

LAW OF THE REPUBLIC OF TAJIKISTAN

On the quarantine of the plants

The current Law defines legal and organizational basis in the area of providing plant quarantine and includes phytosanitary quarantine measures, facilitating protection of plants from the entry, emergence and spread of pests, diseases and weeds.

SECTION 1. GENERAL PROVISIONS

Article 1. General terms

In this law the following general terms are applied:

- quarantine – official confinement under restricted quarantine arrangements of under-quarantine material for observation and investigation or for subsequent inspection, testing and/or treatment;
- plants – living plants and plants thereof, including seeds and genetic material;
- plant quarantine – activities, designed to prevent the introduction and/or spread of quarantine pests organisms or to ensure their official control;
- plant products – unmanufactured material of plant origin (including grain) and those manufactured products that, by their nature or that of their processing, may create a risk for the introduction and spread of pests;
- under-quarantine material (regulated article) - any plant, plant product, storage place, packaging, transport, container, soil or any other organism, object or material, capable of harboring or spreading pests, deemed to require phytosanitary measures, particularly where international transportation is involved;
- fumigation - treatment with a chemical agent that reaches the commodity wholly or partially in a gaseous state;
- degassing - removal of poisonous substances;
- quarantine phytosanitary measures - official measures or regulation, having the purpose to prevent the introduction or spread of quarantine pests, or to limit the economic impact of regulated non-quarantine pests;
- pest – any type, species or biotype of plant, animals or pathogenic agents, injurious to plants or plant products;
- quarantine pest – a pest of potential economic importance to the area endangered thereby and yet not present there or present, but not widely distributed and being officially controlled;
- introduction – introduction of pest leading to its establishment;
- quarantine phytosanitary area – an area, where a quarantine phytosanitary regime is declared as a result of detecting quarantine pests;
- quarantine phytosanitary regime – quarantine phytosanitary measures, taken in a quarantine phytosanitary area;
- phytosanitary certification – use of phytosanitary procedures leading to the issue of a phytosanitary certificate;
- phytosanitary certificate – document, which approves conformity of under-quarantine material with rules and norms of plant quarantine;
- state quarantine phytosanitary control – active implementation of obligatory phytosanitary regulations, as well as obligatory phytosanitary procedures having the purpose to destruct (liquidat) or localize quarantine pests or to manage regulated non-quarantine pests;
- rules and norms for plant quarantine – regulatory legal acts, regulatory-technical and methodical documentation on plant quarantine;

- import quarantine permit – official document, authorizing importation of the commodity in accordance with specified phytosanitary import requirements;
- consignment – a quantity of plants, plant products and/or other materials, being moved from one country to another and covered (when required) by a single phytosanitary (a consignment may be composed of one or more commodities or lots);
- lot – a number of units of a single commodity, identifiable by its homogeneity composition, origin, etc. forming part of a consignment;
- free area – an area in which a specific pest does not occur demonstrated by scientific evidence, and in which, where appropriate, this condition is being officially maintained;
- phytosanitary risk assessment - the process of evaluating biological or other scientific and economic evidence to determine whether an organism is a pest and the strength of phytosanitary measures to be taken against it;
- consignment in transit – a consignment, which passes through a country without being imported, and that may be subject to phytosanitary measures;
- re-exported consignment - consignment that has been imported into a country from which it is then exported. The consignment may be stored, split-up, combined with other consignments or have its packaging changed;
- authorized state body – state body, implementing the state policy in plant quarantine within its competence.

Article 2. Legislation of the Republic of Tajikistan on plant quarantine

Legislation of the Republic of Tajikistan on plant quarantine is based on the Constitution of the Republic of Tajikistan and consisting of this law, other regulatory legal acts of the Republic of Tajikistan and international legal agreements, acknowledged by Tajikistan.

Article 3. Authority of the Government of the Republic of Tajikistan

Authority of the Government of the Republic of Tajikistan for plant quarantine includes:

- formulation and implementation of a common state policy for plant quarantine;
- implementation of state quarantine phytosanitary control;
- establishment and abolishment of quarantine phytosanitary zone, establishment and annulment of quarantine phytosanitary regime;
- approving of rules and norms of plant quarantine;
- approving of a list of under-quarantine materials in accordance with the international standards on plant quarantine and protection;
- secure implementation of duties according to international agreements of the Republic of Tajikistan on cooperation in plant quarantine.

