

**Annex no.1 to
the Government Decision
of the Republic of Moldova
no.697 of 10 October, 1995**

**THE STATUTE
Of the State Service for Phytosanitary Quarantine**

I. General provisions

1. According to Law No 506 – XIII on phytosanitary quarantine, dated June 22, 1995, a system of state measures aimed to ensure internal and external phytosanitary quarantine are to be applied with respect to the entire territory of the country. These measures follow the purpose:

to protect the territory of the Republic of Moldova against penetration or introduction from other countries of dangerous and quarantine pests and of pathogenic agents of plant and weed diseases that might cause considerable prejudices to the national economy;

to identify, locate and liquidate in an adequate way the dangerous and quarantine pests, the pathogenic agents of plant and weed diseases;

to prevent or to mitigate the losses caused by the penetration and spread of quarantine objects on the territory of the Republic of Moldova;

to carry out a state control ensuring observance of the rules and norms as well as the application of sanitary phytosanitary quarantine measures during production, acquisition, transportation, storage, processing, marketing and use of products, materials and objects put to quarantine.

2. Sanitary Plant Protection control shall be applied with respect to the following:

Seeds and planting material for agricultural crops, forestry and decorative plants;

Alive plants and their parts (cuttings, offshoots, ramification, roots, tubers, bulbs, rhizomes, flowers, wooden fibre, etc.);

Cereals, fruits, vegetables, tobacco, spices, wool, non-processed skins;

Packing, packing material and industrial goods, goods made of vegetable raw material that might be carriers of pests, diseases and weeds;

Cliffs and soil samples;

Fresh mushrooms crops, bacteria, viruses, nematodes, tick and insects;

Insect collections, of phyto-pathogenic agents and deterioration samples caused by such, herbariums and seed collections;

Fodder, bedding, hay, and straw;

Wooden material and articles there off;

Carpets, artificial fibres, woven thread, etc;

Vegetable origin products, including the ones packed in post packages, parcels, hand luggage and other luggage, either imported or exported;

Transportation vehicles (planes, rail way wagons, containers, automobiles), wastes of different origins introduced from other countries;

Enterprise territories and premises, spaces belonging to institutions and organisations, irrespective on their subordination and ownership form, whenever they are engaged in procurement, storage, processing and marketing of vegetable-origin products brought from other countries;

Agricultural and forest lands, household plots and cottage plots, land for other than agricultural use (road-separating strips, land under electric or energy transportation lines, etc.), agricultural equipment and land processing machinery.

II. Bodies of the State Phytosanitary quarantine Service. Their functions and rights

3. In conformity to Article 4 of the Law on sanitary phytosanitary quarantine, the State Phytosanitary quarantine Service (hereinafter – the Service) that is accounted to the Government is the special state body, empowered to display activity in connection with the phytosanitary quarantine and its central body is the Main State Inspectorate for Phytosanitary Quarantine (hereinafter – the Inspectorate).

The State Phytosanitary quarantine Service includes subdivisions as indicated in the Annex.

4. The Inspection is considered a legal entity, has got its special stamp and letterhead with its name and the State emblem of the Republic of Moldova engraved on it. The Inspectorate has a budgetary account and special banking accounts in banking institutions.
5. The chief of the Inspectorate exercises simultaneously the function of the Main State Inspector for phytosanitary quarantine of the Republic of Moldova.

Respectively, the head of local administrative inspectorates and of the UTA Gagauz-Yeri, the chiefs of inspections at the frontier phytosanitary quarantine

centres simultaneously exercises the function of state inspectors for the phytosanitary quarantine for that particular area.

The Inspection is entitled to deliver, to both internal and external entities, information and to solve issues that might arise in connection with:

- any decision regarding a plant protection issue (an amendment to such a decision) made or proposed within the area under its control;

- procedures to determine the risk and the adequate level of sanitary plant protection;

- affiliation or participation of the Republic of Moldova, or its empowered bodies displaying activity on the territory of the country, to international or regional plant protection organisations, as well as subscription to agreements and amendments to such.

