

REPUBLIC OF ARMENIA

LAW ON PLANT PROTECTION AND PLANT QUARANTINE

The present Law determines the legal, economic and organizational bases governing the plant protection and plants quarantine, regulates the relationships between the state agencies involved into plant protection and plant quarantine and administrative bodies, juridical persons, enterprises without the status of juridical person, individual entrepreneurs (hereinafter referred to as “economic entities”), as well as natural persons operating in the territory of the Republic of Armenia.

PART 1.

GENERAL PROVISIONS

ARTICLE 1. THE SCOPE OF EFFECT OF THIS LAW

The scope of this Law is directed at:

- a) protection of cleanness of population, flora and fauna, as well as natural environment with application of scientifically justified complex measures;
- b) prevention of quarantine and regulated non-quarantine pests introduction and spreading within the territory of the Republic of Armenia, which might possibly inflict damages on the national economy of the Republic of Armenia;
- c) carrying out state policy in plant and plant protection means registration, investigation, production, trade, export and import, as well as in application of plant protection means;
- d) conformity of the provisions, regulating plant protection and plant quarantine in the Republic of Armenia, to international treaties and conventions applicable in this particular field.

ARTICLE 2. LEGISLATION ON THE PLANT PROTECTION AND PLANT QUARANTINE

Plant protection and plant quarantine shall be regulated and governed by the present Law and other legislative acts of the Republic of Armenia in force.

Should International treaties to which the Republic of Armenia is a party establish other norms in plant protection and plant quarantine regulation, than those being stipulated by this Law, the provisions of such treaties shall apply.

ARTICLE 3. GENERAL DEFINITIONS

For the purpose of this Law the terms defined herein shall have the followings meanings:

the term “*Plants*” – means living plants and parts thereof, including seeds and germplasm;

the term “*Plant products*” – means raw materials (including grain) and those manufactured products of plant origin that, by their nature or that of their processing, may create a risk for the introduction and spread of pests;

the term “*Pest*” – means any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products;

the term “*Establishment*” – means perpetuation, for the foreseeable future, of a pest within an area after entry;

the term “*Pest risk analysis*” – means the process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it;

the term “*Phytosanitary regulations*” – means any regulation established by the Government of the Republic of Armenia subject to obligatory implementation by economic entities and natural persons pursuant to the appropriate provisions of this Law in plant quarantine;

the term “*Phytosanitary measures*” – means any legislation, regulation or official procedure having the purpose to prevent the introduction and/or spread of pests;

the term “*Quarantine pest*” – means a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled;

the term “*Quarantine zone*” – means a territory, in which special quarantine regime shall be established in the event of detection of such quarantine pests;

the term “*Regulated article*” – means any plant, plant product, storage place, packing, conveyance, container, soil and any other organism or material capable of harbouring or spreading pests, deemed to require phytosanitary measures, particularly where international transportation is involved;

the term “*Regulated non-quarantine pest*” – means a non-quarantine pest whose presence in plants for planting affects the plants causing economic losses, and which as such should be regulated within the territory of importing country;

the term “*Boundary phytosanitary inspector*” – means an official in charge of Plant Quarantine Service at the state boundary check point of the Republic of Armenia, who exercises phytosanitary control during export and import of plants and plant products at the boundary of the Republic of Armenia;

the term “*Plant protection means*” – means materials and preparations of chemical and biological means for the treatment of plants or plant products destined at prevention or extermination of pests, diseases and weeds;

the term “*License*” – means an authorization granted to an economic entity by Plant Protection Service to implement production, trade, import and export of plant protection means;

the term “*Phytosanitary certificate*” – means a certificate issued for economic entities by the State Phytosanitary inspector during export or re-export from the Republic of Armenia, which certifies the compliance of the plant or plant products thereof with phytosanitary requirements.

