

## [AS PASSED BY THE SENATE]

A

### BILL

*to establish the National Agri-trade and Food Safety Authority*

WHEREAS, it is expedient to regulate the quality aspects of agrochemicals, agricultural produce, plants, animals, and products based thereon used as food, feed or otherwise being exported to or imported from other countries in accordance with the recognized sanitary and phytosanitary measures or quality standards and to facilitate international trade and inter-provincial trade thereof on competitive basis in the light of domestic needs and international commitments;

#### CHAPTER — I PRELIMINARY

1. Short title, extent and commencement.— (1) This Act shall be called the National Agri-trade and Food Safety Authority Act, 2025.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions. —In this Act, unless there is anything repugnant in the subject or context,—

- (i) —adulterated pesticidel means a pesticide with which spurious, deleterious or harmful substance has been mixed or which is wholly or mainly ineffective for the purpose for which it is intended;
- (ii) —Advisory Committeel means the committee constituted under section 10;
- (iii) —Agricultural productl includes all produce of agriculture or horticulture, forest, and plants, all products of genetic sequencing information, single-cell proteins, and products of biotechnology intended for use food or feed and all good related to food or drink wholly or partly manufured from any such produce;
- (iv) —agro-chemicalsl includes pesticides, growth regulators, pheromones, kairamones, growth inhibitors, attrants, repellents, rodenticides, miticides, excluding fertilizers or micro-nutrients, DNA based chemicals used for traceability;
- (v) —animall means a living thing that is not a human or plant;

- (vi) —animal products<sup>1</sup> means anything originating or made, whether in whole or in part, from an animal or from a carcass and includes blood, bones, bone marrow, casings, dairy products, eggs, honey, fat, foodstuffs of animal origin, hair, hides, horns, hooves, hormones, and their biological preparations, offal, seed materials for research purposes, semen, ova and embryos, skin, tendons, viscera, wool and any other substance of animal origin excluding germinal products, biological products and pathological material as may be specified;
- (vii) —Appellate Committee<sup>1</sup> means the Committee constituted under this Act;
- (viii) —Authority<sup>1</sup> means the National Agri-trade and Food Safety Authority (NAFSA) established under this Act;
- (ix) —authorized officer<sup>1</sup> means an officer nominated by the Authority under this Act for exercising powers and performing functions in accordance with the provisions of this Act and the rules and regulations made thereunder;
- (x) —Board<sup>1</sup> means the Board of Governors constituted under this Act;
- (xi) —business operator<sup>1</sup> means a natural or legal person registered with the Authority under this Act;
- (xii) —certificate<sup>1</sup> means the certificate of quality and sanitary and phytosanitary (SPS) compliance, animal health certificate, or any other certificate issued by the authorized officer to the business operator confirming compliance with the provisions of this Act;
- (xiii) —Chairperson<sup>1</sup> means Chairperson of the Board;
- (xiv) —compartment<sup>1</sup> means an animal sub-population contained in one or more premises under a common biosecurity management system with a distinct health status with respect to a specific animal disease or diseases for which surveillance, control and biosecurity measures have been applied for the purpose of international trade;
- (xv) —Complaint Resolution Committee<sup>1</sup> means the complaint resolution committee constituted under this Act;

- (xvi) —crop<sup>1</sup> includes all agricultural or horticultural crops and all trees, bushes, herbs, shrubs, grass, plants, roots, fungi and algae grown for commercial or recreational purposes;
- (xvii) —Department<sup>1</sup> means Animal Quarantine Department and Department of Plant Protection;
- (xviii) —Director General<sup>1</sup> means the director general of the Authority appointed under this Act;
- (xix) —disease<sup>1</sup> means suffering from or carrying any infectious or contagious disease or such disease as may be declared by the Federal Government from time to time by notification in the official Gazette;
- (xx) —feed<sup>1</sup> means animal feed, including hay, roughage, concentrate or any other substance used for feeding animals;
- (xxi) —formulation<sup>1</sup> means the combination of various ingredients designed to render the product useful and effective for the purpose claimed and for the envisaged mode of application.
- (xxii) —food<sup>1</sup> means any substance, whether processed, semi-processed or raw, which is intended for human consumption and includes liquid and any substance which has been used in the manufacturing, preparation or treatment of food excluding
  - (a) medicinal products within the meaning of the Drug Regulatory Authority of Pakistan Act, 2012 (XXI of 2012);
  - (b) tobacco and tobacco products; and
  - (c) narcotic or psychotropic substances;
- (xxiii) —food safety<sup>1</sup> means safety measures taken by the Federal Government to ensure that food intended for export or import complies with applicable SPS standards;
- (xxiv) —goods<sup>1</sup> means agricultural product, agro-chemicals, animal, animal products, plant, fish, fish products, feed, food and pesticides;
- (xxv) —grade designation<sup>1</sup> means the grade designation prescribed as indicative of the quality of any product;

