

**PRIVATE SECTOR POSITION PAPER ON THE ANIMAL FEEDS BILL
2023**

SUBMITTED TO

THE PARLIAMENTARY COMMITTEE OF AGRICULTURE

PARLIAMENT OF THE REPUBLIC OF UGANDA

PRIVATE SECTOR FOUNDATION UGANDA

BY

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PRIVATE SECTOR FOUNDATION UGANDA (PSFU)

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1. Introduction/ Appreciation

The Private Sector Foundation Uganda (PSFU) appreciates the Government through the Parliament of the Republic of Uganda for continuously supporting the private sector development in Uganda, through legislation, budgeting, and resource appropriation. Special recognition and appreciation go to the Hon. Frank k. Tumwebaze, Minister of Agriculture, Animal Industry and Fisheries (MAAIF) for the taking the lead to draft a public members bill on Animal Feeds Bill, 2023 in Uganda. This is yet a clear signal of the commitment extended to the private sector by this Parliamentary House.

Private Sector Foundation Uganda (PSFU) is Uganda's umbrella body of the private sector made up of over 331 Business Associations, Corporate bodies and the major Public Sector Agencies that support private sector growth. Since its founding in 1995, PSFU has served as a focal point for private sector advocacy as well as capacity building and continues to sustain a positive dialogue with the government on behalf of the private sector. PSFU is also the government's implementation partner for several projects and programs aimed at strengthening the private sector as an engine of economic growth in Uganda. PSFU is a value-based and ethically driven entity premised on 12 sectors that drive Uganda's economic growth. These sectors include Agriculture, Agribusiness and Forestry; Construction and Real Estate; Financial Services; Professional Services; Tourism; Manufacturing; Human Resources (Skills, Health, and Education); Transport and Logistics; Trade and Commerce; ICT; Culture and Creative; and Energy, Mining, Oil and Gas.

Agriculture, Agribusiness and Forestry sector is one of the 12 sectors under the PSFU whose role is to drive the agro-industrialization agenda and create jobs for the youth in the economy. The members of this sector have been consulted in the development of this position paper.

2. Cross cutting Comments on the Bill.

This Bill is very timely, and we believe that once implemented well, it will contribute to the commercialization of agriculture and further, will contribute to the National Development Plan III flagship programme of Agro industrialization. While we believe that the intentions are good, there is need to strike a balance between regulations and reducing the cost of doing business for the private sector. The following general comments have been identified.

- i. **Regulations.** The bill largely assumes the use of licenses as a mechanism to regulate the production, importation, exportation and marking of animal feeds. However, experience

observed from other related laws, the motivation of licenses has been changed to fundraising as opposed to trade order. **There is need to focus more on the enforcement of the law through partnerships for inspection services, regulations, and enforcement.**

- ii. **Acquisition of certificate:** The process for acquisition of an animal feeds license should be made easy and if possible, online to reduce the cost of doing business, reduce increase in counterfeits and eliminate middlemen in the acquisition of certificates. The permits should be easily accessible and affordable to make alternatives expensive and hence compliance.
- iii. **Reliable database:** There should be an online data base of the animal feeds players which is regularly updated.



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3.0 Specific Proposals on the Tax bills

No.	Section of the bill	Implications	Private Sector/ Proposal	Justification
1	<p>Objective of the Bill</p> <p>The Bill Seeks to establish a <i>committee</i> to regulate production, importation, exportation and making of Animal feed</p>	<p>Committee can't get involved in the daily operations of animal feeds regulation because they are not Animal feed scientists.</p> <p>According to Clause 23 of the Bill, the committee has members who represent interests of stakeholders and therefore should play a supervisory or advisory role.</p>	<p>The bill should seek to establish an Animal Feeds Council that will oversee the animal feeds department with feed inspectors and analysts to advise or supervise the technical staff headed by the Commissioner, Animal Health, MAAIF.</p> <p>We recommend that the Chairperson of the Council, be the Commissioner, Animal Health, for easy coordination.</p>	<p>The registration of premises, importers, exporters, certification of stores and feeds products should be done by professionals with knowledge in animal nutrition and feed science who understand the layout of premises and specific tests needed to ensure quality of animal feeds.</p>
2	<p>Interpretation “animal feeds additive” means a substance or a micro-organism that is intentionally added to feeds to get a desired effect on animals;</p>	<p>This definition of Animal Feed gives the impression that the material used for animal production are optional.</p>	<p>We recommend that the definition of animal feed additives need to be changed to ‘Feed additives are materials added to animal feed to meet the nutritional requirements of the animals.</p>	<p>All feed manufacturers will consider feed additives necessary for inclusion of feed additives in animal feeds.</p>
3.	<p>Application for registration of premises</p> <p>3(2) The Committee shall consider an application under subsection (1) and if satisfied that the applicant has complied with</p>	<p>Wrong interpretation of the word <i>requirements</i> can fail many potential players and can be abused through breeding of corruption by the law enforcers.</p>	<p>Definition of “Requirements” should be included among interpretation.</p>	<p>Inclusion of requirements into the interpretation list will avoid wrong implementation of the law.</p>

