LAW OF THE REPUBLIC OF ARMENIA

ON PLANT PROTECTION AND PLANT QUARANTINE

adopted by the RA National
Assembly on March 20, 2000

The present Law determines the legal, economic and organizational bases of the plant protection and plant quarantine in the Republic of Armenia, regulates the relationships between the state bodies and the legal and natural persons in the field of the plant protection and plant quarantine.

PART 1.

GENERAL PROVISIONS

ARTICLE 1. OBJECTIVES OF THE LAW

The objectives of this Law are the followings:

a) to implement the state policy in the field of plant protection and plant quarantine;

b) to regulate the relationships in the fields of registration of plant protection means, their testing, production, sale, export, import, maintenance and application;

c) to prevent the introduction and the spread of the quarantine pests in the territory of the Republic of Armenia, as well as to detect and eradicate the seats of their infection;

d) to facilitate a high productivity of agricultural crops and in a healthy harvest reaping;

e) to ensure the safety of the population health;

f) to support the maintenance of the environment.

ARTICLE 2. SUBJECT OF LAW REGULATION

The present Law regulates the legal relations in the sphere of plant protection and plant quarantine between the body authorised by the RA Government (hereinafter - authorised body) and the legal and natural persons operating in the territory of the Republic of Armenia.

ARTICLE 3. BASIC CONCEPTS

The followings basic concepts are used in the present Law:

Plants – agricultural crops and other living plants, parts thereof, including seeds, germplasm, etc.;

Plant products – unprocessed and processed products of plant origin that, by their nature, may create a risk for the introduction and spread of pests;

Pest – any species of agents pathogenic for plants and animals, which are injurious to plants or plant products;

Phytosanitary rules and norms – relevant requirements on the plant protection and plant quarantine established by the present Law and the RA legislation, which regulate the activities of the legal and natural persons in the spheres of the plant protection and plant quarantine;

Quarantine pests – pests especially dangerous for plants and plant products, the introduction of which to the territory of the Republic of Armenia and their further spread are being officially controlled;

Regulated article (quarantine object) – any plant, plant product, storage space, packing, container (holder), soil and any other object or material capable of containing or spreading pests and requiring the application of the phytosanitary and quarantine measures;

Quarantine zone – a territory, where quarantine pests are detected and a quarantine control is established to prevent and eradicate their further spread;

Plant quarantine – a system of state measures on the plant protection directed to the prevention of the introduction of the pests especially dangerous for plants, plant products and other regulated articles to the territory of the Republic of Armenia, as well as to detection, isolation and eradication of the seats infected by them;

Regulated non-quarantine pest – a non-quarantine pest, the presence of which has a negative effect on the vital functions of the plants, causing economic damages, and which as such should be neutralized within the territory of the importing country;

State Boundary Quarantine Control – organizational and legal complex measures, the objective of which is the observance of the RA legislation on the plant quarantine by the legal and natural persons;

State Boundary Check Point – a subsidiary of the plant quarantine service operating at the entry point of the RA state border, that shall conduct the phytosanitary control during the import and export of the plants, plant products and other regulated articles at the RA state border, as well as protect the territory of the Republic of Armenia from the invasion of the pests from the foreign countries;

Plant protection means – chemical, biological and technical means applied for the prevention and extermination of the plant pests, as well as combat against them;

Phytosanitary certificate – a state phytosanitary document on the plants imported to and exported from the Republic of Armenia, that shall certify the conformity of the plants, plant products and other regulated articles to the requirements of the phytosanitary rules.

ARTICLE 4. LEGISLATION ON THE PLANT PROTECTION AND PLANT QUARANTINE

The relations in the field of plant protection and plant quarantine shall be regulated by the present Law, the RA Law “On State Agrarian Inspections” and other legislative acts.

Should the international treaties signed on behalf of the Republic of Armenia stipulate otherwise than the provisions of the present Law, the norms of the international treaties shall prevail.

