

# LAW OF THE REPUBLIC OF TAJIKISTAN ON PLANT PROTECTION

This Law determines legal, economic and organizational basis for activities in protection of plants and agricultural products from pests, diseases and weeds.

## CHAPTER 1. GENERAL PROVISIONS

### Article 1. Basic concepts

Following basic concepts are used in the present Law:

- **Plant protection** is a set of activities in the field of agriculture and forestry aimed at prevention and remedy of the harm caused by pests, diseases and weeds. Plant protection combines different methods and tools (organizational, economic, agrotechnical, biological, genetic selection, chemical, etc.);
- **Hazardous organism** is a kind, species or biotype of plant, animal or pathogenic organisms harmful to plants or plant products;
- **Highly dangerous hazardous organisms** are pests and pathogenic agents of plant diseases that can trigger periodic mass reproduction, distribution and cause economic and environmental damage;
- **State phytosanitary control** is a set of activities aimed at compliance with the legislation on plant protection of the Republic of Tajikistan by physical and legal persons;
- **pesticide neutralization** is a set of activities undertaken to utilize, recycle or dispose pesticides that are prohibited for use or life-expired as well as pesticide containers;
- **Items of agricultural nature** - agricultural lands, grain storage facilities, vegetable storing facilities, special open areas, industrial and other facilities intended for the production, storage and processing of agricultural products;
- **Pesticide residues** - maximum amount of active substance and its biologically active metabolites in the products of long-term use or further processing at the environmental compartments;
- **Pesticides** - chemicals used against pests and highly dangerous harmful organisms, as well as for pre-harvest drying, removal of leaves and the control of plant growth;
- **Rules for storing, transporting and use of pesticides** - mandatory safety requirements to conditions and technology of storage, transportation and use of pesticides;
- **Plant products** – human foodstuffs, forage, industrial and medical raw materials, made from plants;
- **Special storage facilities** – storage facilities, designed for the disposal of pesticides prohibited for use or life-expired, as well as pesticide containers;
- **Authorized body** - state authority responsible for the coordination and control of activities of individual and legal persons in the field of plant protection, as well as exercising state control in the field of plant protection;
- **Phytosanitary measures** - a set of measures aimed to prevent penetration of dangerous and especially dangerous harmful pests and their distribution at the territory of the Republic of Tajikistan;

- **Phytosanitary standards** – established parameters of values used to determine the amount of phytosanitary measures;
- **Phytosanitary monitoring** - a system of surveillance for the development and spread of harmful and extremely dangerous pests, forecasting and determination of the level of harmfulness.

## **Article 2. Plant protection legislation of the Republic of Tajikistan**

Plant protection legislation of the Republic of Tajikistan is based on the Constitution of the Republic of Tajikistan and consists of the present Law, other regulatory legal acts of the Republic of Tajikistan and international legal acts recognized by Tajikistan.

## **Article 3. Main objectives of the plant protection state policy**

The main objectives of the plant protection state policy are:

- provision of the favorable phytosanitary environment;
- prevention and control of the adverse influence of pesticides on health of humans and animals, agricultural products and environment in course of the phytosanitary measures; and
- promotion of food security.

## **CHAPTER 2. STATE REGULATION OF THE PLANT PROTECTION ACTIVITIES**

### **Article 4. Competence of the Government of the Republic of Tajikistan in the field of plant protection**

Competence of the Government of the Republic of Tajikistan in the field of plant protection include:

- determination of the main state policy trends in the field of plant protection;
- approval of programs in the field of plant protection;
- approval of the list of the especially dangerous harmful organisms;
- designation of the authorized body in the field of plant protection;
- implementation of the international cooperation in the field of plant protection;
- other powers according to the present Law and other regulatory legal acts of the Republic of Tajikistan.

### **Article 5. Powers of the authorized body in the field of plant protection**

Powers of the authorized body includes:

- development of plant protection programs, drawing up of the list of highly dangerous harmful organisms and their submission to the Government of the Republic of Tajikistan for approval;
- development and approval of recommendations and methodological instructions on implementation of phytosanitary measures;
- control of observance of storage precautions, transportation and application of pesticides, development and approval of the regulatory legal documents that regulate relations in the field of plant protection;

- organization of pesticides neutralization in coordination with authorized state authorities in the field of environmental protection and sanitary and epidemiological surveillance;
- organization and coordination of activities of other state authorities, individuals and legal entities on carrying out of phytosanitary measures concerning harmful and highly dangerous harmful organisms and their monitoring;
- organization of the state procurement of pesticides, works and services related to the storage, transportation, distribution and application of pesticides within the Republic of Tajikistan, as well as building-up of the state stock of pesticides;
- organization and carrying out of explanatory (outreach) activities among the population regarding the implementation of the phytosanitary measures and plant protection;
- implementation of cooperation with other state authorities and international organizations; participation in implementation of plant protection programs, including international ones;
- other powers determined by the legislation of the Republic of Tajikistan.

