

**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 leve

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

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

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;





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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.