

LAW OF UKRAINE

On Amendments to certain Ukrainian Laws dealing with Pesticides and Agricultural Chemicals

The Supreme Rada of Ukraine **resolves**:

I. To amend the following laws of Ukraine:

1. In the Law of Ukraine “On Pesticides and Agricultural Chemicals” (Vidomosti Verkhovnoji Rady Ukrainy, 1995, No. 14, page 91):

1) Article 1 shall be supplemented with the following paragraph:

“plant growth regulators shall mean chemical substances that impact processes of plant growth and development”;

2) Parts 2 and 3 of Article 4 shall be replaced with three Parts as follows:

“It shall be prohibited to import into Ukraine’s customs territory (except for testing lots to be used for State testing and scientific research), to manufacture (except for manufacturing for export and manufacturing of testing lots to be used for State testing, scientific and technological research and testing), to trade in, to apply and to advertise pesticides and agricultural chemicals prior to their State registration.

Unregistered pesticides and agricultural chemicals, which are used for State testing and scientific research, in scientifically justified amounts, as well as seed (planting) materials processed therewith shall be imported into Ukraine’s customs territory to pursuant to plans on State testing and scientific research under a permit that is issued by the specially authorized central agency of executive power on environmental protection matters, as agreed with the specially authorized central agency of executive power on health protection, pursuant to procedures prescribed

Business activities in the area of manufacturing of pesticides and agricultural chemicals (only for plant growth regulators), wholesale and retail sale of pesticides and agricultural chemicals (only of plant growth regulators) shall be carried out on the basis of a license, pursuant to procedures as are specified by law.

Licenses for manufacturing of pesticides and agricultural chemicals (only for plant growth regulators), wholesale and retail sale of pesticides and agricultural chemicals (only of plant growth regulators) shall be issued by specially authorized central agencies of executive power designated by the Cabinet of Ministers of Ukraine”;

6) Article 10, after Part 2, shall be supplemented with the following new Part:

“Pesticides and agricultural chemicals may be packaged only if there is a permit from its [their] manufacturer or the holder of the mark for goods and services”.

In connection therewith, Parts 3 and 4 shall be regarded as Parts 4 and 5 respectively;

7) in Article 11:

in Part 3, the word “Realization” shall be replaced with the word “Sale”;

to supplement with Part 4 as follows:

“Business activities in the area of storage and use of pesticides and agricultural chemicals shall be subject to mandatory insurance, conditions of and procedures for which mandatory insurance shall be determined by law”;

8) Part 2 in Article 12 shall be restated as follows:

“Lists of pesticides and agricultural chemicals permitted for application in Ukraine, including for retail sale and for application with a method involving the use of aircraft, shall be approved by the specially authorized central agency of executive power on environmental protection matters, as agreed with the specially authorized central agency of executive power on health protection and the specially authorized central agency of executive power on agrarian policies”;

9) Articles 13 and 16 shall be restated as follows:

“Article 13. Specifics of Application of Pesticides and Agricultural Chemicals

Pesticides and agricultural chemicals shall be applied on lands of nature protection, spa, recreational and historical-cultural designation as provided by law.

Application of pesticides and agricultural chemicals shall be restricted pursuant to procedures specified by the specially authorized central agency of executive power on agrarian policies on territories affected by radioactive contamination and in zones of environmental emergencies.

In special ‘raw-material supplying’ zones designated for growing of products for children’s and dietetic nutrition, pesticides and agricultural chemicals shall be applied in accordance with special technologies that ensure the obtaining of products that comply with sanitary-hygienic requirements for children’s and dietetic nutrition”;

“Article 16. Agencies that implement State Policies in the Area of Activities concerned with Pesticides and Agricultural Chemicals

State policies in the area of activities concerned with pesticides and agricultural chemicals shall be implemented by the Cabinet of Ministers of Ukraine, the specially authorized central agency of executive power on environmental

10) to supplement the Law with Articles 16¹, 16², 16³ as follows:

