

FEDERAL LAW NO. 109-FZ OF JULY 19, 1997 ON THE SAFE HANDLING OF PESTICIDES AND AGROCHEMICALS (with the Amendments and Additions of January 10, 2003, June 29, 2004, October 16, 2006)

Adopted by the State Duma on June 24, 1997

The present Federal Law shall establish the legal bases for ensuring the safe handling of pesticides, including their acting substances, and also agrochemicals for the purpose of protecting human health and the natural environment.

Chapter I. General Provisions

Article 1. Basic Notions

In the present Federal Law the following basic notions shall be used:

pesticides - chemical or biological preparations used to control plant pests and plant diseases, weed plants, pests of stored agricultural products, domestic pests and animal ectoparasites, and also to regulate the growth of plants, to remove leaves before harvesting (defoliants) and to dry plants before harvesting (desiccants);

agrochemicals - fertilizers, chemical meliorants, and feed additive, designed for plant nutrition, regulation of soil fertility and animal fattening;

acting substance of a pesticides - a biologically active part of a pesticide whose use in the form of various preparations affects a certain species of a harmful organism or the growth and development of plants;

state registration of pesticides and agrochemicals - registration of pesticides and agrochemicals on whose basis the federal body of the executive power conducting the organisation of the registration tests and the state registration of pesticides and agrochemicals a permit for the production, application, realization, transportation, storage, destruction, advertising, and importation into and exportation from the Russian Federation of pesticides and agrochemicals;

regulations on the application of pesticides and agrochemicals - the obligatory requirements for the conditions and procedure for the application of pesticides and agrochemicals;

developer - a citizen or a juridical person carrying out the obtention of pesticides or agrochemicals, the research of their activity, toxicological properties and the effect on the natural environment;

manufacturer - a citizen or a juridical person carrying out the production of pesticides and agrochemicals;

phytosanitary situation - the state of lands, forests and vegetation determined by the quantity of plant pests, the occurrence of plant diseases and the presence of weed plants;

phytosanitary monitoring - the prediction and establishment of the most probable level of the occurrence, quantity, intensity of the development and harmfulness of organisms.

Article 2. Legal Regulation in the Field of the Safe Handling of Pesticides and Agrochemicals

The legal regulation in the field of the safe handling of pesticides and agrochemicals shall be carried out by the present Federal Law, the laws and other normative legal acts of the Russian Federation, and also by the laws and other normative legal acts of the entities of the Russian Federation.

The legislation of the Russian Federation in the field of the safe handling of pesticides and agrochemicals shall regulate the relations arising in carrying out the state administration in the field of the safe handling of pesticides and agrochemicals, and also in developing, producing, realizing, storing, transporting, destroying, burying, in importing into and exporting from the Russian Federation pesticides and agrochemicals.

Article 3. The Turnover of Pesticides and Agrochemicals

Pesticides and agrochemicals may be freely alienated or pass from one person to another otherwise in the procedure established by the legislation of the Russian Federation, unless they are withdrawn from or restricted in circulation.

There shall not be permissible the turnover of pesticides and pesticides that have not been introduced into the State Catalogue of Pesticides and Agrochemicals Permitted for Application on the Territory of the Russian Federation.

The turnover of restricted-use pesticides having a heightened probability, established as a result of the registration tests of the pesticides and agrochemicals, of negative effect on human health and natural environment shall be carried out on the basis of a special permit.

Chapter II. Powers of the Bodies of the State Power of the Russian Federation, the Bodies of the State Power of the Entities of the Russian Federation and the Bodies of the Local Self-Government in the Field of the Safe Handling of Pesticides and Agrochemicals

Article 4. Powers of the Bodies of the State Power of the Russian Federation in the Field of the Safe Handling of Pesticides and Agrochemicals