#### **Article 6. Authorities of local executive bodies in the field of plant protection**

Powers of the local executive bodies in the field of plant protection include:

- arrangement of conditions for subordinate structures of the authorized body to perform requirements of the plant protection and environmental protection legislation of the Republic of Tajikistan;
- construction, operation and maintenance of the special storage facilities;
- organization of special measures for neutralization of pesticides, procured at the expense of local budget or other legal entities.

#### **Article 7. State plant protection organizations**

1. State plant protection organizations are established for the purpose of performance of the following tasks:

- phytosanitary monitoring of the harmful and highly dangerous harmful organisms;
- manufacturing testing of the pesticides recommended for registration by means of their certification under the working conditions;
- testing of agricultural products for residual amounts of pesticides, nitrates, nitrites and salts of heavy metals.

2. Phytosanitary monitoring of highly dangerous harmful organisms falls within the state monopoly.

3. State plant protection organizations arrange the phytosanitary inventory and submit reporting to the authorized body in the order set by the legislation of the Republic of Tajikistan.

## **CHAPTER 3. STATE PHYTOSANITARY CONTROL**

### **Article 8. Tasks of the state phytosanitary control**

State phytosanitary control provides:

- control of activities of individuals and legal entities regarding the observance of the requirements of the plant protection legislation of the Republic of Tajikistan;
- organization and control of phytosanitary monitoring and phytosanitary measures;
- maintaining of the phytosanitary inventory and reporting in accordance with the established procedure;
- identification and suppression of violations of the plant protection legislation of the Republic of Tajikistan;
- control over the production testing and registration of pesticides;
- control over the neutralization of pesticides;
- inspection of the special storages.

### **Article 9. development and application of phytosanitary measures**

1. Phytosanitary measures are developed and applied:

- on the basis of scientifically valid principles;
- on the basis of available international standards, the guidelines and recommendations;
- within the limits necessary for protection of life and health of people, plants and animals;
- in order to avoid any or unjustified discrimination of producers that have identical or similar conditions, including own territory of the state and the territory of other interested countries;
- on the basis of risk assessment for life and health of people, plants or animals who carried out in accordance with the methodology of the relevant international organizations.

2. Phytosanitary measures shouldn't be applied in a way that would be the hidden barrier to international trade.

3. In assessment of risks for life and health of people, plants or animals in course of the development and application of phytosanitary measures, the authorized body has to take following into consideration:

- available scientific justification;
- relevant methods of production and processing;
- relevant methods of inspection, sampling and testing;
- degree of dispersion of specific pests, diseases or weeds;
- existence of zones, free from pests, diseases or weeds;
- relevant ecological, quarantine conditions and/or other measures;
- relevant economic factors, including potential damage from the decrease of volume of production or sales in case of penetration, rooting and propagation of any pests, diseases or weeds and expenses on pest management or eradication against the ratio of expenses and efficiency of alternative approaches to risk limitation.

4. In case when corresponding scientific justification is insufficient, authorized body can temporarily introduce phytosanitary measures on the basis of available appropriate information, including the information received from the relevant international organizations and information on the phytosanitary measures introduced by other countries.

5. Phytosanitary measures are implemented with consideration of the phytosanitary features of countries and their administrative-territorial units that are the place of the origin of the products or for which products are intended, and also with the consideration of the phytosanitary features of the Republic of Tajikistan and its administrative-territorial units.

6. During the assessment of the phytosanitary features of the region, the authorized body takes into consideration, *inter alia*, the degree of propagation of specific pests, diseases or weeds, existence of pest management or eradication programs, appropriate criteria and guidelines of the relevant international organizations.

7. In particular, an authorized body recognizes concepts of zones free from pests, diseases or weeds, and zones with insignificant propagation of pests, diseases or weeds. In course of determination of such zones, following factors are taken as the basis: geography, ecosystem, epidemiological surveillance, efficiency of sanitary and phytosanitary control.

8. Exporting countries who declared that zones within their territories are free from pests, diseases or weeds or zones with insignificant propagation of pests, diseases or weeds submit the adequate confirmation to the relevant authorized body in order to demonstrate that these are really free from pests, diseases or weeds or zones with insignificant propagation of pests, diseases or weeds and, most likely, will remain as such.

9. The authorized body can apply phytosanitary measures which provide higher level of phytosanitary protection, than the measures based on the corresponding international standards, guidelines or recommendations if there is relevant scientific justification that this level of phytosanitary protection is appropriate.

#### **Article 10. Transparency of phytosanitary rules**

1. The accepted phytosanitary rules are published immediately in order to provide opportunity for interested parties to familiarize with them.

2. Except for urgent cases, the reasonable timing is provided between the publication of any phytosanitary rule and its coming into effectiveness. This gives opportunity to producers to adjust their products and methods of its production in compliance with the requirements determined by the authorized body.

3. The authorized body, through the national information center on phytosanitary issues should provide answers to all requests of interested parties and also the relevant documents concerning:

- any phytosanitary rules accepted or developed within the territory of the Republic of Tajikistan;
- any control procedures, production procedures and quarantine, procedures of approval of admissible level of pesticides and food additives that are in effect at the territory of the Republic of Tajikistan;

- procedures of risk assessment, factors considered and determination of the appropriate level of phytosanitary protection;
- membership and participation in international and regional phytosanitary organizations and systems, and also in bilateral and multilateral agreements.

4. In case of absence of the international standards, guidelines or recommendations, or there are essential differences between the content of the developing phytosanitary measures and the content of the international standards, guidelines or recommendations and if these measures can have a considerable impact on trade, an authorized body has to:

- publish notifications of intention to introduce specific measures at the early stage of their development in order to give opportunity to interested parties to familiarize with them;
- notify interested parties at the early stage on the products covered by measures; notification is accompanied by the short statement of the purpose and justification for introduction of measures;
- provide texts of the developed documents on the requests of the competent authorities of other countries, specifying, whenever possible, sections that significantly differ from the international standards, guidelines or recommendations;
- allocate equally time and possibilities for preparation of remarks in writing to all interested parties and discuss requested remarks and consider remarks and results of the discussions.

5. In case of emergence of potential emergence of the of an urgent need to protection health, an authorized body, at its discretion, has the right not to follow provisions of the Part 4 of the present article provided that it:

- immediately notifies all interested parties on the specific measure and product covered by it, and provides short statement of the purpose and the justification for introduction of regulation, including the description of the essence of an urgent problem (problems);
- provides texts of documents on the basis of the requests of the competent bodies of other countries demand of competent authorities of other countries provides texts of documents;
- provides interested parties with the opportunity to prepare remarks in writing, discusses these remarks and takes into consideration remarks and results of the discussions.

### **Article 11. Equivalence of phytosanitary measures**

1. An authorized body recognizes phytosanitary measures of other countries as equivalent measures applied in the Republic of Tajikistan if the exporting country objectively demonstrates that these measures provide appropriate level of phytosanitary protection in the Republic of Tajikistan to the authorized body.

2. The procedure and conditions for recognition of equivalency of specific sanitary or phytosanitary measures will be defined by bilateral and multilateral agreements after carrying out the appropriate consultations with interested countries.

## **Article 12. Procedures of phytosanitary control and approval**

1. Phytosanitary procedures of control and approval are carried out:

- without unreasonable delays and discrimination of imported goods in relation to similar domestic goods;
- on the basis of the minimum requested information necessary for carrying out of the appropriate control and approval procedures;
- on notification of the applicant of a date of completion of procedure on the basis of the published data on the standard duration of the procedure or applicant's request on stages of the procedure with the explanation of any delay;
- on notification of an applicant on the possible shortcomings in documentation and on the results of the procedure in order to eliminate these shortcomings;
- subject to confidentiality of information on the imported goods, revealed or received due to the control and approval procedures, which have to be as favorable as towards the domestic products and thus to provide the protection of legitimate commercial interests;
- under the condition that any requirements for control and approval of the separate product samples are limited to their validity and necessity;
- under the condition that any fees applied to imported products are comparable with any fees collected from similar domestic products or products from the territories of other countries and these fees do not exceed the valid cost of service;
- under the condition that sampling of imported products is applied the same way as to the domestic products in order to minimize inconveniences for applicants, importers, exporters or their representatives.

2. If product features are modified after the carrying out of control and inspection procedures then procedure applied towards the modified product is limited to receiving the sufficient confidence necessary meaning that products still meet the appropriate requirements.

## **Article 13. Objects subject to the state phytosanitary control**

The objects that are subject to the state phytosanitary control:

- facilities of an agricultural nature, railroad & auto-road precincts, other territories - habitats of harmful and highly dangerous harmful organisms, and plant products;
- harmful and especially dangerous harmful organisms;
- special means and pesticides used for carrying out of phytosanitary measures;
- special storage facilities.