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	the <i>requirements</i> of this Act, issue a certificate of registration for the premises.			
4.	3(5) The Minister <i>may</i> by regulations prescribe the procedure. and the requirements for registration under this section.	The word MAY presents a situation of optional status.	The Word May should be changed to <i>should</i> that after enactment of the law, they Minister will draft the regulations to enable implementation and enforcement.	The word introduction of the word Should appears more mandatory.
5.	Alteration of premises 5. Alteration of premises a person whose premises are registered under section 3(2) who intends to make alterations to the premises, shall, prior to the alteration, apply to the Committee for approval of alteration of the premises.	Silence on duration for the committee to clear alteration of premises can lead to loss of business.	The Bill should be clear on the duration within which one applies to the Committee and the time he or she should get the response. PSFU proposes a period of at most 5 working days to and after application.	Clarification of time for application and receiving of the <i>certification</i> enables better investment plans.
6.	Licensing or production, storage, transportation, and sale of animal feeds 8 (1) A person who intends to produce, store, transport or sell animal feeds shall apply to the Committee for a license <i>to produce, store, transport or sell</i> animal feeds.	This word can be interpreted as either producer of raw materials from the gardens or feed manufacturers.	The word “ <i>Produce</i> ” needs to be included in the interpretation to enhance clarity.	Inclusion of “ <i>Produce</i> ” in the definition will simplify implementation of the law.

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7.	8 (2) An application under subsection (1) shall be on payment of fees prescribed by Regulations made under this Act and shall have evidence of employment of <i>qualified personnel</i> .	Qualified personnel are missing on the interpretation list.	The word “ <i>Qualified Personnel</i> ” needs to be defined.	a clear definition of “Qualified personnel” will enhance easy understanding and implementation of the law.
8	Importation of animal feeds 11 (2) An application under subsection (1) shall be on payment of an application fee, as may be prescribed by Regulations made under this Act.	The law does not specify the days when someone will get a permit upon application for it.	The date for receiving the permit needs to be communicated too. The application fees should be manageable.	
9	11(4) The Committee shall if satisfied that the applicant meets the requirements of this Act, issue an import permit stating the conditions for the import of the animal feeds for which the application is made and specifying the point of entry to be used.	The law does not specify the days when someone will get a permit upon application.	The time for insurance of the license needs to be mentioned here. Otherwise, this will be abused.	This clarification in time when the permit should be issued enables better planning.
10	11(5) The importer shall present the consignment and accompanying documents to the veterinary inspector for inspection at the point of entry.	The proposed mode will is likely to cause increased traffic at the port of entry.	To ensure import of quality animal feeds and reduce waiting time at the port, there need to use the Pre-export Verification of Conformity (PVOC) so that immediately the consignment reaches the Port of entry, it is cleared with ease.	The vet officer will only be at the port for validation of what has been done.

