

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

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;

- 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 inte

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

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.

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