ARTICLE 5. STATE GOVERNING AND COMPETENCE OF THE AUTHORISED BODY IN THE FIELD OF PLANT PROTECTION AND PLANT QUARANTINE

The state governing in the spheres of plant protection and plant quarantine shall perform the authorised body. The authorised body shall submit the followings for the approval of the RA Government according to the established procedure:

a) the charter of the plant quarantine service and other legislative instruments envisaged by this Law;

b) the charter of the plant protection service;

c) purpose-oriented projects on the plant protection and plant quarantine measures;

d) proposals on a quarantine measures and other restrictions directed to the prevention of the spread and eradication of the quaratine pests, as well as on their detection.

The authorised body shall:

a) manage the activities of the plant protection and plant quarantine services;

b) organize the measures directed to the prevention, combat against and eradication of the pests harmful for the plants;

c) predetermine and assess the situation of the plant protection in the republic;

d) participate in the international, regional and inter-state projects on the plant protection and plant quarantine;

e) implement other competences established by the RA legislation.

PART II

PLANT PROTECTION IN THE REPUBLIC OF ARMENIA

ARTICLE 6. PLANT PROTECTION ISSUES

The plant protection is a complex of scientifically justified measures directed to combat against pests and diseases of plants, crop, foodstuff of plant origin, quarantine and other weeds, state testing, production, maintenance, transportation, application of chemical pest-killers, biological preparations, as well as the protection of the environment, human, plants and animals.

The plant protection issues are the followings:

a) to implement measures aimed at foreseeing, diagnosing and preventing on time of the large-scaled propagation and spread of the plant pests;

b) to ensure the improvement of phytosanitary conditions of the agricultural cultivated plants, reaping of ecologically pure crop, exclusion of any possible damage that could be caused to the environment, flora and fauna.

ARTICLE 7. SYSTEM OF PLANT PROTECTION

The plant protection service and the scientific research institutions shall perform operations on the plant protection. The plant protection service shall operate within the system of the authorized body and shall be organized basing on the administrative and territorial principle.

ARTICLE 8. OPERATIONS OF THE PLANT PROTECTION SERVICE

The plant protection service shall:

a) implement the plant protection projects;

b) analyze the phytosanitary condition of the agricultural cultivated plants; if required inform the authorized body and the local self-governing bodies, the legal and natural persons on the detection and spread of the pests and on the scientifically justified complex measures of combat against them;

c) implement the complex measures on the combat against the pests, via coordinating them with the authorized body, local self-governing bodies, other concerned bodies and persons;

d) give its conclusion concerning the production, maintenance, sale, import and export of the plant protection means through the examination of the legal and natural persons, according to the procedure established by the RA Government;

e) undertake preventive measures against the sale, application of the plant protection means, that are non-registered, withdrawn from use, dangerous for the health of the population and environment, as well as against the activities on the combat that are performed with the infringement of the agrarian rules;

f) assist the legal and natural persons in the activities on the application of plant protection measures in the land, production, trade and storage territories, other regulated articles.

ARTICLE 9. STATE REGISTRATION OF PLANT PROTECTION MEANS

The plant protection means shall conform to the requirements of the international legislative acts, norms on the maintenance of the environment and plants, sanitary and hygienic norms.

The plant protection means shall be registered by the authorized body basing on the conclusion of the inter-institutional committee on registration of chemical, biological means and biologically active substances for plant protection.

The procedure of the state registration of the plant protection means shall be established by the RA Government.

PART III

PLANT QUARANTINE

ARTICLE 10. GENERAL ISSUES OF PLANT QUARANTINE

The plant quarantine is a system of complex state measures for plants, plant products and other regulated articles aiming at the prevention of invasion of the quarantine pests to the territory of the Republic of Armenia, as well as at the detection and extermination of the seats of their infection.

The general issues of the plant quarantine are as follows:

a) to reveal and exterminate the plant quarantine and regulated non-quarantine pests, diseases and weeds within the territory of the Republic of Armenia;

b) to prevent the invasion of the plant quarantine pests, diseases and weeds to the territory of the Republic of Armenia;

c) to ensure the observance of the phytosanitary rules during the import and export transactions on plants, plant products and other regulated articles. These rules shall be established by the Government of the Republic of Armenia.