- (xxvi) —grade designation mark- means a mark prescribed as representing a particular grade designation;
- (xxvii) —harmful organisml means any living stage of any or all insects, mites, nematodes, protozoa, slugs, snails, or other invertebrate animals, fungi, bacteria, parasitic plants, virus or reproductive parts thereof, or any pathogen. weed, rodent. or other plant and animal organism which may, directly or indirectly, injure or cause disease to any plant or animal species;
- (xxviii) —hazardl means a biological, chemical or physical agent including bio-identical or synthetic hormones with the potential to cause an adverse effect on food safety, animal health or plant health and includes bio-identical or synthetic hormones;
- (xxix) —international standards, guidelines and recommendationsl shall include, *inter-alia*,—
  - (a) for food safety, the standards, guidelines and recommendations established by the Codex Alimentarius Commission;
  - (b) for animal health and zoonoses, the standards, guidelines and recommendations developed under the auspices of the World Organization for Animal Health (WOAH);
  - (c) for plant health, the international standards, guidelines and recommendations developed under the auspices of the Secretariat of the International Plant Protection Convention (IPPC) in cooperation with regional organizations operating within the framework of the (IPPC);
  - (d) for testing laboratories, the general requirements for the competence of calibration and testing laboratories laid down in ISO Standard 17025 of the International Standards Organization; and
  - (e) for matters not covered above, appropriate standards, guidelines, and recommendations adopted by other relevant international organizations;
- (xxx) —invasive alien speciesl means plants, animals or other organisms that cause significant harm to the environment, economy human health, where those are not native;
- (xxxi) —maximum residue limitl or —MRLl means the maximum concentration of a residue that is legally permitted or recognized as

acceptable in or on a food or agricultural commodity or animal feedstuff;

- (xxxii) —nominated department<sup>1</sup> means department or any legal entity in the provinces nominated by the provincial Government;
- (xxxiii) —notifiable animal disease<sup>1</sup> means the animal diseases of national and international concern, that must be reported to the veterinary authority within a defined time frame when suspected by owners, vets or laboratories;
- (xxxiv) —official control<sup>1</sup> means programmes, processes, procedures or mechanisms developed by the Authority for the purpose of implementing the SPS measures and control of pathogenic agents, harmful organisms, pests, pesticides or diseases as prescribed under the regulations;
- (xxxv) —person<sup>1</sup> means a natural or artificial person and may include a company, firm, association of persons, authority, or any other body corporate;
- (xxxvi) —pest<sup>1</sup> means any species, strain or biotype of plant, animal or pathogenic agent injurious to plants and plant products, materials or environments and includes vectors of parasites or pathogens of human and animal disease and animals causing public health nuisance;
- (xxxvii) —pesticide<sup>1</sup> means any substance or mixture of substances used or represented as a means for preventing, destroying, repelling, mitigating or controlling, directly or indirectly or any harmful organism;
- (xxxviii) —placed on the market<sup>1</sup> means the holding or displaying for sale, offering for sale, selling, delivering or any other form of placing on the market, and retail and wholesale trade;
- (xxxix) —plant<sup>1</sup> means all species of plants, crops, or parts thereof, whether living or dead, including stems, branches, tubers, bulbs, corns, stocks, bud-wood, cuttings, layers, slips, suckers, roots, aquatic algae, leaves, flowers, fruits and seeds;
- (xl) —points of entry<sup>1</sup> and —points of exit<sup>1</sup> mean any sea port, airport, dry-port or land routes respectively declared by the Federal Government designated for the import or export of any goods;

- (xli) —prescribed<sup>1</sup> means prescribed by rule or regulations made under this Act;
- (xlii) —quality<sup>1</sup> means conformity to prescribed requirement or specification of a product or service;
- (xliii) —quarantine facility<sup>1</sup> means a site or premises provided or approved by the Authority for the isolation and examination of goods intended for import or export;
- (xliv) —sanitary and phytosanitary (SPS) measure<sup>1</sup> means measures to be prescribed by rules and implemented to—
  - (a) protect human life or health or environment from risks arising from harmful organisms carried by animals, plants or products based thereon, or from the entry, establishment or spread of harmful organisms including invasive alien species;
  - (b) protect animal or plant life or health from risks arising from the entry, establishment or spread of harmful organisms;
  - (c) protect human, animal or plant life or health from risks arising from additives, contaminants, residues of pesticides and veterinary drugs, toxins or disease-causing organisms in food and feed; or
  - (d) prevent or limit other damage from the entry, establishment or spread of harmful organisms including alien invasive species via trade and commerce in products to which this Act applies.
- (xlv) —Scientific Committee<sup>1</sup> means the committee constituted under this Act;
- (xlvi) —scientific advice<sup>1</sup> means the advice rendered by the scientific committee based on scientific evidence and knowledge under this Act;
- (xlvii) —sub-standard<sup>1</sup> when used with reference to a pesticide, means any pesticide the strength or purity of which falls below the professed standard or quality which is expressed on its label or under which it is sold or a pesticide any valuable ingredient of which has been wholly or partially extracted;
- (xlviii) —WOAH<sup>1</sup> means —World Organization of Animal Health<sup>1</sup> previously known as —Office International des Epizooties<sup>1</sup> (OIE) an

intergovernmental organization and global authority on animal health.

- (xlix) —zone<sup>1</sup> means a defined part of a territory containing an animal subpopulation with a distinct health status with respect to a specific animal disease or diseases for which surveillance, control and biosecurity measures have been applied for the purpose of animal disease prevention, control or eradication and international trade.

