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**Republic of Latvia****Cabinet****Regulation No. 772**

Adopted 17 December 2020

## Regulations Regarding Plant Quarantine

*Issued pursuant to  
Section 5, Clause 1 and Section 18, Paragraph one  
of the Plant Protection Law*

### I. General Provisions

1. This Regulation prescribes:

1.1. the procedures for phytosanitary control and supervision, the procedures for the registration of growers of plants and the processors, keepers, traders, importers, and exporters of plants, plant products, and objects that have come into contact with them, the phytosanitary measures to be applied, the procedures for the importation and distribution of plants, plant products, and objects that have come into contact with them subject to phytosanitary control, the procedures for the issue of phytosanitary documents, the procedures for the specification and maintenance of protected zones, and also the procedures for the circulation of plants, plant products, and objects that have come into contact with them in such zones, the procedures by which information is provided to the European Commission, and the minimum equipment at border control posts for carrying out the phytosanitary control;

1.2. the authority that carries out the border control of the importable plants, plant products, and objects that have come into contact with them by following the instructions given by the State Plant Protection Service for carrying out the phytosanitary control.

2. The following terms are used in the Regulation:

2.1. phytosanitary requirements - requirements for the importation and distribution of plants, plant products, and objects that have come into contact with them (hereinafter - the plants, plant products and other objects) into the European Union, including Latvia, or into the recognised protected zones, and also the requirements laid down in the laws and regulations of importing countries for the importation of plants, plant products, and objects that have come into contact with them in a relevant country;

2.2. distribution of plants, plant products and other objects - trade, gift, donation, or transfer;

2.3. phytosanitary document - a phytosanitary export (hereinafter - the export) certificate, a phytosanitary re-export (hereinafter - the re-export) certificate, a plant passport, a pre-export certificate;

2.4. phytosanitary risk - possibility of spread of quarantine pests by plants, plant products and other objects;

2.5. an authorisation to use a plant passport - a favourable decision taken on the basis of an inspection report of the State Plant Protection Service (hereinafter - the Service) that gives a right to attach the printed plant passport to plants or sales packaging units.

3. The Service shall organise and implement the phytosanitary control and supervision and:

3.1. in accordance with Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (hereinafter - the Plant Health

Regulation), shall be the competent authority that has been determined in accordance with Article 2(6) of the Plant Health Regulation and carries out the functions of a Member State authority laid down in this Regulation;

3.2. in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (hereinafter - the Official Controls Regulation), shall be the competent authority that carries out the tasks laid down in Article 1(2)(g) of this Regulation and the functions laid down in Article 59(1), (2) and (5), Article 61, Article 62(1) and (2), Articles 63 and 103, Article 109(1), Articles 113 and 124, Article 130(5), and also Articles 131, 139, 140, and 141 of this Regulation.

## **II. Persons Subject to Registration and the Procedures for the Registration Thereof**

4. Growers of plants, processors, keepers, traders, importers, and exporters of plants, plant products and objects that have come into contact with them or professional operators as referred to in Article 65(1) of the Plant Health Regulation, potato growers who grow potatoes on areas exceeding one hectare or who have intended them for sale or plan to sell them if the area of potatoes is less than one hectare, and owners of the commercial gardens referred to in the laws and regulations regarding control and containment of fire blight, or persons who possess such commercial gardens (hereinafter - the professional operator) shall be registered with the official register of professional operators (hereinafter - the register).

5. In order to register with the register, the professional operator shall submit a submission to the Service.

6. The submission shall include the information laid down in Article 66(2) of the Plant Health Regulation and be accompanied by a declaration on phytosanitary control containing the information referred to in Article 66(2)(e) of the Plant Health Regulation. The professional operator shall indicate the date of the payment of the State fee in the submission or pay the fee by submitting the submission in the single information system of the agriculture sector.

7. The Service shall take the decision to register the professional operator without delay, but not later than within 10 working days after receipt of the submission referred to in Paragraph 5 of this Regulation.

8. In order to take a decision to register the professional operator with the register, the Service shall verify the submitted information. The professional operators who wish to mark wood packaging material in accordance with the appropriate International Standard for Phytosanitary Measures shall, in all their activities, comply with the requirements which have been laid down in respect of the wood packaging material in the laws and regulations regarding phytosanitary measures and procedures for the submission thereof.