PART II

PLANT PROTECTION IN THE REPUBLIC OF ARMENIA

ARTICLE 4. PLANT PROTECTION ISSUES

Protection of plants is a complex of scientifically justified measures directed at protection of agricultural cultivated plants, seedlings, crops and forest against pests, diseases and weeds.

Plant protection contemplates the following:

- a) implementation of measures aimed to timely foresee, diagnose and prevent mass propagation and spreading of plant pests, diseases and weeds;
- b) provision of phytosanitary conditions’ improvement with agricultural cultivated plants, ecologically pure crops, exclusion of any possible damage which might be caused to the health of population, environment, national flora and fauna;
- c) exercise of state control over conduction of scientific researches in the field of plant protection, application of phytosanitary regulations, production of plant protection means, their registration, trade and safe utilization.

ARTICLE 5. SYSTEM FOR PLANT PROTECTION

All issues regarding plant protection in the Republic of Armenia shall be implemented by Plant Protection Service, which operates within the system of the Ministry of Agriculture of the Republic of Armenia.

The Plant Protection Service shall be organized based on administrative-territorial principle. Stations, focal points, laboratories and other structural sub-divisions can be operative within the system of Plant Protection Service.

The Head of Plant Protection Service in this position shall be considered State General Inspector, and regional plant protection stations chiefs shall be considered State inspectors of appropriate areas. Upon implementing their activities, State General Inspector and State Inspectors shall be guided by the present Law and relevant legislative acts of the Republic of Armenia.

ARTICLE 6. POWERS OF PLANT PROTECTION SERVICE

In fulfilling plant protection tasks, Plant Protection Service shall have the following powers:

- (a) to elaborate and implement plant protection projects, proceeding from the economic interests of the Republic of Armenia, and taking into account the provisions of international treaties, Conventions and other legal documents;
- (b) to control the phytosanitary condition of agricultural cultivated plants, and if required to report the local self-government bodies, economic entities and natural persons of pests,

diseases and weeds exposure, spreading and of scientifically justified complex of measures directed at their combat;

- (c) to cooperate with Plant Quarantine Service aiming to prevent spreading of internal quarantine pests;
- (d) to organize and implement complex of measures, combating pests, diseases and weeds, coordinating such measures with local self-government bodies, Plant Quarantine Service, other bodies and persons concerned;
- (e) to control jointly with Plant Quarantine Service and other bodies the implementation of measures foreseen by economic entities and natural persons in combating pests, diseases and weeds;
- (f) to provide economic entities with license to produce, realize, store, import and export plant protection means and control the activity of the said economic entities;
- (g) to cooperate with international organizations and to represent there the interests of the Republic of Armenia as regards plant protection issues, excluding the issues covering plant quarantine.

ARTICLE 7. AUTHORITY OF STATE PLANT PROTECTION INSPECTOR

7.1. State Plant Protection Inspector, aimed at implementation of the provisions established by the present Law, shall have the right:

- a) to carry out control in the field of agricultural activity over the implementation of measures directed at plant protection within the agrarian, production, trade and storage area, as well as other regulated articles of economic entity;
- b) to require necessary documentation and information, and to take appropriate samples;
- c) to give instructions, which are subject to obligatory performance, aimed at ensuring plant protection and prevention of pests spreading;
- d) to exercise control over production, realization, storage of plant protection means;
- e) to prohibit application of plant protection means, if they are not registered, taken off the application, dangerous for the environment and the health of population;
- f) to prohibit realization of plants or plant products known to contain excess quantity of plant protection active substances;
- g) to stop those works against pests, diseases and weeds, which are conducted in violation of plant protection regulations;
- h) to impose administrative penalties in the cases and manner prescribed by the legislation of the Republic of Armenia, as well as to submit reports to relevant state authorized bodies with the aim to institute criminal proceedings against default persons.

