
  - Dr. Drago Nedic, Senior Veterinary Officer, Republica Srbska

## 2. Description of activities during visit

The results have been worked out through **work group sessions** from Tuesday, the 03.04. to Thursday 05.04. in the office of the Deputy Director of the State Veterinary Office. **Participants in the work group were:** Dr. Alija Ceremic, Dr. Kasimir Juric, Dr. Darko Cobanov, Dr. Ulrich Lemmer (Monday and Tuesday), Dr. Bambauer. The sessions have been supported by Mr. Almir Comor, interpreter (Wednesday and Thursday).

Interviews with different competent staff of the State Veterinary Office have been held on Monday, the 02.03.2007.

**Dr. Drago Nedic** was met on Friday, the 06.04.2007 in Bijeljina.

Due to the shortage of time **ToR points 4 and 6 of the ToR have been discussed only superficial.** On the consultants opinion the conduction of a seminar: "From Thessalonica to Brussels – reform progress of BiH towards the EU accession" will not have essential influence on the creation of veterinary legislation and was therefore in agreement with the beneficiaries not given priority during this mission. The workshop: how to create national veterinary legislation was carried out in a practical way by creating legislation.

## 3. Results

**The mission targets were:**

- Creation of a working group for the drafting of veterinary legislation in definition of the tasks of the working group legislation
- Drafting of an exemplary piece of veterinary legislation
- Discussion of the existing gaps and constraints

**Result 1:**

*Evaluation and definition of the stand of play with regard to veterinary legislation:*

**Presently there is no working group for drafting legislation operational.** The management has created in 2006 a "Task Force" legislation, but there was no progress and no legislation drafted from this group so far. The member of the present "Task Force" are the heads of the veterinary services in State and Entities including Brcko District. It must be assumed that the Chief veterinary officers do not have enough time available to work out veterinary provisions.

**Therefore the formal installation and authorisation of a working group legislation composed out of members of the State and Entity veterinary services who can dedicate certain time to the task seems to be necessary.**

The Task force may be regarded as an overseeing and supervision body.

The recommendation of formally installing a working group on legislation composed out of members of the working level of the State and the Entities including Brcko District was provided through an office note at the end of the mission (Annex 1).

Anyway, a number of key points for the working group shall be listed below:

- **Installation and Authorisation:** Through Chief Veterinary Officer of BiH
- **Members:** Staff of the working level of State and Entities including Brcko District veterinary staff. The members from the Entities are nominated by the Entities. The laboratories are invited to participate (as advisory panel) if needed on request of the working group. The preliminary proposal is: Dr. Alija Ceremic, Dr. Kazimir Juric, Dr. Joso Grbavac, Dr. Darko Cobanov, 2 member from RS as nominated by Dr. Nedic.
- **Methodology:** The group will select a chairman among the members itself. The chairman is responsible for the coordination of the meetings and the invitations. The drafting of the legislation is the sole responsibility of the working group all activities in this matter have to go through the working group. The working group shall meet on a monthly basis. The members have the task to work out certain provisions at home as well. At the meetings the proposals shall be discussed and a draft final version agreed. As model and help can serve this report and the annexes. The results shall be forwarded to the "Task Force legislation" for review.
- **Payments:** As agreed with the CVO
- **Timeframe:** Monthly meetings,
- **Results:** Until September, The results shall be forwarded to the "Task Force legislation" for review.
- **Review:** First review in September/October 2007

## **Result 2**

### Legislative Framework:

**Top priority** is the amendment of the Veterinary Law for Bosnia and Herzegovina. Annex 2 contains a draft of the amendment as it was discussed and agreed with the experts during the mission. On the opinion of the consultant the existing law is not workable (too complicated) and leaves too many gaps at the same time.

**Priority has the creation of certain regulations** in line with the EU provisions.

Table 1 contains a positive list of presently required secondary legislation in BiH or legislation which needs to be brought in line with EU provisions. Table 2 contains the EU Legal provisions for regulations as listed in Table 1.

**Furthermore the existing veterinary legislation should be collected in a list.** It is recommended create the secondary legislation for animal disease control entirely new. To do so shall facilitate drafting of legislation according to EU requirements. Amendments of unsuitable provisions are often more difficult than to create new ones. The existing legislation should be collected and in line with the enforcement of the newly drafted legislation abolished.

**Please note:** Nothing is worse in a legal system than to have legal provisions but no instruments for implementation and enforcement. In this case beneficiaries of legislation will get to used to a situation that legislation does not have any consequences and will not obey provisions. This might be widespread in BiH already.

Therefore the **step by step creation and enforcement** of veterinary regulations (ranked according to priorities) which are in line with EU requirements is essential. It is useless and counterproductive to create too many provisions at a time which can neither be implemented nor enforced.