6. The Inspection has the following tasks:

- to co-ordinate the activity of the district, Gagauz-Yeri, towns, frontier centres inspections of phytosanitary quarantine, of the central scientific-diagnosis laboratory for identification and arbitrage expertise and of the central producing enterprise for disinfecting products, objects and materials subject to quarantine;

- to organise at national and local levels daily and other nature activities in the sanitary phytosanitary quarantine area and to manage and monitor these activities and their implementation;

- to supervise the implementation of the Law on the sanitary phytosanitary quarantine by ministries, departments, enterprises, organisations, institutions as well as by individual citizens;

- to work out draft decisions and decrees of the Government of the Republic of Moldova concerning sanitary phytosanitary quarantine;

- to work out and approve regulations, rules and norms regarding internal and external sanitary phytosanitary quarantine;

- to establish import and export conditions for products subject to quarantine as well as systems and conditions for their utilization;

- to review and to approve every five years a list of pests, diseases and weeds constituting a quarantine danger for the Republic of Moldova;

- to approve the organisation chart, the costs and staff membership of the Inspectorate and of inferior subdivisions of the Service, their internal regulations and functions, and to approve the fees for delivery of sanitary plant protection services and other special services.

to issue quarantine licenses for import of materials, products and objects subject to quarantine.

the Inspectorate represents the state interests in issues related to the sanitary phytosanitary quarantine at international bodies, participates with full rights to the activities developed by competent international bodies and their subsidiaries. It acts on the base of the international convention for plant protection to promote, with the assistance of these bodies, the development and updating on a continuous basis the standards, guidelines and recommendations regarding all phytosanitary aspects. It also acts to adjust the country phytosanitary norms to the international guidelines and recommendations.

In case that a certain international standard, a guideline or a recommendation is absent or in case that a proposed national standard, a guideline or a recommendation is not in line with the international guidelines or recommendations, fact that might have a considerable impact on other countries' trade, the Inspectorate undertakes the following:

publishes in due time an announcement regarding the modification of the phytosanitary situation to allow other countries to learn about occurred changes and proposed solutions;

notifies other countries about amendments made to its regulations and gives a short description (justifies) the proposed regulation. Notifications are made in due time to allow the interested parties to make amendments and comments that could be taken into consideration;

delivers, at the request of other countries, copies of proposed recommendations, identifying those elements which differ essentially from international standards, guidelines or recommendations;

delivers, at the request of other countries, written comments regarding taking or not taking into consideration the views submitted by interested parties and keeps records of the discussions outcomes;

works out and establishes phytosanitary measures based on the approval and implementation of phytosanitary measures by other countries members of the World Trade Organisation (WTO) as well as upon consideration of the corresponding circumstances and the risk of penetration and spread of quarantine pathogen agents of plant diseases as well as quarantine weeds pests taking into consideration risk assessment techniques worked out by competent international bodies will be used in this case. In risk assessment existent scientific evidence is taken into account, as well as production methods and procedures, inspection results, samples, spread of plant and weeds diseases and pests, existence of certain zones free of quarantine objects, ecological conditions of the environment, the quarantine systems, etc.

During risk assessment process establishing the contamination of plants by the quarantine objects and in the development of measures to be applied for

the achievement of an adequate level of phytosanitary protection against mentioned above risk, the following economic factors need to be taken into consideration:

potential losses, due to penetration or spread of quarantine objects, expressed in decreased yield or decreased sales;

expenditures supported in fighting the quarantine objects;

insignificant efficiency of expenditures supported in connection with application of different risk mitigation measures.

In establishing or applying phytosanitary measures aimed to ensure the adequate phytosanitary level of protection the Inspectorate shall ensure that these measures do not have a trade distorting effect and that they are exclusively taken to ensure the adequate level of phytosanitary protection in conformity to the provisions of the Law on phytosanitary quarantine.

The Inspection ensures the fact that decisions and decrees of the Government of the Republic of Moldova are applied exclusively for plant protection purposes and on scientific base.

