

THE REPUBLIC OF LITHUANIA

LAW
ON PHYTOSANITARY
No.....
Of.....

CHAPTER 1
GENERAL PROVISIONS

Article 1. Purpose of the Law

1. The purpose of the present law is to establish preventive measures against the introduction of organisms harmful to plants and plant products into the territory of the Republic of Lithuania and the spread thereof.
2. This Law shall regulate activities of legal and natural persons in respect of planting, propagation, transportation, warehousing and marketing of plants and of production, transportation, storage and realisation of plant products, and shall establish mandatory phytosanitary requirements and the basis of phytosanitary control.

Article 2. Implementation of the Law

The implementation of this Law and the related legal acts shall be within the responsibility of the Minister responsible for agriculture through the national plant protection authority which shall have qualified personnel, scientific, technical and administrative capacity and financing from the state budget.

Article 3. Basic definitions of this Law

1. **Plants** means living plants and their parts (seeds within the meaning of their botanical definition, other than those not intended for sowing; fruits (within the meaning of their botanical definition) and vegetables, other than deep frozen, tubers, bulbs, corms, rhizomes, cut flowers, cut trees and branches with foliage, plant tissue cultures, including mycelium of cultivated mushrooms.
2. **Plant products** means unprocessed plant products or having undergone simple preparation, which are no longer plants.
3. **Planting** means creation of adequate conditions for plants to grow in an environment intended for their growing and propagation.
4. **Phytosanitary measures** means a set of legal measures against introduction and spreading of organisms harmful in respect of plants and plant products.
5. **Posts of phytosanitary control** means customs units officially established at cross-border points or other places where the national plant protection authority carries out inspections on the phytosanitary condition of plants and plant products.
6. **Phytosanitary register** means the measure for the systematisation, accumulation, and storage of official information about legal and natural persons who are involved in planting, producing, warehousing and imports of plants and plant products.
7. **Phytosanitary certificate** means an official document issued by the national plant protection authority to confirm that the phytosanitary condition of plants, plant

products and other objects is in compliance with the requirements of the importing country.

8. **Phytosanitary control** means actions of the national plant protection authority officers in respect of checking the documents of plants, plant products, or other objects, and in respect of the evaluation of the phytosanitary condition of the consignment through visual inspection and the trials of samples.
9. **Harmful organisms** means animals, plants, fungi, bacteria, virus and virus-like organisms which can at any stage of their development be harmful to plants and plant products, or contaminate their place of growing.
10. **Other objects** means plant products used for product packaging, soil, peat, organic fertilisers, organic and mineral substratum for plant growing, also objects intended for the treatment, packaging, warehousing and transportation of plants and plant products, such as agricultural machinery and implements, all sorts of containers, warehousing places, transport and similar objects which can serve as media for the transmission of harmful organisms.
11. **Laboratory expertise** means the set of laboratory trials performed on samples of plants, plant products or other objects for the detection and identification of harmful organisms.
12. **National plant protection authority** means the institution authorised by the Minister of Agriculture to perform phytosanitary control on plants, plant products and other objects.

CHAPTER 2

GENERAL PHYTOSANITARY MEASURES

Article 4. Phytosanitary control on the condition of plants and plant products

1. The existence and spread of harmful organisms in the territory of the Republic of Lithuania shall be established by means of special examination and observation organised by the national plant protection authority during the most suitable season for detection of these organisms.
2. Risk analysis of harmful organisms shall be carried out in accordance with the methods and standards approved by the European Union and the World Trade Organisation.
3. Examination of phytosanitary condition of plants, plant products and other objects, and laboratory trials and identification of harmful organisms shall be carried out by national plant protection authority.
4. Legal and natural persons, in the case of discovery of unknown or strange organisms in their private, rented or used on any other basis plots of land, storage or other facilities shall be obliged to inform the national plant protection authority.
5. Officers of the national plant protection authority shall have the right, having produced relevant identification, to enter any facilities and territories and carry out phytosanitary inspection.

Article 5. Preventive measures against introduction and spread of harmful organisms

1. Plants and plant products must meet phytosanitary requirements at the stage of their planting, storage, marketing or transportation.
2. It shall be prohibited to import, store, transport, and spread harmful organisms at any stage of their development.
3. The Minister responsible for agriculture may grant exemptions, i.e. allow for the storage of harmful organisms in scientific institutions for the purpose of scientific experiments or varietal selection.
4. The Minister responsible for agriculture shall approve lists of harmful plants, plant products and other objects importation of which is prohibited, and lists of plants, plant products and other objects importation of which is subject to special requirements.
5. The Minister responsible for agriculture shall approve the procedure for carrying out phytosanitary control and for the application of special measures in respect of import and transportation of plants, plant products and other objects, which may be contaminated with harmful organisms.
6. In case of the emergence of the centre of harmful organisms which do not appear on the lists or in case of other danger of spread thereof, the national plant protection authority must immediately take special preventive action which shall be approved by the Minister responsible for agriculture not later than within 3 months.
7. Phytosanitary measures shall be applied with due regard to the effect of harmful organisms on plants and plant products and with the aim to minimise the negative effects of these measures upon the manufacturing and other commercial activities.
8. The Government of the Republic of Lithuania may establish the procedure governing the recovery of loss incurred by plant growers and plant product producers in connection with the application of phytosanitary measures.