**Please note:** Some of the existing veterinary legislation is not helpful and should be abolished anyway (i.e. regulation for Nosema or Varroa). Varroa might even not be a notifiable disease, because of the widespread of the disease. Every bee keeper has Varroa and treatment is obligatory anyway.

**Please note:** Notification of diseases is a very helpful instrument for disease control if compensation for measures (i.e. culling or destroying) are available. Therefore: in order to make a disease notifiable the necessary compensation must be available, or the danger exists that the disease, not regarding the legal situation, will not be notified.

**Please note:** The draft of eradication programs and action plans (or similar papers) shall follow the draft of legislation at least go hand in hand. To draft an eradication program or an action plan prior to legal provisions is advantageous if not counterproductive.

**Table 1:** Positive list of presently required secondary legislation in BiH or legislation which needs to be brought in line with EU provisions

<b>Disease</b>	<b>Ranking</b>	<b>Comment</b>
Tuberculosis (cattle)	Priority	Draft see annex 3
Classical swine fever	Priority	
Brucellosis (cattle)	Priority	BR provisions for small ruminants exist already

Rabies	Priority	
Newcastle disease	Priority	
Equine infectious anaemia	Second priority	
Bluetongue	Second priority	
IBR/IPV	Second priority	
TSE	Should be created already	Collaboration with health department or food authority necessary
Trichinellosis	Should be created already	Public health provision
Notification of diseases	Priority	Should be a separate regulation, not recommended to incorporate in the law
Animal ID and movement control	Present already	Needs to be worked over and adopted to present EU provisions

**Table 2:** EU Legal provisions for regulations as listed in Table 1:

Tuberculosis	Council Directives 64/432/EEC, 77/391/EEC, 78/52/EEC, Commission Regulation (EC) 535/2002
Brucellosis	Council Directives 64/432/EEC, 78/52/EEC, 91/68/EEC, Council Decision 90/242/EEC, Commission Regulation (EC) No 535/2002 and Commission Decision 2004/226/EC
Classical Swine fever	Council Directive 2001/ 89/ EC of 23 October 2001 on Community measures for the control of classical swine fever and Commission Decision 2002/ 106/ EC of 1 February 2002 approving a Diagnostic Manual establishing diagnostic procedures, sampling methods and criteria for evaluation the laboratory tests for the confirmation of classical swine fever
ASF (Africal Swine Fever)	Council Directive 2002/60/EC and the Commission Decision 2003/422/EC
Leukosis	Council Directives 64/432/EEC and 78/52/EEC
ND	Directive of 14 July 1992 No. 92/66/EEC
BT	Council Directive . 2000/75/EC
AHS (African Horse Sickness)	Council Directive 92/35/EEC
Certain diseases affecting bivalve	Council Directive 91/67/EEC, concerning

molluscs and crustaceans and animal health conditions governing the placing on the market of bivalve molluscs, crustaceans, and their products	the animal health conditions governing the placing on the market of aquaculture animals and products, Council Directive 95/70/EC introducing minimum Community measures for the control of certain diseases affecting bivalve molluscs, Commission Decision 1999/567/EC laying down the model of the certificate referred to in Article 16(1) of Council Directive 91/67/EEC and Commission Decision 2003/390/EC
Rinderpest, Pest des petits ruminants, Swine vesicular disease, epizootic haemorrhagic disease of deer, sheep pox and goat pox, vesicular stomatitis, lumpy skin disease, and Rift valley fever	Council Directive 92/119/EEC introducing general Community measures for the control of certain animal disease and specific measures relating to swine vesicular disease
TSE	Regulation EC No. 999/2001

### Result 3

#### Workout of legislation:

(A) The amendment of the veterinary law (Annex 2 to this report) for Bosnia and Herzegovina was started during the consultant's mission. The law ( see annex 2) as provided in this draft leaves the necessary authorisation for the creation of secondary legislation , defines the competencies effective and leaves the Entities including Brcko District with the possibilities to draft their own provisions for the veterinary service based on this law. Therefore the law will assure that all Bosnia applies the same measures and procedures for disease control and consumer protection. The following table provides an overview of the chapters and sections of this draft law and their stage of completion:

Table 3: Chapters and sections of the draft veterinary law (annex 2) with comments

Chapter/Section	Title	Comment
Chapter one	Organisation and Operation of the veterinary sector	<b>Prepared and agreed</b> during mission in April; Needs review by task force legislation
Section I	General provisions	<b>Prepared and agreed</b> during mission in April; Needs review by task force legislation