“Article 16¹. Competence of the Specially Authorized Central Agency of Executive Power on Environmental Protection Matters in the Area of Activities concerned with Pesticides and Agricultural Chemicals

The competence of the specially authorized central agency of executive power on environmental protection matters in the area of activities concerned with pesticides and agricultural chemicals shall include:

organization of State testing of domestic- and foreign-manufactured pesticides and agricultural chemicals, formation and approval of a plan on the conduct of testing;

performance of State environmental expe

The competence of the specially authorized central agency of executive power on health protection in the area of activities concerned with pesticides and agricultural chemicals shall include:

prescription of sanitary and hygienic requirements for transportation, storage and application of pesticides and agricultural chemicals;

performance of State sanitary and epidemiological expert examinations of plans on State testings of pesticides and agricultural chemicals, materials of registrations of pesticides and agricultural chemicals;

confirmation of plans on State testings of pesticides and agricultural chemicals and lists of pesticides and agricultural chemicals permitted for application in Ukraine;

performance of State supervision of compliance by enterprises, institutions and organizations of all forms of ownership and by natural persons with State sanitary norms and rules, hygienic normatives and regulations for the safe manufacturing, transportation, storage and application of pesticides and agricultural chemicals, by contents of residual quantities of pesticides and agricultural chemicals in foodstuffs and food raw materials, including imports, in medicinal herbs, water reservoirs, water used for business and drinking supplies, swimming, sport competitions, organized recreation, and for medical treatment purposes, in therapeutic mud, soils, on lands of inhabited settlements, lands of spa and recreational designation, in the air of working zones;

scientific justification for and approval of hygienic normatives and regulations for the safe application of pesticides and agricultural chemicals;

confirmation of permits for importation and application of unregistered pesticides and agricultural chemicals, as well as of permits for manufacturing and use of testing lots of domestic-manufactured pesticides and agricultural chemicals;

determination of a list of institutions that carry out the toxic and hygienic (medical/biological) research of pesticides and agricultural chemicals;

performance of arbitration examinations in respect of toxicological and hygienic estimates of pesticides and agricultural chemicals and of conditions of their safe application.

The competence of the specially authorized central agency of executive power on health protection may include other types of activities concerned with pesticides and agricultural chemicals pursuant to law”;

11) in paragraph 5 of Part 1 in Article 17, the words “realization of pesticides and agricultural chemicals” and “processing and realization of foodstuffs” shall be replaced respectively with the words “sale of pesticides and agricultural chemicals” and “sale of foodstuffs”;

12) in paragraph 5 in Article 23, the word “synthesized” shall be replaced with the word “created”;

13) throughout the text of the Law, the words “Ukrderzhkhimcommission” [State Inter-Departmental Commission of Ukraine for Testing and Registration of Plant Protection Means, Plant Growth Regulators and Fertilizers] and “Ministry of Environmental Protection and Nuclear Security of Ukraine” in all cases shall be replaced with the words “specially authorized central agency of executive power on environmental protection matters” in applicable cases;

14) in the Preamble, Articles 3, 6, 7, 9 - 11, 20, 21, 23, 24 and in the title of Section III of the Law, the words “Ministry of Agriculture and Food of Ukraine”, “Ministry of Health Care of Ukraine”, “preparation” and “preparations”, as well as the word “realization” in all cases shall be replaced respectively with the words “specially authorized central agency of executive power on agrarian policies”, “specially authorized central agency of executive power on health protection”, “pesticides and agricultural chemicals”, as well as the word “sale” in applicable cases.

2. In the Law of Ukraine “On Protection of Plants” (Vidomosti Verkhovnoji Rady Ukrainy, 1998, No. 50 - 51, page 310):

1) paragraph 13 in Article 1 shall be restated as follows:

““plant protection means” shall mean preparations that contain one or several active substances and are used to protect plants or products of plant growth from harmful organisms and destruction of undesirable plants or certain