SECTION 2. STATE BODY FOR PHYTOSANITARY CONTROL AND PLANT QUARANTINE

Article 4. Authorised state body responsible for plant quarantine

State phytosanitary control and plant quarantine in the Republic of Tajikistan are provided by authorized state body for plant quarantine, defined by the Government of the Republic of Tajikistan.

Regulations, structure and other institutional-legal issues of the authorized state body to be approved by the Government of the Republic of Tajikistan.

Article 5. Competence of the authorized state body

Competence of the authorized state body:

- secures following of plant quarantine rules and norms and ensures quarantine phytosanitary control on territory of the Republic of Tajikistan;

- develops rules and norms of plant quarantine;
- develops and **approves** the list of quarantine pests;
- defines principles of classification of quarantine pests and delivery of phytosanitary pest risk analysis in accordance with the principles of international standards;
- performs phytosanitary certification of under-quarantine material and issues phytosanitary certificate;
- issues import quarantine permit for the import of under-quarantine material in accordance with the principles of international standards;
- prepares a list of under-quarantine materials in accordance with the requirements of international standards and presents to the Government of the Republic of Tajikistan for adoption;
- defines (stipulates) conditions and requirements in relation to under-quarantine materials at the time of importation to the Republic of Tajikistan and exportation from the Republic of Tajikistan in accordance with the principles of international standards;
- controls the performance of phytosanitary measures against quarantine pests;
- assesses pests, spreading in the Republic, which are not enlisted as quarantine pests and takes a decision on the classification of the pests being assessed;
- conducts inspection surveys of under-quarantine materials;
- defines quarantine phytosanitary status of the territory of the Republic of Tajikistan;
- insures decontamination of regulated articles;
- informs the authorized state body for plant quarantine of the exporting country in case when quarantine pests are detected at the time of inspection of the imported consignment.

Article 6. Rights of official officers for state phytosanitary control and plant quarantine

State phytosanitary control and plant quarantine are provided by official officers of the authorized state body for plant quarantine.

Official officers providing state phytosanitary control and plant quarantine, within their capacity have the right to:

- freely inspect under-quarantine materials, belonging to individual entrepreneurs, civilians and institutions independent of organizational and legal forms and properties of the organization, to which such material belong;
- receive from state bodies, state executive bodies of Gorno-Badakhshan autonomous oblast, oblasts, cities and rayons, bodies of local self-governance, institutions, individual entrepreneurs and civilians documented data, related to plant quarantine;
- provide quarantine phytosanitary inspection of under-quarantine materials and inspection of under-quarantine materials, including places of its collecting, preparing and dispatching;
- conduct sampling of samples of under-quarantine materials;
- prohibit or stop production, preparation, importation into the Republic of Tajikistan, exportation from its territory, transportation, storage, processing, use and marketing of under-quarantine material;
- give instructions to institutions, individual entrepreneurs and civilians to be obligatory followed within given deadlines, eradication of violations of rules and norms of plant quarantine;
- take decisions on decontamination, purification and removal of poisonous substances (degassing), return of under-quarantine material;
- when necessary withdraw and eliminate under-quarantine materials with an aim to secure phytosanitary purity;

- exercise other rights, as prescribed by the legislation of the Republic of Tajikistan on plant quarantine.

Any form of leverage on official officers, which implement state phytosanitary control and plant quarantine, with a view to impact their decision making or to oppose, is not permitted and is subject to liability as determined by the legislation of the Republic of Tajikistan.

Article 7. Symbols of the authorized state body for plant quarantine

Authorized state body for plant quarantine has symbols.

Regulation on symbols of the authorized state body for plant quarantine is adopted by the Government of the Republic of Tajikistan.

Article 8. Special work clothing of executive officers of the authorized state body for plant quarantine

Executive officers of the authorized state body for plant quarantine have the right to wear special work clothing, a form of which determined by the Government of the Republic of Tajikistan.

SECTION 3. SECURING PLANT QUARANTINE

Article 9. Establishment and cancellation of quarantine phytosanitary zone and quarantine phytosanitary regime

When under-quarantine materials have proven to be contaminated (impurities) with quarantine pests, the authorized state body for plant quarantine presents to the Government of the Republic of Tajikistan makes a proposal to establish a quarantine phytosanitary zone and a quarantine phytosanitary regime.

In the quarantine phytosanitary zone measures are taken against quarantine pests, their localization, eradication of their places of infestation; prohibitions are introduced for the use of certain under-quarantine materials, prohibitions for export from the territory of the quarantine phytosanitary zone of certain articles, and other prohibitions and restrictions.

