



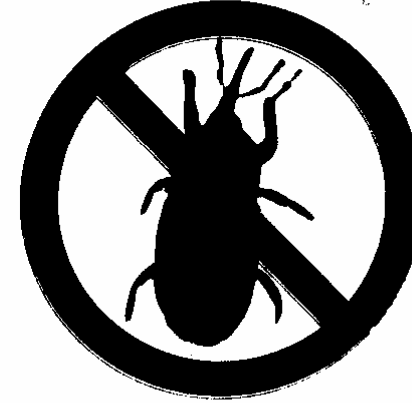
الجمهورية اليمنية
وزارة الزراعة والري
الإدارة العامة لوقاية النبات



قانون الحجر النباتي

رقم (٣٢) لسنة ١٩٩٩م

Republic of Yemen
Ministry of Agriculture & Irrigation
General Department of Plant Protection



Law No. (32) for the Year 1999
Concerning Plant Quarantine

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In the name of the people,
The president of the Republic,

After reference to the constitution of the Republic of Yemen, and pursuant to the approval of the parliament,

We have issued the following law:

Chapter One

Designation and Definitions

Article (1): This law is Designated as "The Plant Quarantine Law".

Article (2): For the purpose of applying this law, all following terms and phrases should carry the meanings of the definitions mentioned prior to it, as long as the context of the preceding text does not indicate otherwise.

Republic: The Republic of Yemen.

Ministry: Ministry of Agriculture and Irrigation.

Minister: Minister of Agriculture and Irrigation.

Competent Authority: The Department concerned with plant protection at the General Administration of the Ministry of Agriculture and Irrigation.

Concerned Inspector : The employee of Plant Quarantine at

the points of entry and exit responsible for inspection, detection of plant consignments, preparation of reports and conduct of necessary procedures.

Plants: Any kind of plants or any part of the plant including roots, stems, branches, leaves, flowers, fruits and seeds. It also includes tubers, bulbs, rhizomes, corms, cuts, suckers, seedlings and wood buds either live or dead or dry .

Products: Products which are made up of a plant origin like woods, food and medical supplies, spices, fodder and processed products that might raise the danger of the spread of plant pests because of its natural origin or by its processing.

Plant consignment: All plants, plant products, soil and natural fertilizer or a mixture of them which enter or cross or exit the Republic, including packages and packing materials if these are made up of a plant origin .

Plant Pests: Any form of plant or animal life or any factor that causes diseases, harmful or potentially harmful to plants or plant products.

Plant Quarantine Pests: Plant pests which do not exist or have a limited spread in the Republic and which are subjected to intensive monitoring and control.

Treatment: Any treatment operation conducted to combat or eradicate any pest present or suspected present in plant consignment, packing materials, areas of storage, or otherwise.

Quarantine Area : The place of a Quarantine stations and isolation gardens; or areas where the plant consignments are inspected, treated and destroyed.

The Phytosanitary Certificate: International standard document of plant health, issued officially by the competent authority and agreed upon to prove that plant consignments are inspected in the country of exportation and found that their health condition have met the requirements of the country of importation.

Entry and Exit Points: Official border points to enter to or to leave from the Republic.

Carrier: Any Kind of transport means used for transportation of plant consignments, including containers.

Crossing: All imported plant consignments with the aim of crossing the Republic and subsequent exportation to other countries.

Chapter Two

Objectives

- Article (3): The Plant Quarantine Law aims at the following:
- A. To protect plant wealth from the risk of pests entry and to limit the spread of pests..
 - B. To organize and control exportation, importation, transit and crossing of plant consignments.
 - C. To increase the cooperation in the field of preventing pest movement with plant consignments and other goods which are part of international trade.

Chapter Three

Procedures of Import, Export and Crossing Plants and Plant Products

- Article (4): All exported, imported and crossing plant consignments either transported as cargo or carried by passengers are subject to the provisions and procedures of the plant quarantine mentioned in this law and its regulations.
- Article (5): Any plant consignment shall be prevented to enter, exit or cross unless it has a Phytosanitary certificate issued by the competent authority of

the country of origin.

- Article (6): All plant consignments are subject to inspection and investigation according to this law and its regulation and decrees.
- Article (7): It is prohibited the entry of plant consignments infested by existing plant pests in the Republic, unless their infestation percentage is within the international limits permitted. According to the regulations of this law. The consignments shall be treated to destroy the pests, before they are allowed entry for handling.
- Article (8): The entry or crossing of plant consignments to/ through the Republic is absolutely prohibited, if they are suspected to be infested by any plant quarantine pest.
- Article (9): It's prohibited the entry of soil and natural organic fertilizers either separated or with plants, except in the following cases and under the condition of obtaining pre-permission from the competent authority, and proof that they are free of pests:
- A : Samples that will be brought for the purpose of analysis and exhibition in laboratories or museums.
 - B : Soil contamination of plant consignments, it must be within the limits indicated by the permission according to the regulations of this law.
 - C : Artificial organic fertilizers.

Article (10): The plant consignments are prohibited to entry, exit and cross except through the official border points identified in the permission issued by the competent authority.

Article (11): The owner of plant consignment shall pay all cost of the procedures and treatment operations that are conducted for it according to the provision of this law and its regulations.

Article (12) A.: For the purpose of plant consignments importation the prior permission must be obtained from the competent authority. At arrival, the plant consignments should be confirm the statements and the technical specifications identified in the permit according to the regulations of this law.

