

LAW  
OF THE REPUBLIC OF TAJIKISTAN

On the quarantine of the plants

The current Law defines legal and organizational measures in the area of providing plant quarantine and 8 cur-9.1 -1 1 (phytosiontaryntine )Tj .835 14.9 .0001 Tc .6646 Tw (and 8 e m)8.4(easures,

- import quarantine permit – official document authorizing importation of the commodity in accordance with specified phyt

- develops rules and norms of plant quarantine;
- develops and approves the list of quarantine pests;
- defines principles of classification of quarantine pests and delivery of phytosanitary pest risk analysis in accordance with the principles of international standards;
- performs phytosanitary certification of under-quarantine material and issues phytosanitary certificate;
- issues import quarantine permit for the import of under-quarantine material in accordance with the principles of international standards;
- prepares a list of under-quarantine material in accordance with the requirements of international standards and presents it to the Government of the Republic of Tajikistan for adoption;
- defines (stipulates) conditions and requirements in relation to under-quarantine materials at the time of importation to the Republic of Tajikistan and exportation from the Republic of Tajikistan in accordance with the principles of international standards;
- controls the performance of phytosanitary measures against quarantine pests;
- assesses pests, spreading in the Republic, which are not enlisted as quarantine pests and takes a decision on the classification of the pests being assessed;
- conducts inspection surveys of under-quarantine materials;
- defines quarantine phytosanitary status of the territory of the Republic of Tajikistan;
- insures decontamination of regulated articles;
- informs the authorized state body for plant quarantine of the exporting country in case when quarantine pests are detected at the time of inspection of the imported consignment.

#### Article 6. Rights of official officers for state phytosanitary control and plant quarantine

State phytosanitary control and plant quarantine are provided by official officers of the authorized state body for plant quarantine.

Official officers providing state phytosanitary control and plant quarantine, within their capacity have the right to:

- freely inspect under-quarantine materials belonging to individual entrepreneurs, civilians and institutions independent of organizational and legal forms and properties of the organization, to which such material belong;
- receive from state bodies, state executive bodies of Gorno-Badkhschan autonomous oblast, oblasts, cities and rayons, bodies of local self-governance, institutions, individual entrepreneurs and civilians documented data, related to plant quarantine;
- provide quarantine phytosanitary inspection of under-quarantine materials and inspection of under-quarantine materials, including places of its collecting, preparing and dispatching;
- conduct sampling of samples of under-quarantine materials;
- prohibit or stop production, preparation, importation into the Republic of Tajikistan, exportation from its territory, transportation, storage, processing, use and marketing of under-quarantine material;
- give instructions to institutions, individual entrepreneurs and civilians to be obligatory followed within given deadlines, regarding violations of rules and norms of plant quarantine;
- take decisions on decontamination, purification and removal of poisonous substances (degassing), return of under-quarantine material;
- when necessary withdraw and eliminate unde

- exercise other rights, as prescribed by the legislation of the Republic of Tajikistan on plant quarantine.

Any form of leverage on official officers, which implement state phytosanitary control and plant quarantine, with a view to impact on decision making or to oppose, is not permitted and is subject to liability as determined by the legislation of the Republic of Tajikistan.

Article 7. Symbols of the authorized state body for plant quarantine

Authorized state body for plant quarantine has symbols.

Regulation on symbols of the authorized state body for plant quarantine is adopted by the Government of the Republic of Tajikistan.

Article 8. Special work clothing of executive officers of the authorized state body for plant quarantine

Executive officers of the authorized state body for plant quarantine have the right to wear special work clothing, a form of which determined by the Government of the Republic of Tajikistan.

### SECTION 3. SECURING PLANT QUARANTINE

Article 9. Establishment and cancellation of quarantine phytosanitary zone and quarantine phytosanitary regime

When under-quarantine materials have proven to be contaminated (impurities) with quarantine pests, the authorized state body for plant quarantine presents to the Government of the Republic of Tajikistan a proposal to establish a quarantine phytosanitary zone and a quarantine phytosanitary regime.

In the quarantine phytosanitary zone measures are taken against quarantine pests, their localization, eradication of the places of infestation; prohibitions are introduced for the use of certain under-quarantine materials; prohibitions for export from the territory of the quarantine phytosanitary zone of certain articles and other prohibitions and restrictions.