After eradication of a place of infestation of quarantine pests the authorized state body for plant quarantine presents to the Government of the Republic of Tajikistan a proposal on abolishing quarantine phytosanitary zone and the quarantine phytosanitary regime.

Quarantine phytosanitary zones or territories in the Republic of Tajikistan, which according to official inspection have been proven free from quarantine pests, can be recognized as pest free zones, in accordance with the principles of international standards.

Scientific data and results of the inspections and control inspections are submitted to institutions for plant quarantine and protection of other countries upon requirement on the basis of bilateral agreements between the states.

Article 10. Quarantine phytosanitary certification of under-quarantine material

Import is permitted on the territory of the Republic of Tajikistan and to quarantine pest free zones, export from quarantine phytosanitary zones of the Republic of Tajikistan, transportation of under-quarantine materials, in cases, foreseen by the rules and norms of plant quarantine, if the phytosanitary certificate confirms under-quarantine material meets plant quarantine rules and norms.

Each under-quarantine material, imported on the territory of the Republic of Tajikistan or exported from the territory of the Republic of Tajikistan, is attached with a phytosanitary certificate, issued by an authorized state body for plant quarantine of the exporting country and an import quarantine permit.

Certification of the exported or the re-exported consignment shall be made by an authorized state body for plant quarantine in accordance with principles of international standards.

Phytosanitary certificates and re-export certificates are issued by state inspectors of the specially authorized state body for plant quarantine.

Export phytosanitary certificates and certificates for re-export of consignment or their electronic equivalence, acceptable for the importing country, shall conform to international standards.

Article 11. Protection of the territory of the Republic of Tajikistan against quarantine pests

Import to the territory of the Republic of Tajikistan, transportation on the territory of the Republic of Tajikistan of under-quarantine material is implemented following the rules and norms of plant quarantine, as determined by the legislation of the Republic of Tajikistan, as well as upon implementing norms of international agreements on cooperation in plant quarantine, acknowledged by Tajikistan.

Import of under-quarantine material on the territory of the Republic of Tajikistan, infested with quarantine pests is prohibited (except cases, foreseen by rules and norms of plant quarantine), as well as under-quarantine materials, if during its import rules and norms of plant quarantine are violated.

Under-quarantine materials imported into the territory of the Republic of Tajikistan are subject to obligatory state quarantine phytosanitary control and inspection.

Regulated articles can be imported on the territory of the Republic of Tajikistan only through state border points of the Republic of Tajikistan.

Under-quarantine materials are allowed to be imported into the territory of the Republic of Tajikistan through the check points of the state border of the Republic of Tajikistan.

Check points of the state border of the Republic of Tajikistan shall be equipped in accordance with requirements of rules and norms of plant quarantine and be supplied with means of transport and communication.

Under-quarantine material imported on the territory of the Republic of Tajikistan through check points of state border of the Republic of Tajikistan is subject to primary state quarantine and phytosanitary inspection, and when the commodity reaches destination a secondary inspection.

State quarantine and phytosanitary control on the import on the territory of the Republic of Tajikistan and export from its territory of under-quarantine materials are implemented by a authorized state body for plant quarantine.

Import into the territory of the Republic of Tajikistan quarantine pests for scientific research purposes is regulated by the rules and norms of plant quarantine.

Use of under-quarantine materials contaminated with quarantine pests is prohibited, except cases, foreseen by the rules and norms of plant quarantine.

It is forbidden to apply any quarantine phytosanitary measures and restrictions in any of their forms during taking decisions, not related to plant quarantine.

Article 12. Decontamination, purification and degassing of under-quarantine materials

Any quarantine article imported into the Republic of Tajikistan contaminated with quarantine pests is subject to decontamination in the check points of the state border of the Republic of Tajikistan or at destination, except cases, foreseen by rules and norms of plant quarantine.

Under-quarantine material, imported into the territory of the Republic of Tajikistan from countries where quarantine pests are spread, in case, when it will not be returned, is subject to preventive decontamination in cases foreseen by rules and norms of plant quarantine.

Transport used for transportation of under-quarantine material, is subject to obligatory cleaning or when necessary decontamination in accordance with rules and norms of plant quarantine.

Decontamination works with under-quarantine material by way of fumigation and by way of degassing are delivered by the authorised state body responsible for plant quarantine.

Decontamination, purification and degassing of regulated articles are delivered in accordance with rules and norms of plant quarantine.

Article 13. Detection of quarantine pests and warning of their spread

With a view to timely detect quarantine pests, determination of borders of their places infestation, under-quarantine material is subject to a systematic quarantine phytosanitary survey.

