

Special Types of Border Control: Veterinary, Quarantine and Ecological

When crossing the border, we face customs control first of all. However, other types of control represent no less serious problems.

When is Veterinary Control Exercised?

Veterinary control at border crossing points is regulated by «Rules on Admission through the Border of Cargoes, Services Subject to Control and Veterinary Medicine» approved by the Chief State Veterinary Inspector of Ukraine on August 7, 1993 No. 15-4-1/263, and by the Chairman of the State Customs Committee of Ukraine on August 13, 1993 No. 11/12841.

In compliance to Article 2 and 16 of the Law of Ukraine «On Veterinary Medicine» and Article 18 of the Customs Code of Ukraine, the following are subject to veterinary control:

- all types of animals (domestic, wild, Zoo animals, circus animals, animals for use in laboratories), fur animals, rabbits, poultry and wildfowl, bees, live fish and fish products, crawfish, frogs, mollusk, sperm, fish caviar, incubator eggs;

- products of animal origin and food products of them (meat, milk, eggs, honey etc.);

- raw materials of animal origin subject to further processing (raw hides, skins and fur, unprocessed wool, down, feather, horns and antlers, bones, guts etc.);

- finished food products of animal origin (canned meat, canned fish, cheese, butter, margarine, sausages, smoked meat) in unbroken packing, manufactured in compliance with standards and norms set forth for enterprises of exporting countries;

- fodder of vegetable origin (fodder corn, mixed fodder, fodder root-crops, tuber crops, hay, straw);

- other products, articles and materials which may be pathogens of infectious diseases, germ viruses, veterinary preparations and medicaments, collection items of animal origin regardless of owners and form of ownership. The above articles and goods are exported from Ukraine and imported into Ukraine (including in case of transit) only with permit and under control of the State Veterinary Inspectorate (upon presentation of a veterinary certificate).

Vehicles returning after transportation of the above articles and goods are subject to disinfection. Litters for animals and packing materials shall be burnt. Export, import and transit is allowed with permit of the Chief State Veterinary Inspector of Ukraine or his deputies.

In case of import into the territory of Ukraine or exports from the territory of Ukraine of articles of animal origin by legal entities or physical persons, a veterinary

certificate is presented at the border customs. Customs clearance of an article (cargo) may be made only after veterinary control is completed.

A decision on permitting such cargoes or individual articles through the border is made by heads of state veterinary control points, or, when necessary, by heads of regional state veterinary control offices.

Customs clearance of cargoes of animal origin, applying for import (export, transit) permits, supply of vehicles, and other organizational issues is the burden of owners of cargoes (shippers or consignees).

When is Quarantine Control Exercised?

State quarantine control is exercised at border crossing points in case of export and import of seeds and products of vegetable origin on the basis of the Law of Ukraine «On the Quarantine of Plants» of June 30, 1993, and the Resolution of the Cabinet of Ministers of Ukraine No. 892 of October 28, 1993 «On the Status of the State Service of Ukraine for Quarantine of Plants».

In compliance with Article 2 of the Law of Ukraine «On the Quarantine of Plants» the following are basis tasks of the State Service of Ukraine for Quarantine of Plants:

1. Protection of the territory of Ukraine from bringing, from abroad or from quarantine zones, of dangerous vermin, plant diseases and weeds, all types of live fungi, bacteria and viruses which are pathogens of diseases, as well as insects, ticks and nematodes which injure plants.

2. Execution of state control over the observation of special quarantine regime, and undertaking of measures connected with quarantine of plants in case of export, import, transit and storage of materials subject to quarantine.

Basically, such control, in compliance with Article 7 of the above Law, is exercised by regional border plant quarantine inspectorates, as well as by border crossing points.

Their responsibilities are as follows:

- (a) issuance of certificates for seeds, plants and products of vegetable origin which are exported and brought from special quarantine regime zones;

- (b) execution of quarantine tests and laboratory examination in case of imports from abroad of materials and articles subject to quarantine (including those carried in luggage, mail and hand luggage of passengers);

- (c) arrangement, sanitation and disinfection of materials and articles subject to quarantine, as well as vehicles coming from abroad;

(d) control over the work of introductory-quarantine breeding plants, state selection plants and greenhouses which exercise quarantine tests of seeds and plants imported from abroad;

(e) execution of state control over production, procurement, transportation, storage, processing, use and sales of seeds, plants and products of vegetable origin.

In compliance with Article 11 of the above Law, all materials and articles subject to quarantine, which cross the state border of Ukraine and the boundaries of special quarantine zones, are subject to phytosanitary control.