B.: For the purpose of plant consignments exportation the prior permission must be obtained from the competent authority.

C.: The plant consignments must be hold back at the point of entry or in a quarantine area under control and supervision of the inspector on duty, until the results of the investigation are known to be according to the regulations of this law.

Article (13) A: It is prohibited to import live organisms at any stage of their development, including beneficial organisms and natural enemies of pests, fungi, bacteria, viruses, algae, plant tissue cultures and infested plants for the purposes of education or scientific research, except if prior permission has been

obtained from the competent authority according to the regulations of this law.

B: The prior permission must be obtained for the purposes of plant importation as germplasm resources for scientific research from the competent authority, along with a statement that plants should arrive officially to the quarantine station which is indicated on the permit, so that the necessary procedures can be taken to follow up the results.

Article (14): Any region of the Republic infested with any plant quarantine pest shall be subjected to procedures to prevent movement and spread of this pest to other pest free areas.

Article (15) : The competent authority has the right to stop or cancel any permit or license. This action will take place in case of doubt or in case of appearance of any plant quarantine pest in the country of origin that was not known at the time of import permit or license issue, and that would possibly enter and spread if included in plant consignments to be imported or wanted to be imported.

Article (16): A committee of specialists on plant protection and other shall be designated as " plant quarantine committee". Its head office will be at the location of the competent authority. The tasks and functions of the committee and its schedule of meetings shall be defined by the resolution of the Minister.

CHAPTER FOUR PENALTIES

Article (17): Penalties not described in this law, but indicated in other laws will be applied.

Article (18): Every person that enters with a plant consignment violating the provision of this law and its regulations shall be subjected to an imprisonment for a period of not less than one year and not more than two years or to pay a fine of not less than (500,000) five hundred thousand Riyals and no more than (2,000,000) two million Riyals. Moreover, the plant consignment subjected to violation will be confiscated or destroyed at his cost.

Article (19): Every person assisting in breaking the provisions of this law and its regulation, either the employees of the concerned inspector or customs or security or others, will be subjected to an imprisonment for a period of not less than three months and not more than six months or to pay a fine of no less than (50,000) fifty thousand Riyals and no more than (100,000) one hundred thousand Riyals, or be subjected to any other strong penalty described in the executive laws, duplicating both penalty of imprisonment and fine as well as losing his job, If the violation is repeated.

Article (20): If the violation is repeated, the penalty will be duplicated.

Chapter Five Concluding Terms

Article (21): The Minister issues the necessary regulations and decisions to implement this law during four months from the date of issue. The Ministry is completely responsible for the implementation of this law, especially on the following matters:

1. Identifying the list of existing plant pests in the Republic.
2. Identifying the list of plant quarantine pests non-existing in the Republic.
3. Identifying percentage of plant pests infestation and soil contamination in the plant consignments to be allowed to enter the Republic.
4. Identifying plants, plant products and packing materials which are not allowed to enter the Republic
5. Identifying conditions for the entry of seeds, nurseries plants or any parts of plants for propagation purposes.
6. Statements of plant quarantine requirements for import, export or crossing plant consignments.
7. Identifying inspection procedures and other measures related to apply the provisions of this law, its costs and conditions of exemptions.
8. Identifying ports of entry and exit, border points and postal offices through which plant consignments are allowed to enter or leave .
9. Identifying conditions and procedures to import plant consignments for scientific research and education purposes.

10. Identifying conditions and procedures concerning the implementation of actions of internal plant quarantine.

11. Identifying the costs of issue and renewal of Phytosanitary certificates and permits, and the costs of any other service by the Ministry that may take place to implement this law, that cost shall be received according to the executive legislation's.

Article (22): The Ministry issues the scientific guide concerning the implement action of this law and its regulations.

Article (23): A: The official employees, appointed by the Minister of Justice according to recommendation of the Minister, shall enjoy the status of legal controllers concerned with the implementation of the provisions of this law and its regulations. They will be responsible to conduct the following tasks:

1. Inspection of imported, exported and crossing plant consignments.
2. Inspection of carriers, stores and areas of storage of plants and plant products.
3. Inspection of nurseries and fields of plant propagation.
4. Any other task according to this law and its regulations.

B: In case of rejecting the issue of Phytosanitary certificate or of carrying out treatment of any plant consignment, the competent authority or the inspector in charge should submit urgently to his direct supervisor a written re-

port with the reason for rejecting and suitable action to be taken.

Article (24): Army, security, customs, supply and trading, ports, airports, post office and others authorities should facilitate the work of the implementation of this law, and by preventing any plant consignment entry or cross if it does not have a prior permission issued by the competent authority.

Article (25): Equipment, instruments, sulation, antiserum, tools and protection necessities destined for the function of plant quarantine shall be exempted from taxes and customs duties.

Article (26): The provision of this law should be taken in consideration when international, regional and bilateral agreements are to be signed.

Article (27): Former plant quarantine law no (40) for 1981 issued in Sana'a, the law of plant quarantine no. (7) for 1985 issued in Aden and any terms or text contradicting this law are canceled.

Article (28): This law is effective as off the date of its issue and publication in the official legal newspaper.

Issued at Presidency of the Republic in Sana'a

Date : 14 Rabbi-Alawal 1420

28 June 1999

Ali Abdullah Saleh

President of the Republic