## CHAPTER II ESTABLISHMENT AND MANAGEMENT

3. **Establishment of the Authority.**—(1) Upon the commencement of this Act, there shall be established an authority to be known as the National Agri-trade and Food Safety Authority (NAFSA) to carry out the purposes of this Act.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal with power, to enter into contracts, acquire, hold and dispose of property, both movable and immovable, and to sue and be sued in its name.

(3) The headquarters of the Authority shall be at Islamabad and it may establish such other places in Pakistan as it may deem necessary.

4. **Board of Governors.**—(1) The general superintendence, policy direction, oversight, and all matters pertaining to the policy and administration of the Authority shall vest in the Board. The Board shall consist of a Chairperson and the following members who shall be appointed by the Prime Minister for a term of three years, namely :—

- (a) six members who are Secretaries of the department concerned with the affairs of Agriculture or livestock Departments in the Punjab, Sindh, Khyber Pakhtunkhwa, Balochistan, Azad Jammu and Kashmir and Gilgit-Baltistan;
- (b) one representative each, not below the rank of Additional Secretary from division concerned with the affairs of national food security and research, climate change, commerce, science and technology and finance;
- (c) two female members with expertise in food safety, food technology, public health, agronomy, or a related field;
- (d) two members from academia or research organizations; and

(e) three members, one each from—

- (i) plant related trading associations;
- (ii) animal trading associations; and
- (iii) the Federation of Pakistan Chambers of Commerce and Industry (FPCCI).

(2) The Chairperson shall be a person known for his integrity and eminence having experience of not less than twelve years in any relevant field including food safety, food technology, public health, agronomy, animal health, trade and economics or a related field.

(3) The Director General of the Authority shall serve as an *ex-officio* member of the Board, having no right to vote, and shall act as the secretary of the Board.

(4) The members, other than *ex-officio* member, shall be appointed on such terms and conditions as may be determined by the Prime Minister. No person shall be appointed as a member of the Board for more than two consecutive term.

(5) The Chairperson or a member, other than the *ex-officio* members, may in writing addressed to the Prime Minister, resign from his office.

(6) The Prime Minister may remove the Chairperson or any member from office if they are found incapable of discharging their duties due to lack of interest, non-performance, or upon conviction by a court of law.

(7) The Chairperson or any member, other than an *ex-officio* member, shall be deemed to have vacated their office if they are absent without prior intimation to the Board from more than three consecutive meetings of the Board.

5. **Functions and powers of the Authority.**—(1) The Authority shall carry out its functions, namely:—

- (i) develop, apply and achieve compliance with SPS measures in relation to import, export and inter-regional trade of goods taking into account international standards, guidelines and recommendations;

- (ii) adopt and administer all acts already taken by the Federal Government with regard to SPS measures in relation to imports, exports, and inter-regional trade of goods;
- (iii) register any business operator if not already registered with any other authority or government entity in such manner as may be prescribed;
- (iv) ensure compliance with SPS standards by business operators through a system of official controls, which it may carry out at any stage of preparation of goods meant for export;
- (v) ensure compliance by business operators with track and trace or marking and grade designation requirements of goods;
- (vi) register and regulate formulation plants in such manner as may be prescribed;
- (vii) implement inspection and quarantine controls at points of entry and points of exit with regard to import and export of goods;
- (viii) constitute sub-committees as required for carrying out the purposes of this Act;
- (ix) regulate, prohibit and restrict the import or export of goods likely to introduce harmful organism, invasive species, or diseases to any other goods or humans, as per the prescribed mechanism;
- (x) issuing and cancel registration or other certificates and licenses for activities requiring certificates or licenses under this Act;
- (xi) supervising and monitoring business operators regarding SPS compliance, food safety and quality standards;
- (xii) coordinate with Provincial Governments to implement SPS measures for the production, transportation, storage, and marketing of goods intended for export from Pakistan, as well as for related purposes under this Act;
- (xiii) prepare and implement national crisis management plans for the control of risks regarding the application of SPS measures with the coordination of the relevant Provincial authorities on such terms and conditions as may be prescribed;
- (xiv) nominate, notify or establish the accredited testing laboratories;

- (xv) submit all mandatory or voluntary documentation or reporting to the international bodies, convention, associations or organizations;
  - (xvi) management and administration of biosecurity measures applied to zones and compartments for the purposes of export certification;
  - (xvii) conduct official veterinary diagnostic tests and analysis, issuance of test results and international veterinary certificates for the purposes of international notifications of notifiable animal diseases or the export of Goods;
  - (xviii) represent Pakistan in bilateral regional and international forums related to international trade in animals and animal products;
  - (xix) international coordination and market access negotiations for export and import of goods including animals and animal products;
  - (xx) protection of endangered areas and designation, maintenance and surveillance of pest free areas and areas of low pest prevalence.
- (2) In performing its functions and exercising its powers as set out in sub-section (1), the Authority may—
- (i) engage in any study or project relating to any matter under this Act and in conjunction with other authorities, international agencies or organizations;
  - (ii) levy such charges and fees for the performance of its functions in such manner as may be prescribed;
  - (iii) determine a service structure appropriate to the functions and appoint such officers and employees, advisors, consultants, experts or scientists as required necessary on such terms and conditions as may be prescribed;
  - (iv) approve annual budget estimates for the submission to the Federal Government;
  - (v) receive and manage property, income, grants, contributions made to it, raise loans and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions in accordance with applicable laws;
  - (vi) hold training programmes, national and international conferences, policy seminars, symposia, or awareness workshops or any other activity deemed necessary for promoting the SPS measures;