ARTICLE 11. PLANT QUARANTINE SERVICE

The plant quarantine activities in the Republic of Armenia shall be implemented by the plant quarantine service, that should operate within the system of the authorized body and should be established on the basis of the administrative and territorial principle.

The focal points, laboratories and other structural subdivisions can operate within the system of the plant quarantine service.

The head of the plant qquarantine service, *ex officio*, shall be the chief state inspector of the RA quarantine service, and the heads of the regional subdivisions of the plant quarantine service shall be the state inspectors of the relevant territories.

While performing their activities the chief state inspector and the state inspectors shall be guided by the present Law and other legislative acts.

ARTICLE 12. OPERATIONS OF PLANT QUARANTINE SERVICE

Within the frame of its competence the plant quarantine service shall:

a) implement the plant quarantine projects, approved by the Government of the Republic of Armenia;

b) make and submit for the approval of the RA Government (through the authorized body) the list of the quarantine and regulated non-quarantine pests, which do not exist or have a restricted spread in the territory of the Republic of Armenia;

c) implement the control over the import of the plants and plant products to the territory of the Republic of Armenia to prevent the introduction of the plant quarantine pests;

d) implement the control over the export of the plants, plant products and other regulated articles from the territory of the Republic of Armenia for the purpose of their conformity to the phytosanitary norms;

e) provide the legal and natural persons with the certificate on the conformity to the phytosanitary norms in cases of import and export of the plants, plant products and other regulated articles, according to the procedures established by the RA Government.

ARTICLE 13. RIGHTS OF CHIEF STATE INSPECTOR AND STATE INSPECTORS ON PLANT QUARANTINE

While implementing their competence envisaged by the Article 12 ((c) and (d)) of the present Law the chief state inspector and the state inspectors on the plant quarantine, have the following rights, according to the procedures established by the legislation:

a) to carry out the control over the implementation of the measures established for the plant quarantine within the land, production, trade and storage territories and other regulated articles of the legal and natural persons;

b) in case of the import of the plants, plant products and other regulated articles, to require from the legal and natural persons the phytosanitary certificates and other information, as well as to take samples;

c) to organize and conduct the disinfection of the plants, plant products and other regulated articles according to the phytosanitary rules;

d) in cases envisaged by the present Law and other legislative acts, to realize the relevant check on the conformity of a plants and commodities of plant origin in to transit the phytosanitary norms.

ARTICLE 14. THE DUTIES OF CHIEF STATE INSPECTOR AND STATE INSPECTORS ON PLANT QUARANTINE

The duties of the chief state inspector and the state inspectors on the plant quarantine are the followings:

a) to respect the rights of the legal and natural persons stipulated by the law, not to impede their trade activities, excluding the unjustified obstacles and restrictions;

b) to grant phytosanitary certificates to the legal and natural persons during the export and import of the plants, plant products and other regulated articles. The terms of granting the certificates shall be established by the RA Government;

c) not to disclose any information containing commercial secrets concerning the legal and natural persons;

d) to apply enforcing measures established by the RA legislation in case of infringements of the phytosanitary rules;

e) to keep the requirements of the RA legislation;

f) to acquaint the officials of the unit under the control to their rights and duties;

g) to compensate the damages caused to the legal and natural persons through their own fault.

PART IV

PHYTOSANITARY CONTROL IN THE TERRITORY OF THE REPUBLIC OF ARMENIA

ARTICLE 15. PEST RISK ANALYSIS

In case of the detection of any quarantine and regulated non-quarantine pests in the territory of the Republic of Armenia the plant quarantine service shall carry out the pest risk analysis and submit to the authorized body its report based on the results of this analysis. The authorized body shall make proposals to the RA Government on the establishment of the quarantine control. Such report should contain the information on the revealed pests, the extent of their spread, the evaluation of the possible losses, the borders of the quarantine zone, the list of the proposed measures and the bodies implementing them, the participation of the legal and natural persons in the quarantine measures and other information.