9. If the Service establishes that not all the information referred to in Paragraph 6 of this Regulation has been indicated in the submission or not all the documents referred to in Paragraph 6 of this Regulation have been submitted, or any other non-compliances, the Service shall notify the professional operator thereof and determine a time period of up to five working days for the rectification of non-compliances. If the professional operator has failed to rectify the non-compliances within the indicated time period, the Service shall take the decision not to register the particular professional operator.

10. If the Service has taken the decision to register the professional operator, it shall be assigned the official registration number which contains letters LV as per Article 67(a) of the Plant Health Regulation, the first two digits of the postal code of the person, and the order number.

11. The registered professional operator (hereinafter - the registered operator) who is involved in the cultivation of plants for planting or potatoes shall submit to the Service a declaration on phytosanitary control within the time period laid down in Article 66(5) of the Plant Health Regulation.

12. The registered operator who is involved in the marking of wood packaging material and whose actual address of activity and type of activity have changed shall, within a month after arising of such change, submit to the Service a submission for the need to make amendments and indicate the date when the State fee for the evaluation of the submission has been paid in relation to the necessary amendments.

13. The Service shall, without delay, but not later than within 10 working days after receipt of the submission referred to in Paragraph 12 of this Regulation, take the decision to make amendments in the register.

14. If the fee referred to in Paragraph 12 of this Regulation has not been paid, the Service shall take a decision not to make amendments in the register.

15. Before registration, the professional operators subject to the registration shall:

15.1. be prohibited from exporting, importing and distributing plants, plant products and other objects if phytosanitary documents are required for the exportation, importation, and distribution thereof;

15.2. not be issued with phytosanitary documents;

15.3. be prohibited from marking wood packaging material;

15.4. be prohibited from distributing potatoes.

16. Upon termination of the activities for the performance of which it is necessary to register with the register, the registered operator shall submit to the Service a submission for the exclusion from the register.

17. The Service shall take a decision to exclude the registered operator from the register:

17.1. upon receipt of a written submission from the registered operator in respect of termination of the activities for the performance of which it is necessary to register with the register;

17.2. if it is established that the registered operator has terminated its activities for the performance of which it is necessary to register with the register;

17.3. if the legal person has been deleted from the Commercial Register or the natural person is dead.

### **III. Importation of Plants, Plant Products and Other Objects**

18. The registered operator shall, at least 24 hours before importation of the plants, plant products and other objects subject to the phytosanitary control via a border control post, in accordance with Article 56(4) of the Official Controls Regulation, notify thereof in the information management system for official controls (IMSOC) (hereinafter - the management system) and shall be responsible for the veracity of the information indicated in the management system and the authenticity of the accompanying documents.

19. The Food and Veterinary Service shall carry out the phytosanitary control of plants, plant products and other objects at border control posts and posts other than border control posts (hereinafter - the control point) in conformity with the Official Controls Regulation.

20. Border control posts and control points shall be recognised in accordance with the procedures laid down in Paragraph 41 of this Regulation.

21. It shall be permitted to import in personal luggage and private consignments the plants, plant products and other objects the total mass of which does not exceed two kilograms and which have not be referred to in:

21.1. Annex VI "List of plants, plant products and other objects whose introduction into the Union from certain third countries is prohibited" to Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (hereinafter - the Implementing Regulation 2019/2072);

21.2. Annex I "List of high risk plants, plant products and other objects, within the meaning of Article 42(1) of Regulation (EU) 2016/2031" to Commission Implementing Regulation (EU) 2018/2019 of 18 December 2018 establishing a provisional list of high risk plants, plant products or other objects, within the meaning of Article 42 of Regulation (EU) 2016/2031 and a list of plants for which phytosanitary certificates are not required for introduction into the Union, within the meaning of Article 73 of the abovementioned Regulation (hereinafter - the Implementing Regulation 2018/2019).

22. The State Revenue Service shall verify the existence of a phytosanitary certificate, where applicable, and validity period thereof at the border control posts where customs control is performed by controlling the personal luggage and private consignments which contain plants, plant products and other objects and do not exceed two kilograms. It shall be prohibited to import plants, plant products and other objects in personal luggage and private consignments via border control posts where it is not intended to perform customs control.