In case when the scientific evidence is insufficient the Inspectorate may provisionally adopt phytosanitary measures based on existent data including the information provide by relevant international bodies as well as from phytosanitary measures applied by other countries members of the WTO. In such cases it is necessary to obtain, in the established way, additional information allowing a more objective risk assessment and analysis of the phytosanitary measures.

The Inspection ensures that phytosanitary measures are to be applied with respect to a concrete phytosanitary zone of the country, a certain part of the country or the entire country. It also ensures the phytosanitary measures are applied comprehensively or partially with respect to a number of countries the specific product originates from and the country the product is destined to.

When assessing the phytosanitary characteristics of a certain region are taken into account the spread of pests and specific diseases for that region is taken into consideration, the existence of extermination or fighting programmes and the criteria or adequate guidelines that may be elaborated by the competent international organisations.

The Inspectorate recognises the concepts of pest- or disease- free area, or areas of low prevalence of pests and disease that are determined as being existent on the entire territory of a country or on part of the territory of this country, the entire territory or part of a number of countries as identified by the competent authorities, which confirm the presence of a special pest, disease or weed or their low prevalence.

Establishment of such a zone is based on the following facts such as geographic ones, existence of ecosystems and efficiency of phytosanitary control.

The Inspectorate recognises and qualifies as equivalent the phytosanitary measures of other countries members of the WTO, even when they differ from the national ones. It recognises that the application of such measures can ensure an adequate level of phytosanitary protection for the Republic of Moldova. In these cases the Inspection is allowed, upon request, to carry out an inspection, to do tests and other adequate procedures.

The Inspection ensures that phytosanitary measures create no discrimination among countries member of WTO with similar conditions, including the territory of the Republic of Moldova and territories of other countries members of WTO.

Implementation of the phytosanitary measures shall not create any disguised obstacles for the international trade.

7. The tasks of the local inspections for phytosanitary quarantine and the similar inspection of the UTA Gagauz-Yeri, of the town and frontier centres inspections of phytosanitary quarantine, of the central scientific-diagnosis laboratory for identification and arbitrage expertise and of the central producing enterprise for disinfecting products, objects and materials subject to quarantine shall be the following:

- phytosanitary quarantine control and laboratory expertise of imported and exported products and materials subject to phytosanitary quarantine including the vegetal content of post parcels, hand luggage, other luggage, industrial loads, packing, packing materials, transportation vehicles;

- to carry out control investigation of agricultural land plots and other plots, of product storage and processing premises;

- to organise and conduct disinfecting procedures with respect to products subject to quarantine;

- to carry out control over nurseries, experimental plots for soil testing, hot houses with the purpose to verify the phytosanitary status of seeds, planting material and plants received from other countries;

- to carry out supervision of planted fields and nurseries, research institutions, seed-producing farms and horticulture farms pursuing the goal to ensure production of a healthy planting material and seeds, not affected by phytopathogenic agents or by quarantine diseases and weeds;

- to issue phytosanitary certificates for the export of products subject to quarantine;

to carry out primary phytosanitary control and laboratory expertise in institutions engaged in import of foreign planting material and products;

to diagnose local and imported samples of products, sample taking from materials and objects subject to quarantine and conduct of arbitration expertise.

8. In order to fulfil their duties the Service employees shall enjoy the following rights:

they shall be entitled to have access any time to premises and to the territories of enterprises located at the rail way stations, airports, automobile stations, post offices, grain elevators, warehouses, rail freight and passenger wagons, automobiles, civil aeroplanes, to all kind of land fields, to gardens and orchards, as well as to economic entities producing, procuring, processing and marketing materials and goods subject to quarantine;

to request and to be delivered upon request data concerning acquisition, storage and shipping of goods, as well as other respective documents regarding these goods by the administration of custom offices, airports, rail way stations, automobile stations, enterprises, organisations and farms; to ban the import or export of goods infected with quarantine objects;

to select samples of seeds, fruit, vegetables, plants, saplings and other products of vegetal origin with the purpose to establish their consistency with the standards in force and to do laboratory expertise;

to request application of phytosanitary quarantine measures in places where quarantine objects have been found and introduction of restrictions to importation, exportation and use of the products in question until all prescribed measures have been implemented.

9. Prescriptions as established by the Service decision-making bodies are obligatory for all state institutions, enterprises, organisations, farms, physical and legal entities displaying activity within their jurisdiction.
10. The Service bodies have their own angle-shaped stamp and a seal with the country emblem on it, as well as special stamps.
11. All Service employees have special licences and are supposed to wear the uniform of established model with distinguished signs while exercising their duties. Uniform samples, terms and way of its delivery are established by the Government of the Republic of Moldova.

III. Import, export and transit

12. Introduction in the territory of the Republic of Moldova of products of vegetal origin and other products, subject to phytosanitary quarantine, originating from other countries shall be admitted only if the following documents are submitted:

a quarantine import permit, issued by the Inspection, indicating the conditions of importation and use of the goods;

a phytosanitary certificate issued by the phytosanitary quarantine state bodies of the country of exportation certifying the phytosanitary condition of goods subject to phytosanitary quarantine.

the importation of goods subject to phytosanitary quarantine from countries that do not have state services for phytosanitary quarantine as well as import of products that are not accompanied by a phytosanitary certificate shall be permitted, on case by case basis, only with an authorisation issued by the Inspectorate in accordance with the existent legislation.

13. The importing organisations, which conclude contracts and commercial agreements for importation in the Republic of Moldova, of goods subject to quarantine shall be obliged to carry out the following:

to stipulate in their contracts (commercial agreements) the conditions of phytosanitary conformity of the goods to be imported and to ensure that the exporter thoroughly meets the established conditions;

to designate, if necessary, phytosanitary quarantine experts to carry out phytosanitary assessment of planted fields and plantations with agricultural crops from other countries whenever big lots of seeds, plants and vegetal origin plants are being purchased from these countries.

14. Import of the products subject to quarantine is done via the established border control centres.
15. All products and transportation vehicles arriving to the Republic of Moldova from other countries are subject to a phytosanitary quarantine control at the border control offices, to laboratory expertise and depending on the case to disinfecting process.

Whenever the Inspection carries out a control procedure it shall ensure the following:

the adequate procedures will be carried out without any unreasonable delay and without any discrimination with respect to the imported goods compared to the local similar products;

it shall publish or make familiar in due time, upon request of the interest party, the complete information regarding the duration of each, indicating all deficiencies in a manner as the interest party be able to remove them . Any delay in delivering information shall be accompanied by the relevant explanation;

the requests of information for control, inspection and approval procedure purposes shall be properly grounded;

the confidentiality of information related to the imported goods provided for control, inspection and approval procedure purposes shall be respected in a manner no less favourable than for domestic goods and to protect the legitimate commercial interest;

the request for samples of a certain product for control, inspection or approval purposes shall be limited to what is deemed to be adequate and necessary;

fees charged as payment for respective procedures shall be the same for imported goods as for domestic ones and shall not exceed the cost of the services provided;

same criteria shall be applied to both foreign and domestic goods in establishing the means to carry out procedures and to take samples of imported goods, following the goal to reduce as much as possible inconveniences for companies, importers, exporters or their agents;

in all cases, whenever the specifications of a product are changed subsequent to its control and inspection in light of the applicable regulations, the procedure for the modified product is limited to what is necessary to determine whether necessary confidence exist that the product meets the regulation concerned;

existence of a procedure for examining contests related to the application of such procedures and their reconsideration whenever the contest is justified;

the necessary assistance is provided for the purpose to facilitate the control procedure carried out by any other WTO member, whenever the phytosanitary procedures envisages that the control of products be done on the territory of the Republic of Moldova.

16. Import of products listed below is forbidden:

seeds, plants, products of vegetable origin and products of other origin infected with quarantine objects;

pathogenic agents of plants, fresh mushroom crops, bacteria, viruses, as well as insects, mite and nematodes which deteriorate the plants, with the exception of samples brought for scientific purposes with the permission of the Inspectorate;

soils, alive plants together with roots and their underground parts, extracted together with the soil;

seeds and planting material in post parcels, in hand luggage and other luggage belonging to passengers, members of the crews on ships, aeroplanes and other transportation means.

17. Introductory quarantine nurseries are displaced within scientific research institutions, botanical gardens and other institutions, and experimental quarantine parcels for testing different types of plants – within the state bodies system for testing different types of plants.
18. Planting material, fresh fruit and other products of vegetal origin, as well as packing, designated to be sold on the market are to be disinfected, and seeds, in case is necessary need to be cleaned of weeds. Decontamination of materials, products and objects subject to quarantine whether imported or exported in/from the Republic of Moldova is carried out by the Central producing enterprise for disinfecting material, products and objects subject to quarantine. Expenditures that occur in connection with disinfecting procedure are covered by the owner or by the consignee of the goods concerned.
19. Transition of goods subject to quarantine across the territory of the Republic of Moldova is allowed only based on a import quarantine certificate and on the phytosanitary certificate of the exporting country, certifying the quarantine condition of each batch of goods. All transit cargo, packing and transportation vehicles are subject to an obligatory control carried out by the Service. Whenever it turns out that the cargo is affected by pathogenic agents and by other dangerous pests, plant diseases, as well as by weeds, the prescribed quarantine measures are applied.
20. The owners of the exported, imported or transited goods, shall request the Service bodies to conclude the necessary documents no later than 10 days before shipping.

IV. Phytosanitary quarantine application and termination

21. In case of identification of quarantine objects, at the proposal of the Service bodies, the district councils, the mayoralities of the municipalities or the Government will adopt decisions to introduce the quarantine in a certain farm, locality or a larger zone, depending on the case and undertake urgent measures to identify and liquidate the core of the infection.
22. Once the decision to introduce the quarantine has been made, the Service bodies will inform the physical and legal entities about the application of quarantine restrictions and the obligation to apply measures aimed to liquidate the cores of quarantine objects.
23. In a territory where the special quarantine regime has been introduced the entrance and exit of transportation vehicles will be limited and they will be subject to control. Entrance and exit of products object to phytosanitary quarantine is forbidden and disinfecting or, depending on the case, technical processing or liquidation of materials and objects subject to quarantine is requested.
24. The goods subject to quarantine that were taken out of the area, where quarantine restrictions had been introduced, without the permission of the Service control

bodies, shall be detained, disinfected, seized in conformity with the Law in force and shipped back to the respective commercial or processing companies or destroyed.

25. After having performed the prescribed quarantine measures and all quarantine objects were liquidated, the bodies that introduced the quarantine proceed to its termination at the proposal of state bodies for phytosanitary quarantine.

V. Duties of leaders of ministries, departments, enterprises, institutions, organizations and physical and legal entities

26. Ministries, departments, enterprises, institutions, organizations and legal and physical entities shall be obliged to carry out the following:

to investigate on a continuous basis the conditions of planted fields and plantations and to check the products of vegetal origin with the purpose to identify the existence of quarantine objects;

to undertake prevention and destruction measures of quarantine objects with the purpose to prevent their further spread;

to ensure the maintenance of premises where storage and processing of products subject to quarantine takes place in line with established phytosanitary prescriptions.

27. Customs offices, railway stations, airports, enterprises and organizations shall submit, in due time to the phytosanitary Service the information about the arrival, storing, shipping of goods, materials and objects subject to quarantine, including hand luggage or other luggage and ensure they are available for quarantine control at the earliest request.
28. Ministries and departments, local public administration bodies, enterprises, institutions and organizations will make available premises to the Service bodies, ensuring their well functioning.

VI. Financial and technical and material supply of the State Service for Phytosanitary Quarantine

29. Financial and technical and material supply of the Service is done with resources from the state budget and resources obtained from the delivery of phytosanitary services and other special services.

VII. Sanctions applied in case of violation of the Law on phytosanitary quarantine

30. Persons guilty of violation of the Law on the phytosanitary quarantine bear responsibility in conformity to the Code on administrative contravention.