## **CHAPTER 4. PLANT PROTECTION REQUIREMENTS**

### **Article 14. Duties of physical and legal persons with regard to prevention of propagation of harmful organisms**

Physical and legal persons that deal with objects of the state phytosanitary control are obliged to:

- ensure the implementation of phytosanitary monitoring and phytosanitary measures at the own territories to prevent the propagation of harmful organisms;
- observe rules of storage, transportation and application of pesticides;
- follow the instructions and regulations of the state plant protection inspectors;
- assist state plant protection inspectors in carrying-out of requirements of the plant protection legislation of the Republic of Tajikistan;

- take measures for neutralization of pesticides;
- keep the phytosanitary inventory and deliver reports to the authorized body.

### **Article 15. State stock of pesticides**

1. The state stock of pesticides is a certain volume of regularly renewed pesticides that belong to the state and at disposal of the authorized body.
2. The state stock of pesticides is intended for elimination of unforeseen mass propagation of highly dangerous harmful organisms.
3. The state stock of pesticides is generated out of the total volume of the pesticides procured at the expense of the republican budget on the basis of monitoring and consideration of the developing phytosanitary situation.
4. The standard of a stock of different pesticides and application procedure is determined by the authorized body.

### **Article 16. Phytosanitary standards**

1. Phytosanitary standards determine the admissible quantitative and/or qualitative values characterizing phytosanitary situation from the point of its safety for plant products and facilities of agricultural nature.
2. Phytosanitary standards are established on the basis of the research carried out according to the legislation of the Republic of Tajikistan and requirements of Articles 10 and 12 of the present Law.
3. Phytosanitary standards are the basis for forecasting and objective planning of phytosanitary measures, as well as forecasting of possible mass propagation and distribution of harmful and highly dangerous harmful organisms and their elimination.
4. Phytosanitary standards are the basis for carrying out of the state phytosanitary control by the state plant protection inspectors.

### **Article 17. Procedure for neutralization of pesticides**

1. The procedure for neutralization of pesticides is defined by the authorized body in coordination with authorized state authorities in the field of environmental protection and sanitary and epidemiologic surveillance.
2. Special storage facilities are used for neutralization of pesticides.
3. Permission for the construction of special storage facilities and neutralization of pesticides is provided by the authorized state body in the field of environmental protection in coordination with sanitary and epidemiologic surveillance state authorized body.
4. The quantity and expediency of placement of special storage facilities in the regions is determined by the local executive authorities in accordance with suggestion of the authorized body and in coordination with authorized state bodies in the field of environmental protection and sanitary and epidemiologic surveillance.



**Article 18. Coordination of scientific research and activities for training, professional development and retraining of plant protection experts and workers**

1. The authorized body organizes, coordinates and supervises carrying out of the applied scientific researches in the field of plant protection. It approves techniques and recommendations for implementation of phytosanitary measures developed on the basis of the researches.

2. Programs of training, professional development and retraining of experts and workers in plant protection are subject to coordination with authorized body.

**CHAPTER 5. FINAL PROVISIONS**

**Article 19. amenability for violation of requirements of the present Law**

Physical and legal persons are held liable for violation of the requirements of the present Law in conformity with the legislation of the Republic of Tajikistan.

**Article 20. Procedure for implementation of the present Law**

Present Law shall into force after its official publication.

President  
Republic of Tajikistan

Emomali Rahmon

Dushanbe  
April 16 2012 N<sup>o</sup> 817

**RESOLUTION OF THE MAJLISI NAMOYANDAGON MAJLISI OLI OF THE  
REPUBLIC OF TAJIKISTAN**

On adoption of the Law of the Republic of Tajikistan "On plant protection"

Hereby Majlisi Namoyandagon Majlisi Oli of the Republic Of Tajikistan orders:

To approve the Law of the Republic of Tajikistan "On plant protection"

Chairman  
Majlisi Namoyandagon Majlisi Oli  
Republic of Tajikistan

Sh. Zuhurov

Dushanbe, December 28 2011, N°640

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**RESOLUTION OF THE MAJLISI MILLI MAJLISI OLI OF THE REPUBLIC OF  
TAJIKISTAN**

On adoption of the Law of the Republic of Tajikistan "On plant protection"

Having examined Law of the Republic of Tajikistan "On plant protection" Majlisi Milli  
Majlisi Oli decides to:

To approve the Law of the Republic of Tajikistan "On plant protection"

Chairman  
Majlisi Milli Majlisi Oli  
Republic of Tajikistan

M. Ubaidulloev

Dushanbe, March 29 2012, N° 291