Section II	Organisation of the veterinary service and responsibilities	<b>Prepared and agreed</b> during mission in April; Needs review by task force legislation
Section III	Veterinary Public Health Control Activity	<b>Prepared and agreed</b> during mission in April; Needs review by task force legislation
Section IV	Information System, Reporting and Certification	<b>Prepared and agreed</b> during mission in April; Needs review by task force legislation
Section V	Veterinary Chamber	<b>Prepared and agreed</b> during mission in April; Needs review by task force legislation
Chapter Two	National animal disease control and eradication	<b>Proposal</b> <b>Needs further work out</b> by working group
Chapter Three	Import, Transit, Export of animals, Products or Objects	<b>Proposal</b> <b>Needs further work out</b> by working group Some detailed provisions might be better settled in the regulation for import
Chapter Four	Funding and compensation, Revenues	<b>Proposal</b> <b>prepared by consultant</b> and adopted to Bosnian conditions needs a further reading by the working group
Chapter Five	Supervision	<b>Proposal</b> <b>prepared by consultant</b> and adopted to Bosnian conditions needs a further reading by the working group
Chapter six	Sanctions	Needs to be worked out by working group

It is recommended to continue to work out the existing draft (Annex 2).

(B) Draft TB regulation: A draft TB regulation was discussed. The elaborate is added as Annex 3 to this report.

### Critical Points of Concern:

1. The State Veterinary Office seems to be **understaffed**, additional tasks (drafting of legislation) may be hampered by the daily routine works
2. The State Veterinary office and his departments may suffer from missing a clear and univocal distribution of the competencies and responsibilities. Job descriptions are largely not in place or not clear or empowering enough. A certain culture and modalities of **delegating of works seems not to be in place**. This creates double work, undone work, frictions, unhappy customer, slow processes, less progress and unmotivated staff (lack of own responsibilities).
3. It is recommended to **create a policy** for the State Veterinary Office as a guideline for all officers in the service.
4. **Too much legislation seems to be formally valid but not implemented and executed**. Too much legislation is not in line with EU requirements.
5. The following seems to be not understood widespread: The State is responsible for the State and the Entities for the Entities including Brcko District. The law regulates the competencies and the information exchange and the supervision. **One should not try to do the task of the other one**. Each one should do his own task and rather trust that the other is doing his task as well. Complaints shall be settled through official channels.
6. **Veterinary officers at all levels are largely disappointed** about the slow progress. This creates unmotivated staff. Common goals, transparency and sharing of competencies shall create a better working environment.
7. **Step by step approach**: The legislation which is drafted and enforced must be implemented. That means that the citizens have to obey this legislation, and the administration must have the means (facilities, equipment, other legal instruments, funds) to enforce the provisions. Therefore: not everything can be done at the same time. Things must be prioritised, local administration must be prepared (trainings, supply, ...). Otherwise the country will signal to his citizens of being very weak and people will get used of not obeying provisions.

### 4. Next steps

Please provide details of any follow-up actions:

ACTIVITY NO.	DESCRIPTION	PERSON RESPONSIBLE	DATE
	Letter for	Dr. Schollmeyer	<b>April 2007</b>



	Formal approval of working group legislation through State CVO		<b>April 2007</b>
Twining Project support	Continuation of support of draft of legislation and working group	Dr. Schollmeyer	<b>May to October 2007</b>
Meetings of working group	Draft of vet. Regulation	Members of working group	<b>May to October 2007</b>
Twining project/task force legislation	Review of the achievements of the working group	Task force legislation/Dr. Schollmeyer	<b>October/November 2007</b>

## 5. Conclusion

**The formal installation of a working group entrusted with the task of drafting veterinary legislation in a certain time frame seems to be the key for progress in this matter.** The approval of the working group has to come from the Chief Veterinary officer of BiH in collaboration with the Entities including Brcko District (each entity sends two member in the working group). The veterinary laboratories may form an advisory panel for the working group (three members).

A proposal for the member of the working group with working methodology and time frame has been handed over in Form of an office memorandum (annex 1) at the end of the mission already (to do list – see ToR point 5)

The already installed task force for legislation will have to review the work of the working group and to make final decisions on the work outs.

Without an formal installation and authorisation of a working group for creation of veterinary legislation in BiH it is very likely that this matter will not progress as required.

The undersigning experts would assist reviewing the situation and the work of the working group in September/October 2007.

## 6. Date and Signature of Expert

Warszawa, 23.04.2007

Dr. Bambauer,

## ANNEXES

Annex 1 Office note 06.04.2007 , proposal for installation and authorisation oif a working group legislation

Annex 2 Draft Veterinary law of BiH

Annex 3 Draft TB regulation BiH

Annex 4 Overview of EU Animal Health Legislation