

LAW OF THE REPUBLIC OF TAJIKISTAN ON PLANT PROTECTION

This Law determines legal, economic and organizational basis for activities in protection of plants and agricultural products from pests, diseases and weeds.

CHAPTER 1. GENERAL PROVISIONS

Article 1. Basic concepts

Following basic concepts are used in the present Law:

- **Plant protection** is a set of activities in the field of agriculture and forestry aimed at prevention and remedy of the harm caused by pests, diseases and weeds. Plant protection combines different methods and tools (organizational, economic,

- **Phytopsanitary standards** – established parameters of values used to determine the amount of phytopsanitary measures;
- **Phytopsanitary monitoring** - a system of surveillance for the development and spread of harmful and extremely dangerous pests, forecasting and determination of the level of harmfulness.

Article 2. Plant protection legislation of the Republic of Tajikistan

Plant protection legislation of the Republic of Tajikistan is based on the Constitution of the Republic of Tajikistan and consists of the present Law, other regulatory legal acts

- organization of pesticides neutralization in coordination with authorized state authorities in the field of environmental protection and sanitary and epidemiological surveillance;
- organization and coordination of activities of other state authorities, individuals and legal entities on carrying out of phytosanitary measures concerning harmful and highly dangerous harmful organisms and their monitoring;
- organization of the state procurement of pesticides, works and services related to the storage, transportation, distribution and application of pesticides within the Republic of Tajikistan, as well as building-up of the state stock of pesticides;
- organization and carrying out of explanatory (outreach) activities among the population regarding the implementation of the phytosanitary measures and plant protection;
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CHAPTER 3. STATE PHYTOSANITARY CONTROL

Article 8. Tasks of the state phytosanitary control

State phytosanitary control provides:

- control of activities of individuals and legal entities regarding the observance of the requirements of the plant protection legislation of the Republic of Tajikistan;
- organization and control of phytosanitary monitoring and phytosanitary measures;
- maintaining of the phytosanitary inventory and reporting in accordance with the established procedure;
- identification and suppression of violations of the plant protection legislation of the Republic of Tajikistan;
- control over of the production testing and registration of pesticides;
- control over the neutralization of pesticides;
- inspection of the special storages.

Article 9. development and application of phytosanitary measures

1. Phytosanitary measures are developed and applied:

- on the basis of scientifically valid principles;
- on the basis of available international standards, the guidelines and recommendations;
- within the limits necessary for protection of life and health of people, plants and animals;
- in order to avoid any or unjustified discrimination of producers that have identical or similar conditions, including own territory of the state and the territory of other interested countries;
- on the basis of risk assessment for life and health of people, plants or animals who carried out in accordance with the methodology of the relevant international organizations.

2. Phytosanitary measures shouldn't be applied in a way that would be the hidden barrier to international trade.

3. In assessment of risks for life and health of people, plants or animals in course of the development and application of phytosanitary measures, the authorized body has to take following into consideration:

- available scientific justification;
- relevant methods of production and processing;
- relevant methods of inspection, sampling and testing;
- degree of dispersion of specific pests, diseases or weeds;
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4. In case when corresponding scientific justification is insufficient, authorized body can temporarily introduce phytosanitary measures on the basis of available appropriate information, including the information received from the relevant international organizations and information on the phytosanitary measures introduced by other countries.

5. Phytosanitary measures are implemented with consideration of the phytosanitary features of countries and their administrative-territorial units that are the place of the origin of the products or for which products are intended, and also with the consideration of the phytosanitary features of the Republic of Tajikistan and its administrative-territorial units.

6. During the assessment of the phytosanitary features of the region, the authorized body takes into consideration, *inter alia*, the degree of propagation of specific pests, diseases or weeds, existence of pest management or eradication programs, appropriate criteria and guidelines of the relevant international organizations.

7. In particular, an authorized body recognizes concepts of zones free from pests, diseases or weeds, and zones with insignificant propagation of pests, diseases or weeds. In course of determination of such zones, following factors are taken as the basis: geography, ecosystem, epidemiological surveillance, efficiency of sanitary and phytosanitary control.