The powers of the bodies of the state power of the Russian Federation in the field of the safe handling of pesticides and agrochemicals shall comprise:

the adoption of federal laws and other normative legal acts in the field of the safe handling of pesticides and agrochemicals;

the conduct in the Russian Federation of a single state policy in the field of the safe handling of pesticides and agrochemicals;

the exercise of the state control over the execution of the legislation of the Russian Federation in the field of the safe handling of pesticides and agrochemicals;

the organisation of the registration tests, the expert examination of the results of the registration tests of pesticides and agrochemicals, the state registration of pesticides and agrochemicals, and the determination of the federal body of the executive power in the field of the testing and registration of pesticides and agrochemicals;

the organisation of the works of the standardization and certification of pesticides and agrochemicals;

the carrying out of international cooperation in the field of the safe handling of pesticides and agrochemicals;

the exercise of any other powers stipulated by the legislation of the Russian Federation.

Article 5. Powers of the Bodies of the State Power of the Entities of the Russian Federation in the Field of the Safe Handling of Pesticides and Agrochemicals

The powers of the bodies of the state power of the entities of the Russian Federation in the field of the safe handling of pesticides and agrochemicals shall comprise:

the execution of the legislation of the Russian Federation in the field of the safe handling of pesticides and agrochemicals;

the ensuring of the conformity of the legislation of the entities of the Russian Federation in the field of the safe handling of pesticides and agrochemicals to the legislation of the Russian Federation and the control over its execution;

any other powers not comprising the powers of the bodies of the State power of the Russian Federation in the field of the safe handling of pesticides and agrochemicals.

Article 6. Powers of the Bodies of the Local Self-Government in the Field of the Safe Handling of Pesticides and Agrochemicals

The bodies of the local self-government may be invested with certain state powers in the field of the safe handling of pesticides and agrochemicals in the procedure established by the legislation of the Russian Federation.

Chapter III. State Administration in the Field of the Safe Handling of Pesticides and Agrochemicals, Supervision and Control over the Safe Handling of Pesticides and Agrochemicals

Article 7. State Administration in the Field of the Safe Handling of Pesticides and Agrochemicals

The state administration in the field of the safe handling of pesticides and agrochemicals shall be exercised by the Government of the Russian Federation directly or through federal bodies of the executive power specially authorized by it.

The specially authorized federal bodies of the executive power in the field of the safe handling of pesticides and agrochemicals shall exercise their activity in the field of the safe handling of pesticides and agrochemicals in accordance with the regulations approved by the Government of the Russian Federation.

Article 8. Specially Authorized Federal Body of the Executive Power Carrying Out the Organization of the Registration Tests and the State Registration of Pesticides and Agrochemicals

The organisation of the registration tests and the state registration of pesticides and agrochemicals shall be carried out by a specially authorized federal body of the executive power in accordance with the regulations approved by the Government of the Russian Federation.

Article 9. Registration Tests of Pesticides and Agrochemicals

The registration tests of pesticides and agrochemicals shall be conducted for developing and substantiating the rules for the application of pesticides and agrochemicals. The said rules shall ensure

the efficiency of the application of pesticides and agrochemicals and their for human health and the natural environment.

The registration tests of pesticides and agrochemicals shall be carried out by juridical persons that have therefor the necessary scientific and logistic support, specialists of the relevant type and qualification and have been permitted by a specially authorized federal body of the executive power carrying out the organisation of the registration tests and the state registration of pesticides and agrochemicals to conduct such tests.

The registration tests of pesticides and agrochemicals shall comprise:

the determination of the efficiency of pesticides and agrochemicals and the elaboration of the rules for their application;

the assessment of the hazard of the negative import of pesticides and agrochemicals on human health, and the elaboration of the hygienic regulations, sanitary norms and rules;

the ecological assessment of the rules for the application of pesticides and agrochemicals;

the export examination of the results of the registration tests of pesticides and agrochemicals.

The citizens or juridical persons that have submitted applications for the state registration of pesticides and/or agrochemicals must:

furnish gratis samples of pesticides and/or agrochemicals for the conduct of registration tests of the pesticides and agrochemicals;

pay for the registration tests of such pesticides and/or agrochemicals.