7.2. The Responsibilities of State Plant Protection Inspector.

State Plant Protection Inspector is obliged to:

- a) enforce plant protection regulations to be followed by economic entities and natural persons in the field of agricultural activity;
- b) preserve the rights of economic entities and natural persons stipulated by law, not impeding natural course of their work;
- c) not disclose any information pertaining to economic entities and natural persons, as well as any information which contains commercial secrets;
- d) report to relevant state authorized bodies of any activity, which is prohibited by the present Law and other legislative acts of the Republic of Armenia concerning plant protection;
- e) apply enforcing measures established by law, in case when plant protection regulations have been violated;
- f) provide state authorized bodies, upon their request, with statements on measure of damages caused in the result of violating plant protection regulations.

ARTICLE 8. STATE REGISTRATION OF PLANT PROTECTION MEANS

Plant Protection Means shall accord with international normative documentation and sanitary-hygienic norms, as well as norms applicable in protection of plants and natural environment.

Plant Protection Means shall be subject to registration by Inter-Institutional Committee under the Government of the Republic of Armenia on registration of chemical, biological substances and biologically active materials of plants.

The order of registration of plant protection means shall be established by the legislation of the Republic of Armenia.

ARTICLE 9. CERTIFICATION OF FACILITIES USED FOR PLANT PROTECTION

Special machines and equipment, including air facilities, used for plant protection reasons shall be subject to mandatory certification.

Certification of special machines and equipment used for plant protection shall be implemented in the manner established by the Law of the Republic of Armenia “On Standardization and Certification ”.

ARTICLE 10. REALIZATION OF PLANTS AND PLANT PRODUCTS

Plants and plant products, grown with the application of plant protection means, shall be subject to realization and re-processing if appropriate certificate on absence of prohibited residual toxins is available. The procedure of issuing such certificate shall be established by the Government of the Republic of Armenia.

PART III

PLANT QUARANTINE

ARTICLE 11. THE GENERAL ISSUES OF PLANT QUARANTINE

The general issues of plant quarantine are as follows:

- a) to reveal and exterminate plant quarantine and regulated non-quarantine pests, diseases and weeds in the territory of the Republic of Armenia;
- b) to prevent introduction of plant quarantine and particularly dangerous pests, diseases and weeds into the territory of the Republic of Armenia;
- c) to maintain phytosanitary regulations during import-export operations.

ARTICLE 12. PLANT QUARANTINE SERVICE

All issues related to phytosanitary quarantine in the Republic of Armenia shall be implemented by Plant Quarantine Service, which operates within the system of the Ministry of Agriculture of the Republic of Armenia.

Plant Quarantine Service shall be organized based on administrative-territorial principle. Nurseries, focal points, laboratories and other structural sub-divisions can be operative within the system of Plant Quarantine Service.

The Head of Plant Quarantine Service in this position shall be considered State General Inspector, and regional plant quarantine stations chiefs shall be considered State Inspectors of appropriate areas. Upon implementing their activities, State General Inspector and State inspectors shall be guided by the present Law and relevant legislative acts of the Republic of Armenia.

ARTICLE 13. POWERS OF PLANT QUARANTINE SERVICE

In fulfilling plant quarantine tasks, Plant Quarantine Service shall have the following powers:

- a) to elaborate and implement plant quarantine projects, proceeding from the economic interests of the Republic of Armenia, and taking into account the provisions of international treaties, Conventions and other legal documents;
- b) to make and approve a list of quarantine and particularly dangerous pests, which do not exist in the territory of the Republic of Armenia or have a restricted spreading;
- c) to control the plant health status of agricultural cultivated plants, and if required to report the local self-government bodies, economic entities and natural persons of quarantine and regulated non-quarantine pests exposure, spreading and of scientifically justified complex of measures directed at their combat;

- d) to cooperate with Plant Protection Service aiming to prevent spreading of local quarantine and regulated non-quarantine pests;
- e) to organize and implement complex of measures, combating quarantine and regulated non-quarantine pests, diseases and weeds, coordinating such measures with local self-government bodies, Plant Protection Service, other bodies and persons concerned;
- f) to control jointly with Plant Protection Service and other bodies the implementation of measures foreseen by economic entities and natural persons in combating quarantine and regulated non-quarantine pests, diseases and weeds;
- g) to control import of plants and plant products into the territory of the Republic of Armenia with the aim to prevent introduction of quarantine and regulated non-quarantine pests;
- h) to control export and re-export of plants and plant products out the territory of the Republic of Armenia, and in case if the exported and re-exported plants and plant products meet phytosanitary norms, economic entities and natural persons shall be given phytosanitary certificate;
- i) to cooperate with international organizations and to represent there the interests of the Republic of Armenia as regards plant quarantine issues.

ARTICLE 14. POWERS OF STATE PHYTOSANITARY INSPECTOR

14.1. The rights of State Phytosanitary Inspector:

State Phytosanitary inspector, aimed at implementation of the provisions established by the present Law, shall have the right:

- a) to carry out control in the field of agricultural activity over the implementation of necessary measures directed at investigation of phytosanitary condition, plant quarantine within the agrarian, production, trade and storage area, as well as other regulated articles of economic entity;
- b) to require necessary documentation and information, and to take appropriate samples;
- c) to prohibit transportation and/or introduction into the territory of the Republic of Armenia of plants, plant products or other regulated articles carrying quarantine pests;
- d) to give instructions, which are subject to obligatory performance, to ensure compliance with the phytosanitary regulations and to prevent the introduction and spreading of quarantine pests;
- e) to organize and implement disinfection according to phytosanitary regulations;
- f) to provide a phytosanitary certificate to economic entities and natural persons for export or re-export of plant and plant products if they meet phytosanitary norms;

- g) to carry out transit commodities check as specified by this Law and other legislative acts, and based on the results of the given check either to approve or to prohibit their introduction into the territory of the Republic of Armenia;
- h) to impose administrative penalties in the cases and in the manner prescribed by the legislation of the Republic of Armenia, as well as to submit reports to relevant state authorized bodies with the aim to institute criminal proceedings against persons at fault.

14. 2. The Responsibilities of State Phytosanitary inspector

State Phytosanitary inspector is obliged to:

- a) enforce phytosanitary regulations to be followed by economic entities and natural persons in the field of agricultural activity and during their export-import operations;
- b) preserve the rights of economic entities and natural persons stipulated by law, not impeding natural course of their work;
- c) provide economic entities and natural persons with certificate, if they comply with the phytosanitary norms for plants and plant products;
- d) not disclose any information pertaining to economic entities and natural persons, as well as any information which contains commercial secrets;
- e) report to relevant bodies of any activity revealed, which is prohibited by the legislation of the Republic of Armenia in the field of plant quarantine;
- f) apply enforcing measures established by law, in case when phytosanitary regulations have been violated;
- g) provide state authorized bodies, upon their request, with statements on measure of damages caused in the result of violating phytosanitary regulations.

PART IV

PHYTOSANITARY CONTROL IN THE TERRITORY OF THE REPUBLIC OF ARMENIA

ARTICLE 15. PEST RISK ANALYSIS

In case if any quarantine pests are being revealed in the Republic of Armenia, Quarantine Service shall conduct pest risk analysis on the results of which it should submit to the self-government bodies its report on quarantine control. Such report should contain indications on the pests revealed, extent of their spreading, evaluation of the possible loss, borders of quarantine zone, list of the proposed measures and bodies, involvement of economic entities and natural persons in quarantine measures and other necessary information.

ARTICLE 16. QUARANTINE ESTABLISHMENT

Based on the report of Plant Quarantine Service, self-government bodies shall resolve on the establishment of quarantine.

Self-government bodies, cooperating with Plant Quarantine Service, shall establish and declare the list of quarantine measures, ensuring that interested bodies, economic entities and natural persons are well informed on the regulations and measures subject to obligatory performance.