8. Exporting countries who declared that zones within their territories are free from pests, diseases or weeds or zones with insignificant propagation of pests, diseases or weeds submit the adequate confirmation to the relevant authorized body in order to demonstrate that these are really free from pests, diseases or weeds or zones with insignificant propagation of pests, diseases or weeds and, most likely, will remain as such.

9. The authorized body can apply phytosanitary measures which provide higher level of phytosanitary protection, than the measures based on the corresponding international standards, guidelines or recommendations if there is relevant scientific justification that this level of phytosanitary protection is appropriate.

Article 10. Transparency of phytosanitary rules

1. The accepted phytosanitary rules are published immediately in order to provide opportunity for interested parties to familiarize with them.

2. Except for urgent cases, the reasonable timing is provided between the publication of any phytosanitary rule and its coming into effectiveness. This gives opportunity to producers to adjust their products and methods of its production in compliance with the requirements determined by the authorized body.

3. The authorized body, through the national information center on phytosanitary issues should provide answers to all requests of interested parties and also the relevant documents concerning:

- any phytosanitary rules accepted or developed within the territory of the Republic of Tajikistan;
- any control procedures, production procedures and quarantine, procedures of approval of admissible level of pesticides and food additives that are in effect at the territory of the Republic of Tajikistan;

- procedures of risk assessment, factors considered and determination of the appropriate level of phytosanitary protection;
- membership and participation in international and regional phytosanitary organizations and systems, and also in bilateral and multilateral agreements.

4. In case of absence of the international standards, guidelines or recommendations, or there are essential differences between the content of the developing phytosanitary measures and the content of the international standards, guidelines or recommendations and if these measures can have a considerable impact on trade, an authorized body has to:

- publish notifications of intention to introduce specific measures at the early stage of their development in order to give opportunity to interested parties to familiarize with them;
- notify interested parties at the early stage on the products covered by measures; notification is accompanied by the short statement of the purpose and justification for introduction of measures;
- provide texts of the developed documents on the requests of the competent authorities of other countries, specifying, whenever possible, sections that significantly differ from the international standards, guidelines or recommendations;
- allocate equally time and possibilities for preparation of remarks in writing to all interested parties and discuss requested remarks and consider remarks and results of the discussions.

5. In case of emergence of potential emergence of the of an urgent need to protection health, an authorized body, at its discretion, has the right not to follow provisions of the Part 4 of the present article provided that it:

- immediately notifies all interested parties on the specific measure and product covered by it, and provides short statement of the purpose and the justification for introduction of regulation, including the description of the essence of an urgent problem (problems);
- provides texts of documents on the basis of the requests of the competent bodies of other countries demand of competent authorities of other countries provides texts of documents;
- provides interested parties with the opportunity to prepare remarks in writing, discusses these remarks and takes into consideration remarks and results of the discussions.

Article 11. Equivalence of phytosanitary measures

1. An authorized body recognizes phytosanitary measures of other countries as equivalent measures applied in the Republic of Tajikistan if the exporting country objectively demonstrates that these measures provide appropriate level of phytosanitary protection in the Republic of Tajikistan to the authorized body.

2. The procedure and conditions for recognition of equivalency of specific sanitary or phytosanitary measures will be defined by bilateral and multilateral agreements after carrying out the appropriate consultations with interested countries.

Article 12. Procedures of phytosanitary control and approval

1. Phytosanitary procedures of control and approval are carried out:

- without unreasonable delays and discrimination of imported goods in relation to similar domestic goods;
- on the basis of the minimum requested information necessary for carrying out of the appropriate control and approval procedures;
- on notification of the applicant of a date of completion of procedure on the basis of the published data on the standard duration of the procedure or applicant's request on stages of the procedure with the explanation of any delay;
- on notification of an applicant on the possible shortcomings in documentation and on the results of the procedure in order to eliminate these shortcomings;
- subject to confidentiality of information on the imported goods, revealed or received due to the control and approval procedures, which have to be as favorable as towards the domestic products and thus to provide the protection of legitimate commercial interests;
- under the condition that any requirements for control and approval of the separate product samples are limited to their validity and necessity;
- under the condition that any fees applied to imported products are comparable with any fees collected from similar domestic products or products from the territories of other countries and these fees do not exceed the valid cost of service;
- under the condition that sampling of imported products is applied the same way as to the domestic products in order to minimize inconveniences for applicants, importers, exporters or their representatives.