- (vii) conduct studies, surveys, experiments and analysis of data for application of the SPS measures in international trade;
- (viii) work to secure and sustain market access for goods governed under this Act, and ensuring their unrestricted and continuous movement within domestic and international markets and approve digital transaction and guarantee for system generated certificate, as the case may be;
- (ix) impose penalty or fines; and
- (x) perform any other function and deal with matters and things that may be necessary or incidental thereto for the fulfilment of its functions under this Act or may be assigned to it by the Federal Government, from time to time.

(3) The Authority may entrust or outsource any of its functions to a person, authority, agency or company through a contract arrangement, on such terms and conditions as may be mutually agreed.

6. **Delegation.**—The Authority may delegate any of its powers and functions under this Act to the Director General or any authorized officer, except section 42, under this Act, subject to such conditions as may be prescribed.

7. **Meetings of the Board.**—(1) The Board shall meet quarterly or as often as is expedient to perform its functions or on the specific advice of the Federal Government.

(2) The Chairperson, and in his absence, any other member elected by the members present at a meeting, shall preside the meeting of the Authority.

(3) The quorum of a meeting of the Board shall be simple majority of the total membership, including the Chairperson and a representative from the Ministry of National Food Security and Research.

(4) A meeting of the Authority shall be held in such manner as may be prescribed, and until so provided, as may be determined by the Authority.

(5) No act or proceeding of the Board or its committees shall be deemed invalid solely due to any vacancy or defect in their constitution.

8. **Director General.**—(1) The Federal Government shall, by notification in the official Gazette, appoint a person as Director General on such terms and conditions as may be prescribed by rules, for a term of three years. The Director General may be reappointed for another term for three years.

(2) The Director General shall be the Chief Executive Officer of the Authority and shall be responsible for the day to day administration of the affairs of the Authority and shall exercise such powers and functions as may be prescribed or assigned to him by the Authority.

9. **Scientific Committee.**—(1) There shall be a scientific committee of the Authority which shall be responsible for rendering scientific or technical advice on matters referred by the Board or the Director General.

(2) The Board shall establish operational guidelines for the Scientific Committee.

(3) The scientific committee shall comprise of a minimum of fifteen (15) eminent scientists from the public and private sector who shall be appointed by the Authority for a term of three years on such terms and conditions as may be prescribed.

(4) The Authority shall appoint the convener of the scientific committee from amongst its members.

(5) If a subject requiring advice from the Scientific Committee falls outside the expertise of its members, the Scientific Committee may recommend to the Board or the Director General that the matter be referred to any other committee established under this Act.

(6) The Board or the Director General, as the case may be, shall take into account the scientific advice, which shall be binding only with respect to the issues specifically referred by the Board.

(7) The Scientific Committee may, on its own initiative, provide technical or scientific advice to the Board or the Director General:

Provided that such advice shall not be binding on the Board or the Director General.

10. **Advisory Committees.**—(1) The Board shall establish as many Advisory committees as it deems appropriate for various trades and subjects and shall be responsible for improving the existing SPS standards, monitoring maximum residual limits (MRLs) of pesticides and other chemicals, assessing the storage and post-harvest losses, improvement in farm practices, transportation, inter-regional trade of goods, providing training and awareness, provincial coordination or and carrying out any other functions as directed by the Authority.

(2) The Board shall establish the operational guidelines for the advisory committees.

(3) The advisory committee shall comprise of representatives of the Federal and provincial governments, experts in the subject area and relevant stakeholders from public and private sector.

(4) The Board shall appoint the convener of the advisory committee from amongst its members.

11. **Remuneration and expenses.**—(1) The Authority shall pay such remuneration to the Director General and its employees as may be prescribed.

(2) The Authority shall pay such meeting fees, expenses or remuneration, as the case may be, as may be prescribed, to the Chairperson, members of the Board and the Committees, constituted under this Act.

### CHAPTER III FOOD SAFETY AND SPS MEASURES

12. **Requirement to comply with the SPS measures.**—The goods intended for import or export shall comply with the SPS measures under this Act as may be prescribed.

13. **Inter-regional trade.**—(1) The inter-regional trade in goods between provinces shall comply with the SPS and food safety standards.

(2) The Authority shall advise provinces to adopt uniform SPS measures and food safety standards.

(3) The Authority shall notify provinces of risks associated with the regional movement of food, feed, or animals, as may be prescribed.

(4) Any dispute arising between provinces regarding compliance with SPS measures or food safety standards, or associated risks to human, plant, or animal health, shall be referred to the advisory committee for resolution and, if required so, to the Scientific Committee for technical advice.

14. **Import and export of agricultural products, food, feed, animal and animal products.**—(1) Notwithstanding any provisions contained in this Act, the Authority shall have the power to recognize, assess, and notify SPS certificates. The Authority may, based on scientific advice, impose special conditions on any country whose SPS measures are deemed unsatisfactory to safeguard plant, animal and human health within Pakistan.