After eradication of the place of infestation of quarantine pests the authorized state body for plant quarantine presents to the Government of the Republic of Tajikistan a proposal on abolishing quarantine phytosanitary zone and the quarantine phytosanitary regime.

Quarantine phytosanitary zones or territories in the Republic of Tajikistan, which according to official inspection have been proven free from quarantine pests, can be recognized as pest free zones, in accordance with the principles of international standards.

Scientific data and results of the inspections and control inspections are submitted to institutions for plant quarantine and protection of other countries upon requirement on the basis of bilateral agreements between the states.

Article 10. Quarantine phytosanitary certification of under-quarantine material

Import is permitted on the territory of the Republic of Tajikistan and to quarantine pest free zones, export from quarantine phytosanitary zones of the Republic of Tajikistan, transportation of under-quarantine materials, in cases, foreseen by the rules and norms of plant quarantine, if the phytosanitary certificate confirms under-quarantine material meets plant quarantine rules and norms.

Each under-quarantine material, imported on the territory of the Republic of Tajikistan or exported from the territory of the Republic of Tajikistan, is attached with a phytosanitary certificate, issued by an authorized state body for plant quarantine of the exporting country and an import quarantine permit.

Certification of the exported or the ~~reported~~ consignment shall be made by an authorized state body for plant quarantine ~~in~~ accordance with principles of international standards.

Phytosanitary certificates ~~and~~ export certificates are ~~issued~~ by state inspectors of the

Under-quarantine material, imported into the territory of the Republic of Tajikistan from countries where quarantine pests are spread, in case it will not be returned, is subject to preventive decontamination in cases foreseen by rules and norms of plant quarantine.

Transport used for transportation of under-quarantine material, is subject to obligatory cleaning or when necessary decontamination in accordance with rules and norms of plant quarantine.

Decontamination works with under-quarantine material by way of fumigation and by way of degassing are delivered by the authorised state body responsible for plant quarantine.

Decontamination, purification and degassing of regulated articles are delivered in accordance with rules and norms of plant quarantine.

#### Article 13. Detection of quarantine pests and warning of their spread

With a view to timely detect quarantine pests, determination of borders of their places infestation, under-quarantine material is subject to a systematic quarantine phytosanitary survey.

Upon detection of quarantine pests on the territories a quarantine phytosanitary regime is called in the order as defined in article 9 of this law.

#### Article 14. Seizure, elimination, return of regulated article

In accordance with the legislation of the Republic of Tajikistan with a view to prevent entry on the territory of the Republic of Tajikistan or spread on the territory of the Republic of Tajikistan of quarantine pests, under-quarantine material can be seized, eliminated or returned according to instruction of official officers of the authorised state body responsible for plant quarantine.

#### Article 15. Laboratory analysis and examination of under-quarantine material

Under-quarantine material is subject to state quarantine phytosanitary control for the purpose of determining its phytosanitary condition, including inspection and upon necessity laboratory analysis and examination.

Laboratory analysis and examination of under-quarantine material for the purpose of determination of its quarantine phytosanitary condition are implemented by the authorised time

- enable necessary conditions for a timely state phytosanitary control, including inspection;
- allocate facilities to store under-quarantine material which meet quarantine phytosanitary requirements and to secure protection of such material;
- prevent cleaning transport with under-quarantine material on its way to the destination, including in places, not intended for such cleaning;
- secure proper storage of under-quarantine material up to the time of starting of state quarantine phytosanitary quarantine control;
- allocate transport, specially equipped terminals, sites, specially equipped buildings, when it is necessary for the staff, for the purpose of decontamination, purification and degassing under-quarantine materials;
- upon revealing traces of contamination of under-quarantine

Article 22. On the declaring invalid of the previous Law of the Republic of Tajikistan “On quarantine of plants”

The previous law of the Republic of Tajikistan “On quarantine of plants” from May 12, 2001 (Akhbori Majlissi Oli of the Republic of Tajikistan, 2001, 4, article 206) is declared invalid.

Article 23. The order of bringing into force of current Law

The current Law is enacted after its official publishing.

President  
of the Republic of Tajikistan

Emonali Rahmon

Dushanbe city  
March 26, 2009  
#498