Upon detection of quarantine pests on the territories a quarantine phytosanitary regime is called in the order as defined in article 9 of this law.

Article 14. Seizure, elimination, return of regulated article

In accordance with the legislation of the Republic of Tajikistan with a view to prevent entry on the territory of the Republic of Tajikistan or spread on the territory of the Republic of Tajikistan of quarantine pests, under-quarantine material can be seized, eliminated or returned according to instruction of official officers of the authorised state body responsible for plant quarantine.

Article 15. Laboratory analysis and examination of under-quarantine material

Under-quarantine material is subject to state quarantine phytosanitary control for the purpose of determining its phytosanitary condition, including inspection and upon necessity laboratory analysis and examination.

Laboratory analysis and examination of under-quarantine material for the purpose of determination of its quarantine phytosanitary condition are implemented by the authorised state body responsible for plant quarantine.

Article 16. Rendering charged services

Authorized state body responsible for plant quarantine for laboratory analysis, inspection, examination of under-quarantine material, phytosanitary certification, fumigation; issuing import quarantine permits and phytosanitary certificates, securing other measures, have the right to provide charged services to interested parties and use the payment received in accordance with the legislation.

Article 17. Responsibilities of physical and legal bodies in securing plant quarantine

Physical and legal bodies implementing production, preparation, importing on the territory of the Republic of Tajikistan or exporting from its territory, transportation, storage, processing, use and marketing of regulated article are obliged to:

- follow rules and norms of plant quarantine during production, preparation, importation on the territory of the Republic of Tajikistan, export from its territory, transportation, storage, processing, use and marketing of under-quarantine material;
- immediately inform the authorised state body responsible for plant quarantine about arrival of under-quarantine material;
- prevent opening of transport and containers arriving in the Republic of Tajikistan with under-quarantine material without written permission from the authorised state body responsible for plant quarantine;

- enable necessary conditions for a timely state phytosanitary control, including inspection;
- allocate facilities to store under-quarantine materials, which meet quarantine phytosanitary requirements and to secure protection of such material;
- prevent cleaning transport with under-quarantine material on its way to the destination, including in places, not intended for such cleaning;
- secure proper storage of under-quarantine material up to the time of starting of state quarantine phytosanitary quarantine control;
- allocate transport, specially equipped terminals, sites, specially equipped buildings, when it is necessary for the staff, for the purpose of decontamination, purification and degassing under-quarantine materials;
- upon revealing traces of contamination of under-quarantine materials with quarantine pests to immediately inform the authorised state body responsible for plant quarantine;
- transport under-quarantine materials following measures to prevent its loss and possible contamination of the territory of the Republic of Tajikistan with quarantine pests;
- implement other duties in accordance with the legislation of the Republic of Tajikistan, rules and norms for plant quarantine.

Measures on detecting quarantine pests and their control, localisation, elimination of their focuses of infestation are implemented at the expenses of owners and users of under-quarantine materials.

Decontamination, degassing, seizure, elimination and return of regulated material are implemented at the expense of owners, users and receivers of consignment or shipping organisations.

SECTION 4. INTERNATIONAL COOPERATION ON PLANT QUARANTINE

Article 18. Principles of international cooperation on plant quarantine

The Republic of Tajikistan cooperates on plant quarantine complying with the principles of mutual security from the introduction of and spread of quarantine pests in accordance with international standards on plant quarantine and protection.

Article 19. Activity of foreign institutions and civilians in plant quarantine measures on the territory of the Republic of Tajikistan

Activity of foreign institutions, civilians and bodies without citizenship in plant quarantine on the territory of the Republic of Tajikistan is accomplished by way of complying with requirements of the legislation of the Republic of Tajikistan and international agreements and conventions regulating plant quarantine, acknowledged by Tajikistan.

SECTION 5. FINAL PROVISIONS

Article 20. The order of reviewing disputes related to plant quarantine

Disputes, related to plant quarantine are resolved at the court.

Article 21. Liability for violation of the current Law

Physical and legal bodies violating the current Law are subject to liability in accordance with the legislation of the Republic of Tajikistan.

Article 22. On the declaring invalid of the previous Law of the Republic of Tajikistan “On quarantine of plants”

The previous law of the Republic of Tajikistan “On quarantine of plants” from May 12, 2001 (Akhbori Majlissi Oli of the Republic of Tajikistan, 2001, №4, article 206) is declared invalid.

Article 23. The order of bringing into force of current Law

The current Law is enacted after its official publishing.

President
of the Republic of Tajikistan

Emonali Rahmon

Dushanbe city
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