(2) No goods shall be imported into Pakistan unless accompanied by a certificate issued by the relevant authority of the exporting country, certifying compliance with the SPS conditions notified under sub-section (1).

(3) All goods in transit through the territory of Pakistan for transportation to another destination shall be subject to the applicable SPS conditions.

(4) Transit of banned pesticides, genetically modified organisms (GMOs) which are not regulated by the National Biosafety Committee (NBC) of Pakistan and unlicensed food or seeds, shall not be allowed.

**15. Appointment of authorized officers.**—(1) The Authority may appoint such number of officers as authorized officers as may be necessary for the performance of its functions under this Act.

(2) Subject to the provisions of this Act and the regulations made thereunder, the Authority may confer the powers of the Authorized Officers, as may be prescribed, upon any officers of the Authority, Federal Government, Provincial Government or any other statutory entity established by the Federal or Provincial government.

**16. Powers of authorized officers:**—(1) Subject to provisions of this Act, the authorized officer may,—

- (a) at any reasonable hour or whenever work is in progress in any establishment in which goods are believed to be produced, stored, processed or packaged for export, enter that establishment for the purposes of carrying out official controls so as to determine compliance with the SPS measures, animal health or food safety;
- (b) inspect or examine goods in any establishment to which this Act applies, or which is used or capable of being used for the preparation of goods for export purposes and shall take samples thereof for laboratory analysis;
- (c) stop and search any person, luggage, vehicle, vessel, railway wagon, or aircraft at any point of entry or exit carrying goods subject to this Act, examine such goods and take samples thereof;

- (d) require disinfection of any premises, aircraft, railway wagon, carriage, vessel or vehicle of any description used for carrying animals or animal products;
- (e) inspect the goods for compliance with the prescribed grade designation and marking;
- (f) call for such books, documents or other records in any medium whatsoever which he believes to contain any information or data relevant to the enforcement of the provisions of this Act with respect to the goods, make copies thereof and take extracts there from;
- (g) seize or detain for such time, as may be necessary, the goods by means of, or in relation to which, he is of the opinion that the provisions of this Act have been contravened and shall, at the time of seizure or detention, inform, in writing, the business operator or the person from whose possession the seizure or detention is made, of the grounds for the said action;
- (h) prohibit the export of animals which does not compliant to SPS measure or other specified conditions to carry;
- (i) deport any animal or animal products, at the expense of the person importing such animal or animal product, the import of which is prohibited by the Federal Government;
- (j) transfer goods to a quarantine facility for such time period as may be prescribed;
- (k) ensure that the prescribed conditions are followed in the quarantine facility;
- (l) direct business operators or importer or exporter, as the case may be to conduct the prescribed tests, processes, or procedures on Goods and order their destruction if such tests confirm the presence of any harmful organism or disease;
- (m) order disposal of clothing, fittings, fodder, harness, container or litter that may have been in contact with, or pertaining to, diseased animals or animal products;
- (n) conduct survey of goods processing plants with a view to determine their fitness for registration and their observance with the provisions of this Act;

- (o) seek assistance from a police officer or officer of any law enforcement agency for use of force that is reasonably necessary while carrying out his functions under this Act; and
- (p) exercise any other function assigned to him by the Authority.

**17. Transparency.—** (1) The Authority may conduct consultative and stakeholder consultation compliance to international commitments and market access, during the preparation, evaluation and revision of SPS measures under this Act.

(2) Without prejudice to any other law for the time being in force, where there are reasonable grounds to suspect that Goods may present a risk for human health, animal health and plant health, then depending on the nature, seriousness and extent of that risk, the Authority shall take appropriate steps to inform the business operator and, if necessary, the general public, of the nature of the risk to human health, animal health, plant health or identifying to the fullest extent possible the risk that the Goods may present, and the measures which are taken or about to be taken to prevent, reduce or eliminate that risk.

(3) Without prejudice to any other law, the Authority shall prescribe internal accountability mechanism to prevent the misuse of funds, power or authority under this Act.

#### CHAPTER - IV JURISDICTION, OFFENCES AND PENALTIES

**18. Aiding or abetting and offence under section 20.—**Any person who by any means whatsoever attempts or aid or abets the commission of an offence under section 20 shall be punishable with the same punishment as provided for the offence itself.

**19. Offences by companies, etc.—**Where an offence punishable under section 20 has been committed by a company, any person who, at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company, as well as any director or partner of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