ARTICLE 16. PLANT QUARANTINE ESTABLISHMENT

The Government shall make a decision on the establishment of the plant quarantine, based on the report of the plant quarantine service, mediated by the authorized body.

According to the procedures established by the RA Government the plant quarantine service in collaboration with the heads of the local self-governing bodies shall establish and declare the list of the quarantine measures, ensuring that all the interested bodies, the legal and natural persons are well informed on the rules and measures subject to the obligatory application in the quarantine zone.

In case of the establishment of the plant quarantine the outflow of the plants and plant products, as well as the entry and exit of the relevant transportation means to/from the quarantine zone shall be restricted. The cases and procedures of the restrictions shall be established by the RA Government.

The plant quarantine service in collaboration with the local self-governing bodies and the plant protection service shall implement the envisaged phytosanitary measures in the quarantine zone aiming at the eradication of the quarantine and regulated non-quarantine pests, disinfection of the regulated articles and other

measures preventing the spread of the quarantine and regulated non-quarantine pests in the territory of the Republic of Armenia.

ARTICLE 17. PLANT QUARANTINE REMOVAL

The plant quarantine shall be removed by the RA Government on the basis of the conclusion of the plant quarantine service and the mediation of the authorized body.

PART V

PHYTOSANITARY CONTROL OVER EXPORT AND IMPORT OPERATIONS

ARTICLE 18. PHYTOSANITARY CONTROL OVER THE PLANTS, PLANT PRODUCTS AND OTHER REGULATED ARTICLES IMPORTED TO THE REPUBLIC OF ARMENIA

The import of the plants, plant products and other regulated articles via the RA boundary entry points shall be permitted only after their passing the obligatory phytosanitary check.

The phytosanitary control at the RA boundary entry points shall be performed according to the procedures established by the RA Government.

The customs formalities on the plants, plant products and other regulated articles shall be performed in case of availability of the document confirming their conformity to the applicable phytosanitary norms.

ARTICLE 19. PHYTOSANITARY CONTROL OVER EXPORT OF PLANTS, PLANT PRODUCTS AND OTHER REGULATED ARTICLES FROM THE REPUBLIC OF ARMENIA

The export of plants, plant products and other regulated articles from the territory of the Republic of Armenia shall be permitted only in case of availability of the phytosanitary certificates.

The phytosanitary certificate for the exported plants, plant products and other regulated articles shall be granted in case of their conformity to the applicable phytosanitary norms of the importing countries.

The form of the phytosanitary certificate shall conform to the specimen approved by the International Plant Protection Convention.

The phytosanitary certificate shall be considered as invalid in case of uncertified alterations and erasures.

ARTICLE 20. PHYTOSANITARY CONTROL OVER TRANSIT PLANTS, PLANT PRODUCTS AND OTHER REGULATED ARTICLES

The transit plants, plant products and other regulated articles are not subject to the phytosanitary control at the boundary checkpoints of the Republic of Armenia, if they are in well-packed, sealed containers, excluding any outflow.

If the plants, plant products and other regulated articles are in such containers, from which the pests penetration into the environment is possible, or precise information exists on the possibility of such risk, they are also subject to the obligatory phytosanitary control.

In this case the entry of the transit plants, plant products and other regulated articles to the territory of the Republic of Armenia shall be possible in case of availability of the relevant document provided by the boundary phytosanitary inspector.

PART VI

CONFISCATION AND EXTERMINATION OF PLANTS, PLANT PRODUCTS AND OTHER REGULATED ARTICLES

ARTICLE 21. CONFISCATION AND EXTERMINATION OF PLANTS, PLANT PRODUCTS AND OTHER REGULATED ARTICLES

According to the procedures established by the RA legislation, in order to eliminate the introduction and the spread of the plant quarantine pests, as well as the seats of the infection, the plants, plant products and other regulated articles bearing pests or infected with them, shall be confiscated, basing on the examination of the state inspector of the plant quarantine service, for the purpose of disinfection or extermination.

The costs on the disinfection and the extermination of plants, plant products and other regulated articles shall be reimbursed according to the procedures established by the RA legislation.

PART VII
COOPERATION OF SERVICES ON PLANT PROTECTION AND PLANT QUARANTINE WITH OTHER RA BODIES, SERVICES AND INTERNATIONAL ORGANIZATIONS

ARTICLE 22. COOPERATION OF THE SERVICES ON PLANT PROTECTION AND PLANT QUARANTINE WITH OTHER RA BODIES AND SERVICES

The plant protection and plant quarantine services, while implementing their objectives, via the authorized body, shall cooperate with the RA state administrative and local self-governing bodies, state agrarian inspectors, customs bodies, services on the environment protection, state hygienic, antiepidemic and other services.

ARTICLE 23. COOPERATION WITH INTERNATIONAL ORGANIZATIONS

The plant protection and plant quarantine services shall cooperate via the authorized body with the relevant international organizations within the frame of their competence.

PART VIII

FINANCING OF PLANT PROTECTION AND PLANT QUARANTINE SERVICES

ARTICLE 24. FINANCING OF PLANT PROTECTION AND PLANT QUARANTINE SERVICES

The financing of the plant protection and plant quarantine services shall be realized on the account of the state budget resources.

For the documents provided by the plant quarantine service a state fee shall be charged according to the RA Law “On State Fee”. The list of the documents shall be established by the Government of the Republic of Armenia.

PART IX.

RIGHTS AND DUTIES OF THE LEGAL AND NATURAL PERSONS IN THE FIELD OF PLA NT PROTECTION AND PLANT QUARANTINE

ARTICLE 25. THE RIGHTS OF THE LEGAL AND NATURAL PERSONS

In the field of plant protection and plant quarantine the legal and natural persons have the following rights:

a) to make an appeal against the actions of the plant protection and plant quarantine services according to the procedures established by the RA legislation;

b) to demand, by legal procedure, for the compensation for damages caused in the result of an illegal action or inactivity of the above services;

c) to clear up the objective of the applied mode of control;

d) to obtain the relevant clarifications on their rights from the body implementing the control;

e) to object against the actions of the inspection bodies and to require the objections to be registered in the protocol;

f) to get acquainted with the protocols, in which they participated or were present to, and to represent comments on the correctness and the completeness of the protocol notes, to require the reflection in the above protocol of the issues, which they deem should be mentioned there;

g) to get the compensation for the damage caused by the illegal actions of the body performing the control;

h) to prohibit the check-up carried out with the infringements of the legislation requirements;

i) to get acquainted with the check-up protocols;

j) to present the explanations, to claim the petitions;

ja) not to fulfil the requirements, which do not proceed from the competence of the persons performing the check-up, as well as from the objectives of the inspection;

jb) to involve in the check-up activities the specialists, experts, representatives and lawyers for the purpose of the protection of their interests.

ARTICLE 26. OBLIGATIONS OF THE LEGAL AND NATURAL PERSONS

The legal and natural persons are obliged:

a) to ensure the fulfilment of the requirements of the established phytosanitary rules;

b) not to impede the legal examinations and the phytosanitary measures carried out by the plant protection and plant quarantine services;

c) to provide samples aiming at the phytosanitary testing according to the procedures established by the RA Government.

PART X

RESPONSIBILITY FOR THE INFRINGEMENTS OF THE PRESENT LAW

ARTICLE 27. RESPONSIBILITY FOR THE INFRINGEMENTS OF THE PRESENT LAW

The state bodies of the Republic of Armenia, the legal and natural persons shall bear responsibility for the infringements of the present Law according to the procedure established by the RA legislation.

PART XI

CLOSING PROVISION

ARTICLE 28. ENTRY INTO FORCE

The present Law shall enter into force after two months since its official promulgation.

April 19, 2000
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