2. If product features are modified after the carrying out of control and inspection procedures then procedure applied towards the modified product is limited to receiving the sufficient confidence necessary meaning that products still meet the appropriate requirements.

Article 13. Objects subject to the state phytosanitary control

The objects that are subject to the state phytosanitary control:

- facilities of an agricultural nature, railroad & auto-road precincts, other territories - habitats of harmful and highly dangerous harmful organisms, and plant products;
- harmful and especially dangerous harmful organisms;
- special means and pesticides used for carrying out of phytosanitary measures;
- special storage facilities.

CHAPTER 4. PLANT PROTECTION REQUIREMENTS

Article 14. Duties of physical and legal persons with regard to prevention of propagation of harmful organisms

Physical and legal persons that deal with objects of the state phytosanitary control are obliged to:

- ensure the implementation of phytosanitary monitoring and phytosanitary measures at the own territories to prevent the propagation of harmful organisms;
- observe rules of storage, transportation and application of pesticides;
- follow the instructions and regulations of the state plant protection inspectors;
- assist state plant protection inspectors in carrying-out of requirements of the plant protection legislation of the Republic of Tajikistan;

- take measures for neutralization of pesticides;
- keep the phytosanitary inventory and deliver reports to the authorized body.

Article 15. State stock of pesticides

1. The state stock of pesticides is a certain volume of regularly renewed pesticides that belong to the state and at disposal of the authorized body.
2. The state stock of pesticides is intended for elimination of unforeseen mass propagation of highly dangerous harmful organisms.
3. The state stock of pesticides is generated out of the total volume of the pesticides procured at the expense of the republican budget on the basis of monitoring and consideration of the developing phytosanitary situation.
4. The standard of a stock of different pesticides and application procedure is determined by the authorized body.

Article 16. Phytosanitary standards

1. Phytosanitary standards determine the admissible quantitative and/or qualitative values characterizing phytosanitary situation from the point of its safety for plant products and facilities of agricultural nature.
2. Phytosanitary standards are established on the basis of the research carried out according to the legislation of the Republic of Tajikistan and requirements of Articles

Article 18. Coordination of scientific research and activities for training, professional development and retraining of plant protection experts and workers

1. The authorized body organizes, coordinates and supervises carrying out of the applied scientific researches in the field of plant protection. It approves techniques and recommendations for implementation of phytosanitary measures developed on the basis of the researches.

2. Programs of training, professional development and retraining of experts and workers in plant protection are subject to coordination with authorized body.

CHAPTER 5. FINAL PROVISIONS

Article 19. amenability for violation of requirements of the present Law

Physical and legal persons are held liable for violation of the requirements of the present Law in conformity with the legislation of the Republic of Tajikistan.

Article 20. Procedure for implementation of the present Law

Present Law shall into force after its official publication.

President
Republic of Tajikistan

Emomali Rahmon

Dushanbe
April 16 2012 817

**RESOLUTION OF THE MAJLISI NAMOYANDAGON MAJLISI OLI OF THE
REPUBLIC OF TAJIKISTAN**

On adoption of the Law of the Republic of Tajikistan "On plant protection"

Hereby Majlisi Namoyandagon Majlisi Oli of the Republic Of Tajikistan orders:

To approve the Law of the Republic of Tajikistan "On plant protection"

Chairman
Majlisi Namoyandagon Majlisi Oli
Republic of Tajikistan

Sh. Zuhurov

Dushanbe, December 28 2011, 640

**RESOLUTION OF THE MAJLISI MILLI MAJLISI OLI OF THE REPUBLIC OF
TAJIKISTAN**

On adoption of the Law of the Republic of Tajikistan "On plant protection"

Having examined Law of the Republic of Tajikistan "On plant protection" Majlisi Milli
Majlisi Oli decides to:

To approve the Law of the Republic of Tajikistan "On plant protection"

Chairman
Majlisi Milli Majlisi Oli
Republic of Tajikistan

M. Ubaidulloev

Dushanbe, March 29 2012, 291