20. Offences.—A person shall be guilty of an offence under this Act, if he—

- (i) imports or causes the importation of any animal or animal product from a country or territory from where such import is banned or prohibited due to the presence or suspected presence, or risk of transmission of specified disease;
- (ii) imports or exports any animal without a valid health certificate issued by the competent authority of the exporting country, or with a fake, forged, or fraudulent certificate;
- (iii) imports, manufactures, formulates, sells, offer for sell, hold in stock for sale, or advertise for sale an adulterated pesticide;
- (iv) refuses to permit inspection of a formulation plant;
- (v) supplies animal or animal product from, or process animal product in, any establishment or premises which is not approved or registered for that particular export;
- (vi) denies to quarantine the animals as required under this Act or regulations thereunder;
- (vii) removes animal, animal products from a quarantine facility or shift the same to some other unapproved premises;
- (viii) stores or process sub-standard pesticides or agrochemicals;
- (ix) exports the animals and animal products without observing the sanitary requirements of the importing country;
- (x) submits fake or forged lab reports, pre-shipment inspection report, manufacturing certificate, country of origin certificate regarding quantity, quality or type of goods;
- (xi) fails to report any disease, pathogen associated with imported plant, plant material or animal in quarantine facility;
- (xii) fails to submit report, data or any other documents required by the Authorize Officer about imported goods in quarantine facility;
- (xiii) plants plant and plant material at unregistered quarantine facility;
- (xiv) imports or store banned agrochemicals pesticides;

- (xv) imports and stores hazardous pesticides without due precautions;
- (xvi) denies to perform SPS measures or fulfill special conditions;
- (xvii) willfully obstructs, hinders or resists the Authorized Officer from carrying out a function under this Act;
- (xviii) stores or process adulterated pesticides or agrochemicals;
- (xix) wilfully obstructs, hinders or resists the police officer or officer of law enforcing agencies assisting the Authorized Officer, in carrying out a function under this Act;
- (xx) imports, manufactures, formulates, sells, offers for sale, holds in stock for sale or advertises for sale an adulterated or banned pesticide;
- (xxi) sells, offers to sale, stores or holds unregistered, fake, adulterated expired agrochemicals or pesticides in market;
- (xxii) attempts to import or export without the required documents or attempting to import or export undeclared goods;
- (xxiii) refuses to comply with special conditions of importing country;
- (xxiv) imports any animal without declaring and registering a quarantine facility;
- (xxv) sells or offers to sale agrochemicals and pesticides with incomplete label and seal of pesticide containers, bags or similar items;
- (xxvi) wilfully conceals a fact, makes a false statement to, or misleads, the Authorized Officer who is carrying out a function under this Act or regulations; and
- (xxvii) denies to show prescribed register, areas, stores, labs etc.

21. **Penalties.**—Whosoever contravene any provision of section 20, shall be in case of contravention of clauses,—

- (i) (i), (ii), (iii) or (iv) shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to three million rupees or with both and where an accused was directed by the Authorized Officer for immediate discontinuance of the offence, the Court may impose a further fine

which may extend to fifty thousand rupees for every day for the period the offence continues;

- (ii) (v), (vi), (vii) and (viii) shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two million rupees or with both and where an accused was directed by the authorized officer for immediate discontinuance of the offence, the Court may impose a further fine which may extend to twenty five thousand rupees for every day for the period the offence continues;
- (iii) (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx) or (xxi) shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one million rupees or with both and where an accused was directed by the Authorized Officer for immediate discontinuance of the offence, the Court may impose a further fine which may extend to ten thousand rupees for every day for the period the offence continues; and
- (iv) (xxii), (xxiii), (xxiv), (xxv), (xxvi) or (xxvii) shall be liable to pay fine which may extend to five hundred thousand rupees and where an accused was directed by the authorized officer for immediate discontinuance of the offence, the Court may impose a further fine which may extend to one thousand rupees for every day for the period the offence continues.

22. **Cognizance of offences.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), the Court of Sessions shall take cognizance of any offence punishable under section 20, on a complaint in writing made by the Director General or an Authorized Officer.

(2) For the purposes of trial appeal etc. the provisions of Code of Criminal Procedure, 1898 (Act V of 1898) shall *mutatis mutandis* apply.

23. **Disposal of forfeited goods.**—Any goods forfeited on conviction of a person by the Court under this Act shall be disposed of by the Authority at the cost of the convicted person or business operator as the case may be, in the prescribe manner.

24. **Complaint resolution committee.**—(1) The Authority shall constitute a complaint resolution committee and establish a mechanism for the redressal of complaints arising from the refusal of registrations or licenses or certificates by the Authority, or any other matters as may be prescribed.

(2) The Authority shall prescribe the procedure and related matters concerning the complaint resolution committee.

(3) Any person or business operator feeling aggrieved of any order of the Authority or the Authorized Officer under this Act, may file application within thirty days for redressal of his grievances before the complaint resolution committee in the prescribed manner.

**25. Appellate Committee.**—(1) The Authority shall constitute an appellate committee and prescribe a mechanism for redressal of all appeals against the decisions of the complaint resolution committee.

(2) Any person or business operator aggrieved by any decision of the complaint resolution committee may file an appeal within thirty days of passing of such order before the appellate committee.

**26. Bar of jurisdiction.**—Notwithstanding anything contained in any other law for the time being in force and except as provided under this Act, no decision or action taken under this Act or rules or regulations made thereunder shall be questioned by any agency or challenged in any court or tribunal, nor shall any injunction be granted against such decisions or actions.

## CHAPTER V COORDINATION WITH PROVINCIAL GOVERNMENTS

**27. Coordination with Provincial Governments.**—The Authority shall,—

- (a) require the nominated department of provincial governments to prepare an annual programme of official control activities in relation to matters falling within the jurisdiction of the department as set out in sub-section (1) of section 5 and submit the same to the Authority, specifying,—
  - (i) the type of control activities to be carried out; and
  - (ii) the criteria applied in drawing up the programme;
- (b) communicate policy guidelines and policy decisions made or taken by the Board for their compliance in the respective provinces relating to the SPS measures, animal health, pesticide regulation and food safety.