In case of quarantine establishment, transportation of plant and plant products, as well as entry and exit of transportation means to/from quarantine zone shall be restricted.

Plant Quarantine Services in cooperation with local self-government bodies and Plant Protection Service shall implement phytosanitary measures envisaged in quarantine zone, directed at extermination of quarantine pests, disinfecting of regulated articles, as well as it shall implement other measures to prevent propagation of quarantine pests in the territory of the Republic of Armenia.

ARTICLE 17. QUARANTINE REMOVAL

Quarantine shall be removed by the decision of local self-government bodies based on the Plant Quarantine Service's report, which determines spreading risk exclusion of quarantine pests.

PART V

PHYTOSANITARY CONTROL DURING EXPORT-IMPORT OPERATIONS

ARTICLE 18. PHYTOSANITARY CONTROL OVER THE COMMODITIES IMPORTED TO THE REPUBLIC OF ARMENIA

Introduction of plants, plant products, raw materials of plant origin, food stuff of plant origin, plant protection means and other regulated articles into the Republic of Armenia via boundary check points, shall be permitted only after passing obligatory phytosanitary control.

Phytosanitary control at the boundary check points of the Republic of Armenia shall be exercised by boundary phytosanitary inspector.

Official customs registration of commodities shall be deemed completed only after providing by boundary phytosanitary inspector a document attesting commodities compliance with the applicable phytosanitary norms.

Boundary phytosanitary inspector shall have the right to prohibit introduction of plants, plant products, raw materials of plant origin, food stuff of plant origin, plant protection means and other regulated articles into the territory of the Republic of Armenia, unless they comply with phytosanitary norms.

ARTICLE 19. PHYTOSANITARY QUARANTINE CONTROL DURING EXPORT OF COMMODITIES OUTSIDE THE REPUBLIC OF ARMENIA

Export and re-export of plants, plant products, raw materials of plant origin, food stuff of plant origin, plant protection means and other regulated articles outside the Republic of Armenia shall be carried out only upon availability of phytosanitary certificate.

Phytosanitary certificates for exported and re-exported commodities shall be granted by Plant Quarantine Service, if the above mentioned commodities meet the applicable phytosanitary norms.

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

Uncertified alterations and erasures shall invalidate the phytosanitary certificate.

ARTICLE 20. PHYTOSANITARY CONTROL OVER TRANSIT COMMODITIES

As a rule, transit commodities are not subject to phytosanitary control at the boundary check points of the Republic of Armenia, if it is in well-closed, sealed containers, excluding any escape.

However, in cases when commodities are in such containers, from which it is possible any penetration into natural environment, or there are reasonable information on such possible occurrence, then the above mentioned commodities shall also be subject to obligatory phytosanitary control.

In this case, introduction of transit commodities into the Republic of Armenia shall be possible only if appropriate document, provided by boundary phytosanitary inspector, is available.

In case of discovery of a quarantine pest, the transit of the commodities through the territory of the Republic of Armenia shall be prohibited.

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

To eliminate the risk of introduction and dissemination of quarantine pests, infested plants, plant products and other regulated articles can, by the decision of state inspector, be confiscated for disinfection or extermination in the manner established by the legislation of the Republic of Armenia.

The cost of exterminated plants and plant products and other regulated articles shall be compensated in the manner established by the legislation of the Republic of Armenia.

The cost of exterminated plants, plant products and other regulated articles shall not be compensated, if the extermination of the plants, plant products and other regulated articles occurred as a result of non-fulfillment of phytosanitary measures by the economic entity or a natural person, that at the same time has damaged the environment and national interests.