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11	11 (7) <i>A person imports</i> animal feeds contrary to this section commits an offence and is liable on conviction, to a fine.	The grammar is not clear.	The word “ <i>who</i> ” is missing between the two words of person and imports. The act should further specify the fine a person is liable to on conviction.	
12	12). Exportation of animal feeds 12 (4) The Committee shall if satisfied that the applicant meets the requirements of this Act, issue a sanitary certificate specifying the point of exit to be used for exporting the animal feeds specified in the certificate.	The lack of clarity on the period when the license is given is affecting coffee exporters especially to the coffee exporters to China.	The Bill should be clear on the Duration within which one gets an import permit. PSFU proposes at most 5 working days on a first come first serve basis. Once the license is processed, it should be electronically sent ease use.	Increased turnaround time for businesses.
13	Clause 11 and 12 on import and export of animal feeds.	In the application for import or export of animal feeds to the Commissioner, Animal Health, the office is expected to mobilize other members of the committee who include Commissioner Agricultural Mechanization, Commissioner Crop Husbandry, etc to approve the application.	We propose the Commissioner Animal Health works with the technical team in the office to analyze and run any verifications before approvals are made by the Commissioner Animal Health and only involve the other commissioners, when there’s something that involves their core business. These needs to be considered to reduce the turn-around time (TAT) for processing import and export permits of animal feeds.	Improvement of efficacy in approval processes for imports and export of animal feeds. This will promote the growth of trade in the animal feed and feed additives.

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14	<p>23) Establishment and composition of Animal Feeds Committee</p> <p>23 (2) (2) The Committee shall consist of the following persons-</p> <p>Commissioner responsible for animal production who shall be the Chairperson of the Committee; Commissioner responsible for extension services; the Commissioner responsible for crop protection; Commissioner responsible for agricultural mechanization; Commissioner responsible for crop inspection and certification; the Commissioner for animal health; three animal farmers; and the Assistant Commissioner responsible for animal nutrition, who shall be the secretary to the Committee</p>	<p>Some critical stakeholders are missing on the proposed committee.</p>	<p>On top of what has been listed, include the following from the private sector; 1 Feed manufacturer, 1 Feed transporter, 1 Farmer, and 1 Feed exporters/ importer.</p> <p>The committee should be chaired by government but deputized by a private sector player.</p>	<p>It will be more practical for the committee to be representative as it will enable administering of the intended purpose and or roles of the committee.</p>
15	<p>24 Functions of the committee</p>	<p>These functions should be performed by the Commissioner, Animal Health, and the technical staff. They will be professionals with specialization in animal</p>	<p>The inspectors shall perform those duties because they will be staff with technical knowledge in animal nutrition and feed science.</p>	<p>The council/committee should be responsible for governance, oversight, and making major decisions. They represent the interest of stakeholders and therefore can't get involved in daily operations. They are also</p>

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		nutrition and feed and or food science.		not specialists in animal nutrition and feed and or food science.
16	<p>25) Animal Feeds Inspectors</p> <p>25 (1) For purposes of this Act, the Minister shall, in consultation with the Committee, <i>designate</i> qualified persons as Animal Feeds Inspectors.</p>	The word “Designate” is ambiguous.	The Hon. Minister (through Public Service Commission (PSC) shall appoint qualified animal inspectors.	Animal feed inspectors should be appointed by the minister and therefore should be public servants. They need to be independent to perform their duties without interference.
17	<p>27 Powers of animal feeds inspectors</p> <p>27(1)(a)(i) close and seal the premises, where the animal feeds <i>inspector determines</i> that the animal feeds are exposed to the risk of contamination.</p>		The procedure for determination of animal feeds exposed to contamination needs to be clarified.	Lack of clarity for mode of detection of the contaminated feeds can easily be abused and can breed corruption among the animal feeds inspectors.
18	<p>33 protections from liability</p> <p>Any person exercising powers under this Act shall not be liable for any loss, injury or damage resulting from any act or omission done in good faith in the exercise of any powers or functions or in discharging of any duty under this Act.</p>		The officers who cause liability to the business need to be liable.	Holding the officer liable of the liability caused will cause a sense of responsibility and care among the animal feeds inspectors.

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19	35 Regulations (1) The <i>Minister, may by statutory instrument</i> , make regulations for the better carrying into effect the provisions of this Act.		Change the word “ <i>may</i> ” to “ <i>shall</i> ”	This will ensure operationalization and seamless implementation of the law.



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4.0 Conclusion

The above proposals from the private sector if implored will positively impact the various Households and farming communities across the country. This will translate into increased contribution of the sector to GDP, more market opportunities and increased tax revenue to Government.



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