Import into Ukraine of materials subject to quarantine is made upon presentation of:

- phytosanitary certificate issued by relevant authorities of the exporting country responsible for quarantines and plant protection;

- quarantine import permit issued by the Central State Service for Quarantine of Plants.

Customs clearance of cargoes is exercised only after phytosanitary control is passed.

While exercising the state quarantine control (Article 13 of the Law), a state inspector has the right:

- to detain, for the period of phytosanitary examination, materials and articles subject to quarantine, which were brought without a quarantine certificate from territories where special quarantine regime is effective, or which were imported from abroad without a relevant quarantine permit;

- to select samples of seeds, products of vegetable origin and other materials for the purposes of laboratory examination in compliance with the law;

- to impose administrative sanctions upon persons guilty of infringement upon legislation on the quarantine of plants.

The same Law (Article 15) provides for the following responsibilities of enterprises, institutions, organizations, officials and citizens whose activities are connected with the production, processing, storage and transportation of, and trade in materials subject to quarantine:

- when big lots of seeds, plants and products of vegetable origin are purchased abroad, the above-listed persons pay for state plant quarantine inspectors' business-trips (for the purpose of exercising phytosanitary control) to the locations from where materials subject to quarantine are shipped to Ukraine;

- such persons provide, free of charge, offices of the State Service of Ukraine for Quarantine of Plants, including border crossing points, with vehicles, necessary equipment, and communication facilities;

- organizations dealing with import of seeds, plants and products of vegetable origin must no later than 5 days prior to expected importation into the country of said products notify the State Service for Quarantine of Plants;

- moving of imported products of vegetable origin from railway stations and airports outside the country is allowed after quarantine tests and upon presentation of quarantine certificates issued for each lot of cargo, or when a relevant stamp has been affixed to shipping documents by a state plant quarantine inspector.

Seeds, plants and products of vegetable origin imported into the territory of Ukraine from foreign countries, in case when quarantine or other dangerous vermin, plant diseases and weed are found in them, are subject to compulsory disinfection by chemical or other methods.

Chemical disinfection of seeds, plants or products of vegetable origin from quarantine or other dangerous vermin at border quarantine points through which the cargo is imported, is made by regional fumigation teams of the State Service for Quarantine of Plants.

A fine is imposed by a court, upon relevant submission by chief state plant quarantine inspectors, on businessmen who are guilty of violation of quarantine requirements with respect to moving from quarantine zones or importation from abroad of materials subject to quarantine.

When is Ecological Control Exercised?

In compliance with the Resolution of the Cabinet of Ministers of Ukraine No. 198 of March 20, 1995 «On Ecological Control at the State Border Crossing Points», the State Ecological Inspectorate under the Ministry for Environmental Protection and Nuclear Safety must exercise ecological control at the state border crossing points of the following:

- vehicles, including aircraft, vessels, military ships;

- cargoes containing industrial raw materials, production waste, chemical compounds, toxic, radioactive and other substances dangerous for environment and human life, plant protection chemicals, plant growth stimulators, fertilizers;

- all kinds of fish, wild animals and plants, as well as zoological, botanical and mineralogical collections and hunting trophies.

The same Resolution determines border points where ecological control is exercised. In compliance with the Resolution of the Cabinet of Ministers of Ukraine No. 113 of January 22, 1996 «On the Amount and Procedure of Charging and Use of

Fees for Ecological Control Services at State Border Crossing Points», fees are collected in the following amounts:

- (a) one vehicle - 0.3 of non-taxed minimum income;
- (b) one ton of raw materials and production waste - 0.1 of non-taxed minimum income;
- (c) one ton of chemical compound and toxic chemical substances - 0.2 of non-taxed minimum income;
- (d) one ton of plant protection chemicals and fertilizers - 0.1 of non-taxed minimum income;
- (e) radioactive substances (1 kg) - 0.15 of non-taxed minimum income;
- (f) hunting trophies (1 item) - 0.15 of non-taxed minimum income;
- (g) zoological and botanical collections (1 item) - 0.1 of non-taxed minimum income;
- (h) wild animals and plants (1 item) - 1.5 of non-taxed minimum income.

For the prompt passing of very big lots of cargoes subject to ecological control (over 100 tons), the owner of the cargo should 30 days prior to the crossing of the border make an advance payment for ecological control services in favour of the regional department for ecological safety within whose jurisdiction the border crossing point is located.

Fees for ecological control of vehicles and small lots of cargoes are paid directly at the border at a bank department located at the border crossing point. In case when it is impossible to accept cash-free payments, it is allowed to accept cash payments through electronic cash registers provided that cash is collected by an authorized banking institution during the day when payments are made.