- (c) publish model regulations, guidelines and manuals with regard to the application of the SPS measures to be adopted by Provincial Governments; and
- (d) facilitate harmonization of provincial laws, rules and regulations relating to the SPS measures required for obtaining and sustaining market access.

#### EMERGENCIES AND CRISIS MANAGEMENT

28. **Emergency measures for ensuring SPS conditions.**—(1) Where the nominated department of provincial government knowing that any goods are likely to constitute a serious risk to human health, animal health or plant health and that such risk cannot be contained satisfactorily by means of measures taken under the provisions of this Act, or other laws for the time being in force, the nominated department shall immediately adopt one or more of the following measures, depending on the gravity of the situation

- (a) in the case of goods of national origin
  - (i) ensure the suspension of the placing on the market or use of the agricultural product, food or feed in question;
  - (ii) lay down special conditions for the agricultural product, food or feed in question;
  - (iii) use its best endeavors to identify the source of the hazard, and take measures to prevent its future occurrence;
  - (iv) any other appropriate interim measure; and
  - (v) inform the Authority about the measures taken in this regard; and
- (b) in the case of imported goods, the Authority may take additional measures to—
  - (i) inform the relevant authorities in the country of origin or transit responsible for official control of the hazard identified;
  - (ii) ensure the suspension of the placing on the market or use of that goods;
  - (iii) suspend import of that goods from the country concerned and, where applicable, from the country of transit;

- (iv) lay down special conditions for the future import of that goods from the country concerned; and
  - (v) any other measure deemed appropriate.
- (2) The actions taken under sub-section (1) shall be subject to—
- (a) approval of the Board;
  - (b) information to the nominated department of Provincial Governments;
  - (c) information to the business operators; and
  - (d) information to such other department including the Customs Department.

#### CHAPTER — VI LABORATORY TESTING FACILITIES

29. **Laboratory analysis of samples.**—(1) The samples collected for analysis under section 16 for the purpose of official control, testing of agrochemicals, animal diseases, food safety and SPS measures shall be analyzed by a testing laboratory notified under this section.

(2) The Authority may notify any accredited testing laboratory established in the private or public sector, a university laboratory, a research organization laboratory, or a laboratory established by the Federal or Provincial Government for conducting all tests including for official control of SPS conditions.

(3) The Authority may establish testing laboratories or recognize any existing laboratory where it is expedient to perform the functions under this Act.

(4) The Authority shall maintain and publish in the official Gazette the list of testing laboratories notified under this section.

(5) The samples collected under section 16 for the purpose of official control of food safety, animal, pesticides or SPS conditions etc., shall be transmitted to the notified laboratory by the authorized officer that shall carry out its functions on such terms and conditions as may be prescribed.

30. **Accreditation of testing laboratories.**—(1) All testing laboratories designated for official controls, food safety, SPS conditions, and agrochemical

testing shall adhere to the general requirements for competence of calibration and testing laboratories as prescribed in the latest ISO Standard of the International Standards Organization, or any superseding standard. Such competence shall be accredited by the Pakistan National Accreditation Council (PNAC) or any accreditation body that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement (MRA) for the purpose of conducting sample analysis.

(2) The laboratories shall only be notified for the testing methods and parameters, which are within the scope of their accreditation.

#### CHAPTER — VII FUND AND AUDIT AND ACCOUNTS

31. **The Fund.**—(1) There shall be a non-lapsable fund of Authority to be called as National Agri-trade and Food Safety Authority Fund, which shall be utilized for the performance of its functions under this Act, including the payment of remuneration, salaries, and all other expenses of the Authority.

(2) The Fund shall consist of,—

- (a) seed money provided by the Federal Government;
- (b) sums as the Federal Government may, from time to time, allocate to the Authority in the annual budget or otherwise;
- (c) any financial allocation made by the Federal Government from any fund or revenue received in relation to the promotion of exports, such as the Export Development Fund or from imports;
- (d) endowments, donations, contributions, bequests, trusts and grants provided by domestic and international institutions and organizations;
- (e) loans, aid and assistance in any form and from any source as approved by the Board;
- (f) income from sales, subscriptions or royalties of publications and remuneration for professional services rendered by the officers, researchers, advisors and experts of the Authority;
- (g) charges and fees levied for, and the fine received under, the performance of control functions;

- (h) income from investments, if any, made in the schemes of the Federal Government as approved by the Board;
- (i) all other sums or properties which may in any manner become payable to, or vest in the Authority, in respect of any matter; and
- (j) any surplus of receipts over the actual expenditure in a year shall be remitted to the Federal Consolidated Fund and any deficit from the actual expenditure shall be made-up by the Federal Government.

(3) Subject to the Public Finance Management Act, 2019 all funds of the Authority shall be kept and deposited in one or more accounts maintained by it, in local or foreign currency, in any scheduled bank and shall be operated as approved and directed by the Board.

32. **Audit.**—(1) The Auditor General of Pakistan shall annually audit the accounts of the Authority.