PART VII

COOPERATION WITH ADMINISTRATIVE BODIES, OTHER SERVICES AND INTERNATIONAL ORGANIZATIONS

ARTICLE 22. COOPERATION WITH ADMINISTRATIVE BODIES AND

OTHER SERVICES OF THE REPUBLIC OF ARMENIA

Plant Protection and Plant Quarantine Services, at implementing their objectives, shall cooperate with each other, state administrative and local self-government bodies and Customs House, as well as agrarian inspectors, environment, sanitary-epidemiological control stations and other services, which, within the framework of their powers, shall assist State Inspectors of Plant Protection and Plant Quarantine Services as regards the performance of their duties.

ARTICLE 23. COOPERATION WITH INTERNATIONAL ORGANIZATIONS

Either of Plant Protection and Plant Quarantine Services, within the framework of their powers, shall cooperate with international organizations.

Plant Protection and Plant Quarantine Services shall submit proposals to state authorized bodies concerning membership of the Republic of Armenia to international and regional organizations, particularly European and Mediterranean Plant Protection Organization, joining international treaties, conventions, particularly International Plant Protection Convention, as well as other undertakings to be pursued.

PART VIII

FINANCING OF PLANT PROTECTION AND PLANT QUARANTINE SERVICES

ARTICLE 24. FINANCING OF PLANT PROTECTION AND PLANT QUARANTINE SERVICES

Financing and material base for Plant Protection and Plant Quarantine Services shall be carried out at the account of the state budget.

The order and volume of payments for documents given by Plant Protection and Plant Quarantine Services shall be established by appropriate legal acts.

PART IX.

POWERS OF ECONOMIC ENTITIES AND NATURAL PERSONS

ARTICLE 25. THE RIGHTS OF ECONOMIC ENTITIES AND NATURAL PERSONS

Economic entities and natural persons in the field of plant protection and plant quarantine shall have the following rights:

- a) to appeal the actions of Plant Protection and Plant Quarantine Services in the manner established by the legislation of the Republic of Armenia;
- b) to demand by order of the court any compensation for damages (including lost profit) caused in the result of illegal actions or inactivity of state inspectors of the above mentioned Services.

ARTICLE 26. THE RESPONSIBILITIES OF ECONOMIC ENTITIES AND NATURAL PERSONS

Economic Entities and Natural persons are obliged to:

- a) perform phytosanitary regulations;
- b) not hinder inspection and phytosanitary measures carried out by state inspectors of Plant Protection and Plant Quarantine Services, to ensure unimpeded entry of state inspectors into production, trade, storage areas, other objects, transportation means; control of other regulated articles to be undergone phytosanitary control;
- c) permit inspectors to draw samples for phytosanitary investigation;
- d) follow the legal requirements and instructions of state inspectors;
- e) compensate any damages caused by their illegal actions in the manner established by the legislation of the Republic of Armenia.

ARTICLE 27. APPEAL AGAINST THE ACTIONS OF STATE INSPECTORS

In the event if economic entities and natural persons do not agree with the instructions and/or actions of state inspectors, they can appeal such instructions and/or actions through the higher body.

Higher inspector is obliged to answer the claim within one month period.

In the event if economic entity is not satisfied with the provided answer, or the answer has not been provided during the given one month period, then the economic entity can bring an action to settle the case.

The complaint or claim shall not exempt economic entities and natural persons from implementation of the instructions of state inspector or phytosanitary measures.

PART X

RESPONSIBILITY FOR THE VIOLATION OF THE LAW “ON PLANT PROTECTION AND PLANT QUARANTINE”

ARTICLE 28. RESPONSIBILITY FOR THE VIOLATION OF THE LAW “ON PLANT PROTECTION AND PLANT QUARANTINE”

The officials of the state bodies of the Republic of Armenia, economic entities and natural persons shall bear responsibility for the violation of the Law of the Republic of Armenia “on Plant Protection and Plant Quarantine” in the manner established by the legislation of the Republic of Armenia.

PART XI

CLOSING PROVISIONS

ARTICLE 29. ENTRY INTO FORCE

The present Law shall enter into force 1 (one) month after the date of its official promulgation.