CHAPTER 3

PHYTOSANITARY CONTROL AT PRODUCTION

Article 6. Phytosanitary register

1. All natural and legal persons who grow, propagate, and multiply plants; and who are engaged in the production, importing or buying up and warehousing of plants, plant products and other objects, for which phytosanitary control is mandatory, must be registered with the Phytosanitary Register.
2. Phytosanitary Register may include warehouses and processing centres established within the planting area.
3. The list of plants and plant products for which phytosanitary control is required during the process of growing and production shall be adopted by the Minister responsible for agriculture.
4. The Register shall be kept by the National Plant Protection Service in accordance with the procedure established by the Minister responsible for Agriculture.
5. Small growers and producers who grow plants and produce plant products for their personal consumption or sale solely within their domestic market (except those involved in growing and propagating seeds and propagation material) where planting and production of plant products is not their main or professional activity, shall not be

registered, except when provided otherwise by the Minister responsible for agriculture.

CHAPTER 4

PHYTOSANITARY CONTROL AT IMPORT AND EXPORT

Article 7. Phytosanitary control at import

1. Plants, plant products and other objects at import or transit shall be free from contamination with harmful organisms, which are specified in the Lists approved by the Minister responsible for Agriculture, at any stage of their development, and shall meet the special requirements.
2. Provisions of Paragraph 1 shall not apply where plants, plant products and other objects are in transit in tightly closed and sealed reservoirs without reloading them in the territory of the Republic of Lithuania on condition that there is no risk of dissemination of harmful organisms.

Article 8. Import derogation

National plant protection authority, in accordance with the procedure established by the Minister responsible for agriculture, may allow for imports of harmful organisms, plants, plant products or other objects the importation of which is forbidden, where these are required and will be exclusively used in trials for scientific purposes or for work on varietal selection.

Article 9. Import procedure for plants, plant products and other objects

1. Plants, plant products and other objects can only be imported through those customs border-crossing points which have posts of phytosanitary control. The list of prescribed entry points, where phytosanitary control is carried out shall be jointly approved by the Ministers responsible for of agriculture and for customs activities.
2. All natural and legal persons importing plants, plant products and other objects must declare the imported consignment, produce the documents of the consignment, follow the provisions laid down in the legal acts regulating imports of plants and plant products, and must not interfere with the controls which are carried out by the officers of national plant protection authority.
3. Phytosanitary condition of plants, plant products and other objects during their importation and transit shall be carried out by the officers of national plant protection authority. Phytosanitary control which shall consist of checking of the consignment documents, visual inspection of the consignment and trials of samples, shall be carried out before the customs control. The procedure for the phytosanitary control shall be jointly approved by the Ministers responsible for agriculture and for customs activities.
4. Individuals entering the Republic of Lithuania may bring plants and plant products intended for personal consumption within the quantitative limits established by the law, with the exception of plants and plant products the importation of which is forbidden and provide that there is no risk of dissemination of harmful organisms.

5. Postal consignments sent to the Republic of Lithuania and containing plants and plant products shall be subject to the same requirements of phytosanitary control as those applied to plants and plant products imported otherwise.

Article 10. Actions of officers of the national plant protection authority during the controls on plants and plant products at import

Taking into consideration the results produced by phytosanitary controls on plants, plant products or other objects, the officer of the national plant protection authority shall take one of the following decisions:

- 1) allow the import of the consignment into the territory of the Republic of Lithuania having ascertained that this consignment is free from contamination with harmful organisms,
- 2) detain the consignment for sampling and further laboratory trials for the purpose of detecting harmful organisms, where there is suspicion that it can be contaminated,
- 3) treat plants, plant products, their containers and transport vehicles if the consignment is contaminated by harmful organisms,
- 4) destroy or re-import the consignment of plants or plant products (or part thereof) to the sending country, when it is contaminated by harmful organisms, and when treatment is impossible or ineffective,
- 5) detain or re-import the consignment to the sending country if the carrier does not have the relevant documents or where the available documents are not in compliance with the established requirements, and, having regard to the results of extra trials on phytosanitary condition of the consignment, apply measures of Point (2)-(4).

Article 11. Phytosanitary control at export

1. The exporter of every consignment of plants, plant products and other objects intended for exports must have a phytosanitary certificate which is granted subject to the compliance with the requirements of the country of destination.
2. Phytosanitary certificate for exports of plants, plant products and other objects shall be issued by the national plant protection authority in accordance with the procedure established by Minister responsible for agriculture.
3. It shall be allowed to export and send harmful organisms by postal consignments for scientific purposes upon prior agreement from the country of destination.

Article 12. Covering of costs of phytosanitary control at exports and imports

All additional costs of phytosanitary controls of plants, plant products and other objects subject to import and export shall be covered by the importer, exporter, or their authorised persons.

CHAPTER 5

INTERNATIONAL CO-OPERATION AND RECOGNITION OF PLANT PROTECTION MEASURES EXISTING IN OTHER COUNTRIES

Article 13. International co-operation

1. National plant protection authority shall co-operate with plant protection organisations in other countries, exchange information and perform other actions

necessary for the implementation of international obligations in matters related to phytosanitary.

2. Head of national plant protection authority shall, within his/her competence, represent the Republic of Lithuania in international organisations.

Article 14. Recognition of plant protection measures existing in other countries

1. Plant protection measures existing in other countries shall be recognised subject to objective proof provided by the other country that it has attained equivalent level of plant protection.
2. Recognition of the equivalence of phytosanitary measures may be established by treaties.

CHAPTER 6 LEGAL RESPONSIBILITY

Article 15. Legal responsibility

Natural and legal and persons in violation of the provisions of this Law shall be held liable in accordance with the procedure established by the laws of the Republic of Lithuania.

CHAPTER 7 FINAL PROVISIONS

Article 16. Proposal to the Government of the Republic of Lithuania

The Government of the Republic of Lithuania shall, within 6 months after the publication of this Law, provide for the sequence and terms of drafting of the secondary legislation necessary for the implementation of this Law.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC