
RUSSIAN FEDERATION
FEDERAL LAW
ON QUARANTINE OF PLANTS

Passed by
the State Duma
on July 5, 2000

Approved by
the Federation Council
on July 7, 2000

(as per Federal Laws No. 116-FZ of July 25, 2002, No. 122-FZ
of August 22, 2004, No. 45-FZ of May 9, 2005, No. 266-FZ
of December 30, 2006)

This Federal Law passed in accordance with the Constitution of the Russian Federation and universally recognized norms of international law shall determine the basic principles of legal regulation in ensuring plant quarantine on the territory of the Russian Federation and is aimed at protecting the rights and legitimate interests of citizens and legal entities.

Chapter I. GENERAL PROVISIONS

Article 1. The Aim of This Federal Law

The aim of this Federal Law shall be to ensure the protection of plants and vegetable products against quarantine objects on the territory of the Russian Federation

Article 2. Main Concepts

For the purposes of this Federal Law the following terms shall have the following meanings:

“quarantine of plants” shall mean the legal regime envisaging a system of measures to protect plants and vegetable products against quarantine objects on the territory of the Russian Federation;

“plants” shall mean plants and parts thereof, including seeds and the genetic material of plants;

“vegetable products” shall mean unprocessed materials of plant origin and products of plant origin which by their nature and (or) method of processing may pose the danger of the penetration into the territory of the Russian Federation and (or) spread there of harmful organisms.

“quarantineable products” (quarantineable material, quarantineable cargo) shall mean a plant, vegetable product, containers, packaging, soil or any other organism, object or material that may become carriers of harmful organisms or contribute to the spread of harmful organisms;

a “batch of quarantineable products” (quarantineable material, quarantineable cargo) shall mean a quantity of homogeneous quarantineable products (quarantineable material, quarantineable cargo) located in one place or located in one place and intended to be shipped by a single transport means to one destination and one recipient;

“quarantine phyto-sanitary measures (phyto-sanitary measures)” shall mean measures to prevent the penetration into the territory of the Russian Federation and (or) the spread there of harmful organisms;

“harmful organism” shall mean a plant of any species, variety or biological type, an animal or disease-causing organism of any species, race, biological type capable of causing harm to plants or vegetable products;

“quarantine objects” shall mean harmful organisms that are absent or have limited prevalence on the territory of the Russian Federation;

“quarantineable objects” shall mean lands used for whatever purpose, buildings, structures, facilities, reservoirs, warehouses, equipment, transport means, containers, quarantineable products

(quarantineable material, quarantineable cargo) and any other objects that may be the sources of the penetration into the territory of the Russian Federation and (or) spread there of quarantine objects;

“quarantine phyto-sanitary zone” shall mean the territory on which a quarantine phyto-sanitary regime has been imposed after quarantine objects have been discovered;

“quarantine phyto-sanitary regime” shall mean quarantine phyto-sanitary measures imposed in the quarantine phyto-sanitary zone;

“state quarantine phyto-sanitary control” shall mean measures to reveal quarantine objects, establish the quarantine phyto-sanitary status of the quarantineable objects, provide state quarantine phyto-sanitary supervision of compliance with the legislation of the Russian Federation in the field of ensuring quarantine of plants, the rules and norms of ensuring plant quarantine; and

“rules and norms of ensuring plant quarantine” shall mean the normative legal acts, normative-technical and methodological documentation pertaining to plant quarantine.

Article 3. Legislation of the Russian Federation in the Field of Ensuring Plant Quarantine

The legislation of the Russian Federation in the field of ensuring plant quarantine shall include the Constitution of the Russian Federation, this Federal Law, other Federal Laws and other normative legal acts of the Russian Federation passed pursuant to them, as well as the laws and other normative legal acts of the subjects of the Russian Federation.

Under the Constitutional Court ruling No. 2-P of February 3, 2005 the provisions of Article 4 which include among the powers of the Russian Federation to ensure plant quarantine the development and approval of rules and norms of ensuring plant quarantine, the list of quarantine objects as well as the development and establishment of the procedure of bringing quarantineable products (quarantineable material, quarantineable cargo) into and out of the Russian territory have been recognized as being consistent with the Constitution of the Russian Federation.

Article 4. Powers of the Russian Federation in Ensuring Plant Quarantine

The powers of the Russian Federation to ensure plant quarantine shall include:

- development and implementation of a single state policy in the Russian Federation;
- exercising state quarantine phyto-sanitary supervision;
- establishing and abolishing a quarantine phyto-sanitary zone, establishing and calling off a quarantine phyto-sanitary regime;
- development and approval of the rules and norms of ensuring plant quarantine and the list of quarantine objects;
- the conduct of test inspections of quarantineable objects;
- determining the quarantine phyto-sanitary status of the territory of the Russian Federation;
- development and establishment of the procedure of bringing quarantineable products (quarantineable material, quarantineable cargo) into and out of the territory of the Russian Federation;
- quarantine phyto-sanitary certification of quarantineable products (quarantineable material, quarantineable cargo);
- organization and conduct of decontamination of quarantineable objects;
- ensuring compliance with the obligations of the Russian Federation pertaining to plant quarantine under international treaties;

Article 5. Federal Executive Power Body for Ensuring Plant Quarantine

(as per Federal Law No. 122-FZ of August 22, 2004)

The federal executive power body for ensuring plant quarantine in the interests of the Russian Federation shall ensure compliance with plant quarantine and exercise state quarantine phyto-sanitary supervision on the territory of the Russian Federation.

(as per Federal Law No. 122-FZ of August 22, 2004)

The federal executive power body for ensuring plant quarantine shall approve the list of quarantine objects.

(as per Federal Law No. 122-FZ of August 22, 2004)

The federal executive power body for ensuring plant quarantine shall ensure phyto-sanitary certification of quarantineable products (quarantineable material, quarantineable cargo).

(as per Federal Law No. 122-FZ of August 22, 2004)

Chapter II. ENSURING PLANT QUARANTINE

Article 6. Establishing and Calling off a Quarantine Phyto-Sanitary Zone, Establishment and Repeal of a Quarantine Phyto-Sanitary Regime, Imposition and Lifting of Quarantine

When contamination (littering) of quarantineable objects with quarantine objects is discovered the federal body of executive power for ensuring plant quarantine shall establish a quarantine phyto-sanitary zone and a quarantine phyto-sanitary regime, and make representations to the executive power body of the subject of the Russian Federation which imposes a quarantine.

(as per Federal Law No. 122-FZ of August 22, 2004)

In the quarantine phyto-sanitary zone measures shall be taken to combat the quarantine objects, localize and liquidate their hotbeds, bans on the use of certain quarantineable products (quarantineable material, quarantineable cargo), bans on the export of certain quarantineable products (quarantineable material, quarantineable cargo) from the quarantine phyto-sanitary zone and restrictions on such use and export, and other bans and restrictions shall be imposed.

After the liquidation of hotbeds of quarantine objects the federal executive power body for ensuring plant quarantine shall abolish the quarantine phyto-sanitary zone and lift the quarantine phyto-sanitary regime and the corresponding executive power body of the subject of the Russian Federation shall lift the quarantine

(as per Federal Law No. 122-FZ of August 22, 2004)

Article 7. State Quarantine Phyto-Sanitary Supervision

State quarantine phyto-sanitary supervision shall be exercised by the federal executive power body for ensuring plant quarantine.

(as per Federal Law No. 122-FZ of August 22, 2004)

Article 8 came into force 30 days after the official publication of this document.

Article 8. Quarantine Phyto-Sanitary Certification of Quarantineable Products (quarantineable material, quarantineable cargo)

Import into the territory of the Russian Federation and into zones free of quarantine objects and export from the territory of the Russian Federation and from quarantine phyto-sanitary zones, shipments of quarantineable products (quarantineable material, quarantineable cargo) shall be allowed in cases stipulated by the rules and norms of ensuring plant quarantine if there exists a phyto-sanitary certificate or a quarantine certificate attesting to the compliance of quarantineable products (quarantineable materials, quarantineable cargo) with the rules and norms of ensuring plant quarantine.

Every batch of quarantineable products (quarantineable material, quarantineable cargo) imported into the territory of the Russian Federation and exported from the territory of the Russian Federation shall be accompanied by a phyto-sanitary certificate.

Every batch of quarantineable products (quarantineable material, quarantineable cargo) imported into the territory of the Russian Federation when carried on the territory of the Russian Federation and every batch of quarantineable products (quarantineable material, quarantineable cargo) exported from a quarantine phyto-sanitary zone shall be accompanied by a quarantine certificate.

Article 9 came into force 30 days after its official publication.

Article 9. Protection of the Territory of the Russian Federation against Quarantine Objects

Quarantine products (quarantineable material, quarantineable cargo) may be allowed into the territory of the Russian Federation if documents are presented for the import of such products alongside with documents certifying the compliance of such products with the provisions of the international treaties of the Russian Federation pertaining to plant quarantine, the rules and norms of ensuring plant quarantine.

The Constitutional Court of the RF in its Ruling No.2-P of February 3, 2005 recognized the provisions of Part 2 of Article 9 as being constitutional.

Import into the territory of the Russian Federation of quarantineable products (quarantineable material, quarantineable cargo) contaminated with quarantine objects (with the exception of cases stipulated under the rules and norms of ensuring plant quarantine) as well as quarantineable products (quarantineable material, quarantineable cargo) shall be banned if the rules and norms of ensuring plant quarantine are violated at its import.

The import into the territory of the Russian Federation of quarantineable products (quarantineable material, quarantineable cargo) shall be allowed only through specially equipped crossing points of the state border of the Russian Federation intended for this purpose where border plant quarantine points are organized in accordance with the rules and norms of ensuring plant quarantine. The list of such crossing-points shall be determined by a procedure established by the Government of the Russian Federation.

(part 3 as per Federal Law No. 266-FZ of December 30, 2006)

Quarantineable products (quarantineable material, quarantineable cargo) imported into the territory of the Russian Federation shall be subject to mandatory state quarantine phyto-sanitary control, including inspection.

The quarantineable products (quarantineable material, quarantineable cargo) imported into the territory of the Russian Federation shall be subject to initial state quarantine phyto-sanitary control, including inspection, at the crossing points of the state border of the Russian Federation and a second state quarantine phyto-sanitary control, including inspection, at destination.

State quarantine phyto-sanitary control of the import of quarantineable products (quarantineable material, quarantineable cargo) into the territory of the Russian Federation and their export from the territory of the Russian Federation shall be administered by the federal executive power body for ensuring plant quarantine.

(as per Federal Law No. 122-FZ of August 22, 2004)

Import of quarantine objects into the Russian Federation for research purposes shall be regulated by the rules and norms of ensuring plant quarantine.

The use of quarantineable objects contaminated with quarantine objects, unless otherwise provided for by the rules and norms of ensuring plant quarantine, shall be banned.

The use of quarantine phyto-sanitary measures and restrictions (in whatever form) for purposes unrelated to ensuring plant quarantine shall be forbidden.

Article 10. Disinfection, Cleaning, Decontamination of Quarantineable Objects

Quarantineable products (quarantineable material, quarantineable cargo) imported into the territory of the Russian Federation contaminated with quarantine objects shall be subject to disinfection at crossing points on the state border of the Russian Federation or at destination unless otherwise provided for by the rules and norms of ensuring plant quarantine.

Quarantineable products (quarantineable material, quarantineable cargo) imported into the territory of the Russian Federation from countries where quarantine objects are widespread shall be subject to preventative disinfection in cases stipulated under the rules and norms of ensuring plant quarantine.

The transport means used to carry quarantineable products (quarantineable material, quarantineable cargo) shall be subject to cleansing or, if necessary, disinfection in accordance with the rules and norms of plant quarantine.

The work to decontaminate quarantineable objects by gassing and the work of their degasification shall be conducted by the federal executive power body for ensuring plant quarantine (as per Federal Law No. 122-FZ of August 22, 2004)

Disinfection, cleansing, degasification of quarantineable objects shall be carried out in accordance with the rules and norms of ensuring plant quarantine.

Article 11. The Duties of Organizations, Individual Entrepreneurs and Citizens in Ensuring Plant Quarantine

Organizations, individual entrepreneurs and citizens engaged in the production, stockpiling, import into the territory of the Russian Federation and export from the territory of the Russian Federation, carriage, storage, processing, use and sale of quarantineable products (quarantineable material, quarantineable cargo) shall:

comply with the rules and norms of ensuring plant quarantine during the production, stockpiling, import into the territory of the Russian Federation, export from the territory of the Russian

Federation, carriage, storage, processing, use and sale of quarantineable products (quarantineable material, quarantineable cargo);

promptly notify the federal executive power body for ensuring plant quarantine about the arrival of quarantineable products (quarantineable material, quarantineable cargo);
(as per Federal Law No. 122-FZ of August 22, 2004)

prevent the opening of transport means and containers with quarantineable products (quarantineable material, quarantineable cargo) that have arrived on the territory of the Russian Federation without the written permission of the federal executive power body for ensuring plant quarantine;

(as per Federal Law No. 122-FZ of August 22, 2004)

provide the necessary conditions for timely state quarantine phyto-sanitary control, including inspection;

make available for the storage of quarantineable products (quarantineable material, quarantineable cargo) premises that meet the quarantine phyto-sanitary requirements and ensure the safety of such products;

forbid the cleansing of transport means with quarantineable products (quarantineable material, quarantineable cargo) en route and in places not intended for such cleansing;

ensure proper storage of quarantineable products (quarantineable material, quarantineable cargo) prior to the state quarantine phyto-sanitary control;

make available transportation means, specially equipped piers, platforms, and premises and when necessary personnel for disinfection, cleansing and degasification of quarantineable objects;

promptly notify the federal executive power body for ensuring plant quarantine about the discovery of signs of contamination of quarantineable objects with quarantine objects;

(as per Federal Law No. 122-FZ of August 22, 2004)

in carrying quarantineable products (quarantineable material, quarantineable cargo) ensure measures to rule out losses thereof and possible contamination of the territory of the Russian Federation with quarantine objects;

perform any other duties in accordance with the legislation of the Russian Federation on ensuring plant quarantine, the rules and norms of ensuring plant quarantine.

The measures to reveal quarantine objects and combat them, localize or liquidate the hotbeds thereof shall be financed by the owners and users of quarantineable objects; the inspection, decontamination, detention, destruction and return of quarantineable products (quarantineable material, quarantineable cargo) shall be financed by their owners, possessors, users, cargo recipients or forwarding organizations.

Article 12. Identification of Quarantine Objects and Prevention of Their Spread

For the purpose of timely identification of quarantine objects and determining the boundaries of the hotbeds thereof, quarantineable objects shall be subject to systematic quarantine phyto-sanitary checkup.

When hotbeds of quarantine objects are revealed a quarantine phyto-sanitary regime shall be established on corresponding territories under the procedure set forth in Article 6 of this Federal Law.

In cases stipulated under the rules and norms of ensuring plant quarantine grain, products of grain processing imported into the territory of the Russian Federation shall be subject to processing in accordance with the technologies that render seeds unviable. The export of grain and the products of grain processing from the place of processing containing viable seeds shall be forbidden.

Article 13. Requisitioning, Destruction and Return of Quarantineable Products (quarantineable material, quarantineable cargo)

Under the legislation of the Russian Federation, for the purpose of preventing the penetration into the territory of the Russian Federation and (or) spread on the territory of the Russian Federation of quarantine objects, quarantineable products (quarantineable material, quarantineable cargo) may be requisitioned, destroyed or returned on the orders of officials of the federal body of executive power for ensuring plant quarantine

(as per Federal Law No. 122-FZ of August 22, 2004)

Article 14. Laboratory Analysis and Examination of Quarantineable Products (quarantineable material, quarantineable cargo)

Quarantineable products (quarantineable material, quarantineable cargo) for the purpose of determining their quarantine phyto-sanitary status shall be subject to state quarantine phyto-sanitary control, including inspection, and when necessary, laboratory tests or examination.

Laboratory tests and expert examination of quarantineable products (quarantineable material, quarantineable cargo) for the purpose of determining its quarantine phyto-sanitary status shall be carried out by the agencies and organizations of the state plant quarantine service of the Russian Federation.

Chapter III. STATE PLANT QUARANTINE SERVICE OF THE RUSSIAN FEDERATION

Article 15. Basic principle of organization and operation of the State Plant Quarantine Service of the Russian Federation

The State Plant Quarantine Service of the Russian Federation shall be the sole federal centralized system of government agencies and organizations ensuring plant quarantine.

The statute on the State Plant Quarantine Service of the Russian Federation shall be approved by the Government of the Russian Federation.

Article 16. The Rights of Officials Exercising State Quarantine Phyto-Sanitary Supervision

State quarantine phyto-sanitary supervision shall be exercised by the officials of the federal executive power body for ensuring plant quarantine.
(as per Federal Law No. 122-FZ of August 22, 2004)

The officials who exercise state quarantine phyto-sanitary supervision have the right, within their frame of reference to:

- visit without obstruction quarantineable objects belonging to individual entrepreneurs and citizens, quarantineable objects of whatever legal form and form of ownership of organizations to which such objects belong, as well as areas where such objects are located, including the territories of military units, facilities of federal bodies of executive power in charge of issues of defense, security, internal affairs, fire safety, customs affairs, and protection of the state border of the Russian Federation;

(as per Federal Law No. 116-FZ of July 25, 2002)

- obtain documented information pertaining to plant quarantine from federal bodies of executive power, the executive power bodies of the subjects of the Russian Federation, the local government bodies, organizations, individual entrepreneurs and citizens;

- carry out quarantine phyto-sanitary inspection of quarantineable objects and inspect quarantineable products (quarantineable material, quarantineable cargo), including in the places where they are stockpiled and from which they are shipped;

- recover specimens and (or) samples from quarantineable objects;

- 9the paragraph has been cancelled. - Federal Law No. 45-FZ of May 9, 2005);

- issue prescriptions to organizations, individual entrepreneurs and citizens to eliminate violations of rules and norms of plant quarantine within fixed deadlines and on a mandatory basis;

- make decisions on decontamination, cleansing, degasification and return of quarantineable products (quarantineable material, quarantineable cargo);

- remove and destroy quarantineable products (quarantineable material, quarantineable cargo);

- exercise any other powers in the field of ensuring plant quarantine under the laws of the Russian Federation.

The officials who exercise state quarantine phyto-sanitary supervision shall be allowed to possess, carry and use officially issued arms under the procedure set forth by the legislation of the Russian Federation.

Any attempts to pressure the officials exercising state phyto-sanitary quarantine control in order to make them change their decisions or obstruct their activities shall be forbidden and shall carry liability under the laws of the Russian Federation.

Article 17. Flag, Pennant and Badge of State Plant Quarantine Service of the Russian Federation

The State Plant Quarantine Service of the Russian Federation shall have its flag, pennant and badge.

The statute on the flag, pennant and badge of the State Plant Quarantine Service of the Russian Federation shall be approved by the Government of the Russian Federation.

Article 18. Financing of the State Plant Quarantine Service of the Russian Federation

The State Plant Quarantine Service of the Russian Federation shall be financed out of the federal budget.

(as per Federal Law No. 122-FZ of August 22, 2004)

The fines and the sums of compensation of damages imposed for violations in the field of ensuring plant quarantine shall be transferred to the federal budget revenue.

(part 2, as per Federal Law No. 122-FZ of August 22, 2004)

Article 19. Uniforms of Officials of the State Plant Quarantine Service of the Russian Federation

The officials of the State Plant Quarantine Service of the Russian Federation shall have the right to wear uniforms.

Chapter IV. FINAL PROVISIONS

Article 20. Coming into Force of This Federal Law

This Federal Law shall come into force from the day of its official publication, with the exception of Articles 8 and 9 of this Federal Law.

Articles 8 and 9 of this Federal Law shall come into force 30 days after the official publication of this Federal Law.

The Government of the Russian Federation shall harmonize its normative legal acts with this Federal Law.

President
of the Russian Federation
VLADIMIR PUTIN

The Kremlin, Moscow
July 15, 2000
No.99-FZ