Article 10. Expert Examination of the Results of the Registration Tests of Pesticides and Agrochemicals

The expert examination of the results of the registration tests of g and agrochemicals shall comprise:

the state ecological expert examination of pesticides and agrochemicals conducted by a specially authorized federal body of the executive power in the field of the safe handling of environmental protection;

the toxicologo-hygienic expert examination conducted by a specially authorized federal body of the executive power in the field of the safe handling of the sanitary-epidemiological supervision;

the expert examination of the rules for the application of pesticides and agrochemicals organized by a specially authorized federal body of the executive power carrying out the organisation of the registration tests and the state registration of pesticides and agrochemicals.

The procedure for conducting the expert examination of the results of the registration tests of pesticides and agrochemicals shall be determined in accordance with the legislation of the Russian Federation.

Article 11. Principles of the Expert Examination of the Results of the Registration tests of Pesticides and Agrochemicals

The expert examination of the results of the registration tests of pesticides and agrochemicals shall be based on the principles of:

obligatoriness of it conduct;

scientific validity of its conclusions;

independence of the experts in the exercise of their powers;

payableness of its conduct.

The period for the conduct of an expert examination must not exceed six months.

The citizens or juridical persons that have submitted applications for the state registration of pesticides and/or agrochemicals, and also the developers may not participate in the expert examination of the results of the registration tests of pesticides and agrochemicals.

The conclusion of the expert examination of the results of the registration tests of pesticides and agrochemicals may be appealed against judicially.

The procedure and organisation of the conduct of the expert examination of the results of the registration tests of pesticides and agrochemicals shall be determined by a specially authorized federal body of the executive power carrying out the organisation of the registration tests and the state registration of pesticides and agrochemicals in agreement with specially authorized federal bodies of the executive power in the field of the safe handling of pesticides and agrochemicals.

Article 12. State Registration of Pesticides and Agrochemicals

The state registration of pesticides and agrochemicals shall conducted by a specially authorized federal body of the executive power carrying out the organisation of the registration tests and the state registration of pesticides and agrochemicals on the basis of the conclusions of the expert examination of the results of the registration tests of pesticides and agrochemicals for a period of two years if it is necessary to conduct additional studies in assessing the hazard of the negative impact of pesticides and agrochemicals on human health and the natural environment. In the other cases the state registration of pesticides and agrochemicals shall be made for a period of ten years.

The procedure for the state registration of pesticides and agrochemicals shall be established by a specially authorized federal body of the executive power carrying out the organisation of the registration tests and the state registration of pesticides and agrochemicals.

A citizen or a juridical body, by decision of a specially authorized federal body of the executive power carrying out the organisation of the registration tests and the state registration of pesticides and agrochemicals, shall be issued a registration certificate on the state registration of a pesticide and/or an agrochemical. The form of the said registration certificate shall be established by a specially authorized federal body of the executive power carrying out the organisation of the registration tests and the state registration of pesticides and agrochemicals.

The pesticide or agrochemical shall be entered in the State Catalogue of Pesticides and Agrochemicals Permitted for Application on the Territory of the Russian Federation.

The State Catalogue of Pesticides and Agrochemicals Permitted for Application on the Territory of the Russian Federation shall be kept by a specially authorized federal body of the executive power carrying out the organisation of the registration tests and the state registration of pesticides and agrochemicals.

Federal Law No. 15-FZ of January 10, 2003 excluded Article 13 of this Federal Law

Article 14. Standardization and Certification of Pesticides and Agrochemicals

Pesticides and agrochemicals shall be produced in accordance with the standards and any other normative documents agreed upon with specially authorized federal bodies of the executive power in the field of the safe handling of pesticides and agrochemicals, and approved in the procedure established by the legislation of the Russian Federation.

Pesticides and Agrochemicals shall be subject to certification for conformity to the requirements for the safe handling of pesticides and agrochemicals in the procedure established by a specially authorized federal body of the executive power carrying out the organisation of the registration tests and the state registration of pesticides and agrochemicals.