(2) The Government may, in addition to the audit under sub-section (1), cause the accounts of the Authority to be annually audited by a Chartered Accountant or a firm of Chartered Accountants and, at any time, appoint a Chartered Accountant or a firm of Chartered Accountants, to conduct an additional external audit of the accounts of the Authority and submit its report to the Government

(3) The Authority shall produce all books of accounts and documents and furnish such explanation and information as an auditor may require for purposes of audit.

## CHAPTER – VIII

### General and Miscellaneous Provisions

33. **Act to override other laws.**—The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force. In case of any inconsistency, the provisions of this Act shall prevail.

34. **Repeal and savings.**—(1) After the commencement of this Act, the following laws shall stand repealed on such date the Federal Government may by notification in the official Gazette appoint, namely:—

- (i) the Pakistan Plant Quarantine Act, 1976 (LXXV of 1976);
- (ii) the Pakistan Animal Quarantine (Import and Export of Animals and Animal Products) Ordinance, 1979 (XLIX of 1979);

(iii) the Agricultural Pesticides Ordinance, 1971 (II of 1971); and

(iv) the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937).

(2) The Federal Government may, by notification in the official Gazette, specify the law which is required to be repealed under sub-section (1) from the date specified in the notification.

(3) Anything done, action taken, permitted, granted licence or applications made, obligations or liabilities incurred, rights and assets acquired, persons appointed or authorised, jurisdiction or powers conferred, order issued under any of the provisions of the repealed laws and the rules or regulations made thereunder shall continue and be deemed to be as if that were taken or provided under this Act unless repealed or amended.

35. **Members, officers and officials, etc., to be public servants.**—The Chairperson, Director General, members, officers, of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Act or regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

36. **Access to statistical data and information, etc.**—Notwithstanding anything contained in any other law for the time being in force, the Authority shall have the right to obtain and access data, statistic and information relating to imports and exports of goods based thereon from a business operator that may be necessary, as for official use and analysis.

37. **Validity of proceedings.**—No act or proceedings shall be invalid by reason only of existence of a vacancy, or defect, in the constitution of the Authority, Board, scientific committee or advisory committee:

Provided that the invalidity shall be validated within six months by the Board or the Committee as the case may be.

38. **Abolishment of Departments.**—(1) On the appointed date under section 34, the Animal Quarantine Department and the Department of Plant Protection shall stand abolished.

(2) On the appointed date all assets, liabilities, rights, obligations, patents, licenses, and interests of the departments shall stand transferred to the Authority upon its establishment, subject to such terms and conditions as may be specified by the Federal Government.

(3) Every employee of the departments specified in sub-section (1) shall stand transferred to the surplus pool of the Establishment Division.

39. **Transition period.**—The trade-related functions performed by the Department of Plant Protection and the Animal Quarantine Department shall continue for a period not exceeding six months from the appointed date under section 34, during which the Authority shall make its regulations and appoint employees.

40. **Power to make rules.**—Subject to this Act, the Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

41. **Power to make regulations.**—The Authority with the previous approval of the Federal Government may by notification in the official Gazette make regulations for carrying out the purposes of this Act.

42. **Confidentiality of data.**—(1) Subject to the Right of Access to Information Act, 2017 (XXXIV of 2017), no information relating to any business operator, obtained by the Authority in the course of official controls under this Act, shall be disclosed without the prior written consent of the business operator, except—

- (a) in accordance with the directions of the Board, to the extent necessary for the purposes of this Act;
- (b) for the purposes of any proceedings for an offence under this Act, or for any report of such proceedings; or
- (c) in compliance with an order of a court of competent jurisdiction.

(2) Any person who discloses information in contravention of sub-section (1) shall be liable for proceedings of misconduct in accordance with the provisions of this Act or regulations made thereunder.

43. **Removal of difficulties.**—If a difficulty arises in giving effect to any provision of this Act, the Federal Government may make such order,

not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of the removal of such difficulty:

Provided that the power under this section shall not be exercised after two years of the commencement of this Act.

## STATEMENT OF OBJECTS AND REASONS

The Department of Plant Protection (DPP) and the Animal Quarantine Department (AQD) are primarily responsible for regulating agricultural trade at the entry and exit points of Pakistan. At the same time, agro-based exports are governed by a number of international conventions and treaties. Although Pakistan is a signatory to these global agreements and forums, our outdated laws and limited institutional capacity have made it difficult to enforce the compliance standards required by international buyers. Moreover, our policy framework is not aligned with international best practices.

As a result, Pakistan's exports often face restrictions in various markets or suffer interceptions due to quality issues or the presence of chemical residues.

Against this backdrop, the Ministry of National Food security and Research (NSR)' envisages a major reform initiative through the introduction of a new law that comprehensively covers agro-trade and incorporates provisions to meet evolving international standards. This includes protecting local fauna and flora, while developing a regulatory framework aligned with global Sanitary and phytosanitary (SPS) measures.

The aim is that the establishment of the National Agri-trade and food safety Authority (NAFSA) will serve as a strategic and take necessary steps in modernizing Pakistan's regulatory infrastructure: This reform is expected to enhance agro-based trade, improve access to high-end international markets, and ensure the protection of local biodiversity; including both flora and fauna.



Minister-in-charge