Article 15. State Supervision and Control over the Safe Handling of Pesticides and Agrochemicals

The state supervision and control over the safe handling of pesticides and agrochemicals shall be exercised by specially authorized federal bodies of the executive power in the field of the safe handling of pesticides and agrochemicals.

The procedure for the exercise of the state supervision and control over the safe handling of pesticides and agrochemicals shall be established by the legislation of the Russian Federation.

Chapter IV. General Requirements for the Safe Handling of Pesticides and Agrochemicals

Article 16. Elaboration of New Pesticides and Agrochemicals

In the elaboration of new pesticides and agrochemicals there must be used the conditions of labour, the methods of the protection of human health and of the natural environment and the methods of the control in this field which exclude completely or reduce to the minimum the hazard of the negative impact of pesticides and agrochemicals on human health and the natural environment.

The developer must carry out the studies of the obtained pesticides or agrochemicals in revealing their toxicological properties and the impact on natural environment for ensuring the measures for their safe handling.

Article 17. Information on the Safe Handling of Pesticides and Agrochemicals

For the purpose of providing the consumers with information on the safe handling of pesticides and agrochemicals, the citizens and the juridical persons that have submitted applications for the state registration of pesticides and/or agrochemicals shall ensure in the state registration the presentation of recommendations for the transportation, application and storage of pesticides and agrochemicals and the tare labels with warning marking.

The requirements to the form and procedure for approving the recommendations on the transportation, application and storage of pesticides and agrochemicals, and to the tare label shall be established by a specially authorized federal body of the executive power carrying out the organisation of the registration tests and the state registration of pesticides and agrochemicals.

On the realization of pesticides and agrochemicals the seller (supplier) must furnish each container holding a pesticide or an agrochemical with recommendations on the application, transportation and storage of the pesticides and agrochemicals and with a tare label.

Article 18. Production of Pesticides and Agrochemicals

The manufacturer must:

ensure the production of pesticides and agrochemicals in accordance with the normative documents;

ensure the output of pesticides and agrochemicals in packaging convenient for the consumers, including for the retail trade;

ensure the output of analytical standards (tests) for the purpose of the control of the microquantities of pesticides and agrochemicals in agricultural products, medical raw materials, foodstuffs and in the natural environment;

stop the realization of pesticides and agrochemicals and carry out their utilization if the safe application of such pesticides and agrochemicals becomes impossible in the fulfilment of the recommendations for the application, transportation and storage of the pesticides and agrochemicals or in the observance of the restrictions on the application of the pesticides and agrochemicals.

It shall be prohibited to produce the pesticides and agrochemicals that have not passed the state registration.

Article 19. Storage of Pesticides and Agrochemicals

The storage of pesticides and agrochemicals shall be permissible in specialized storehouses designed only for their storage.

Bulk storage of pesticides shall be prohibited.

When storing pesticides and agrochemicals it shall be necessary to observe the requirements ruling out the causing of damage to human health and the natural environment.

The requirement for the storage of pesticides and agrochemicals shall be established by the federal bodies of the executive power in the field of the safe handling of pesticides and agrochemicals.

Article 20. Transportation of pesticides and agrochemicals

The transportation of pesticides and agrochemicals shall be permissible only in specially equipped transport facilities.

When transporting pesticides and agrochemicals it shall be necessary to observe the requirements that have been established by the legislation of the Russian Federation and by the rules issued in accordance therewith by specially authorized bodies of the executive power of the Russian Federation, the requirements that rule out the possibility of the negative impact of pesticides and agrochemicals on human health and the natural environment.

Article 21. Importation of Pesticides and Agrochemicals into and Exportation Thereof from the Russian Federation

The importation of pesticides and agrochemicals into and the exportation thereof from the Russian Federation shall be carried out in the procedure established by federal laws and other normative legal acts of the Russian Federation in the presence of the registration certificate on the state registration of a pesticide and/or an agrochemical issued by a specially authorized federal body of the executive power carrying out the organisation of the registration tests and the state registration of pesticides and agrochemicals.

In the agreements of purchase-and-sale and transportation of pesticides and agrochemicals the condition must be stipulated on the presence of the registration certificate of a pesticide and/or an agrochemical issued by a specially authorized body of the executive power carrying out the organisation of the registration tests and the state registration of pesticides and agrochemicals.

The procedure for the importation of pesticides and agrochemicals into and the exportation thereof from the Russian Federation shall be established by the federal ministry carrying out normative legal regulations in customs business and by a specially authorized federal body of the executive power carrying out the organisation of the registration tests and the state registration of pesticides and agrochemicals in accordance with the legislation of the Russian Federation.

The exportation of pesticides and agrochemicals from the territory of the Russian Federation shall be carried out in accordance with the legislation of the Russian Federation.

Article 22. Application of Pesticides and Agrochemicals

The procedure for the application of pesticides and agrochemicals shall be determined by the federal bodies of the executive power in the field of the safe handling of pesticides and agrochemicals with regard to the phytosanitary, sanitary and ecological situation, the requirements of the plants in agrochemicals, the state of the fertility of the lands (sails), and also with regard to the rations of the animals.

The safety of the application of pesticides and agrochemicals shall be ensured by the observance of the established regulations and rules for the application of the pesticides and agrochemicals ruling out their negative impact on human health and the natural environment.

Pesticides and agrochemicals shall be applied only with the use of special machinery and equipment.

The application of pesticides of restricted use must be carried out on the basis of special permits of a specially authorized federal body of the executive power only by citizens having special professional training.

Article 23. Realization of Pesticides and Agrochemicals

The citizens and juridical persons conducting wholesale and retail trade shall have right to acquire and realize pesticides and agrochemicals that have passed the state registration and been entered in the State Catalogue of Pesticides and Agrochemicals Permitted for Application on the territory of the Russian Federation in accordance with the legislation of the Russian Federation.

The realization of pesticides of restricted use shall be carried out only by citizens having special professional training.

Article 24. Neutralization, Utilization, Destruction and Burial of Pesticides and Agrochemicals That Have Become unfit for Use and/or been Prohibited from Application, and the Tare Thereof

The neutralization, utilization, destruction and burial of pesticides and agrochemicals that have become unfit for use and/or been prohibited from application, and also the tare thereof shall be ensured by citizens and juridical persons in accordance with the legislation of the Russian Federation.

The methods of the destruction of pesticides and agrochemicals that have become unfit for use and/or been prohibited from application, and also the tare thereof shall be elaborated by the manufacturers of the pesticides and agrochemicals in agreement with a specially authorized federal body of the executive power in the field of the protection of the natural environment and a specially authorized federal body of the executive power in the field of the state sanitary-epidemiological supervision.

Chapter V Responsibility for the Violation of the Legislation of the Russian Federation in the Field of the Safe Handling of Pesticides and Agrochemicals

Article 25. Responsibility for the Violation of the Legislation of the Russian Federation in the Field of the Safe Handling of Pesticides and Agrochemicals

Persons guilty of the violation of the legislation of the Russian Federation in the field of the safe handling of pesticides and agrochemicals shall bear responsibility in accordance with the legislation of the Russian Federation.

Chapter VI International Agreements of the Russian Federation in the Field of the Safe Handling of Pesticides and Agrochemicals

Article 26. International Agreements of the Russian Federation in the Field of the Field of the Safe Handling of Pesticides and Agrochemicals

If an international agreement of the Russian Federation has established rules other than those stipulated by the present federal law, then the rules of the international agreement shall be applicable.

Chapter VII Final Provisions

Article 27. Entry into force of the Present Federal Law

The present Federal Law shall enter into force as from the day of its official publication.

Article 21 of the present Federal Law shall enter into force upon the expiry of 30 days from the day of its official publication.

Article 28. Bringing of the Normative Legal Acts in Conformity with the Present Federal Law

To entrust the Government of the Russian Federation with the bringing of its normative legal acts in conformity with the present Federal Law.

President
of the Russian Federation

Boris Yeltsin

Moscow, Kremlin