23. A phytosanitary certificate shall be required for all plants, plant products and other objects referred to in Parts A and B of Annex XI to the Implementing Regulation 2019/2072 and, where applicable, Annex XII, and also for those imported in personal luggage or private consignments, except for the plants referred to in Part C of Annex XI to the Implementing Regulation 2019/2072.

24. Any corrections made to the phytosanitary certificate for export or re-export shall be confirmed with a signature

and seal.

25. A phytosanitary certificate is necessary for each consignment (each wagon in case of rail transport of freight) of plants, plant products and other objects. If a consignment has several consignors or consignees, the phytosanitary certificate shall be required for each part of the consignment which has a different consignor or consignee.

26. Consignments of plants, plant products and other objects the total mass of which exceeds two kilograms shall only be imported via a border control post or control point.

27. It shall be prohibited to import plants, plant products and other objects which are not accompanied by the phytosanitary certificate, where necessary.

28. If the plants, plant products and other objects subject to the phytosanitary control correspond to the phytosanitary requirements laid down in the Plant Health Regulation and other laws and regulations regarding plant quarantine, the phytosanitary certificate shall be sealed with a stamp of the Food and Veterinary Service after the plant health inspection by indicating the date of importation.

29. In accordance with Article 50(1) and (2) of the Official Controls Regulation, if the phytosanitary certificate is in paper form, then after the phytosanitary control the original thereof shall remain with the Food and Veterinary Service which shall issue a copy of this document to the importer. If the consignment is intended for re-export, the original of such phytosanitary certificate shall remain with the importer of plants, plant products and other objects. The phytosanitary certificate in electronic format shall be available in the management system.

30. If the phytosanitary control of the plants, plant products and other objects subject to the phytosanitary control is performed at a control point, then the consignment shall be handled and the documents shall be drawn up in compliance with the requirements laid down in Commission Delegated Regulation (EU) 2019/2123 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts.

31. If during a physical inspection a sample presenting signs of a quarantine pest is taken from a consignment, the Food and Veterinary Service shall take a decision on the consignment when laboratory testing results are available.

32. If the plants, plant products and other objects subject to the phytosanitary control do not correspond to the phytosanitary requirements or they do not have a phytosanitary certificate, the Food and Veterinary Service shall take one or more decisions referred to in Article 66(3) of the Official Controls Regulations or a decision not to authorise sending of the relevant plants, plant products, and other objects in transit through the European Union.

33. If it has been established that part of the consignment of the plants, plant products and other objects subject to the phytosanitary control does not correspond to the phytosanitary requirements, the Food and Veterinary Service may apply measures to this part of the consignment but authorise importation of the remaining part, unless it poses a phytosanitary risk.

34. The Food and Veterinary Service shall carry out control of the wood packaging material at a border control post or control point. If such control cannot be carried out at the border control post or control point, it shall be carried out at a control post recognised by the Service which is a place referred to in Article 44(3)(c), (d), or (e) of the Official Controls Regulation (hereinafter - the recognised control place).

35. The recognised control place shall comply with the following criteria:

35.1. it is possible to unload the consignment and inspect wood packaging material from all sides;

35.2. it is possible to destroy the wood packaging material which does not correspond to the requirements or place it for storage separately from other wood packaging material until transportation thereof to the place of destruction.

36. In order for the recognised control place of the wood packaging material to be recognised as compliant with the requirements of Paragraph 35 of this Regulation, the importer of the wood packaging material shall submit to the Service the following:

36.1. a submission indicating the address of the place and types of consignments which will be imported for the inspection of the wood packaging material;

36.2. a plan of the control place.

37. After receipt of the submission the Service shall take the decision to recognise the control place of the wood packaging material or to refuse to recognise it if the indicated recognised control place does not comply with the criteria referred to in Paragraph 35 of this Regulation.

38. The wood packaging material which does not correspond to the requirements shall be destroyed immediately after receipt thereof, however not later than within 10 days.

39. It shall be allowed to destroy the wood packaging material which does not correspond to the requirements in the territory of Latvia only in a place of destruction recognised by the Service (hereinafter - the place of destruction). All the expenses associated with the destruction of the wood packaging material shall be covered by the importer.

40. If the Service establishes that the wood packaging material which does not correspond to the requirements has not been destroyed in the recognised place of destruction, it shall impose a fine in accordance with Section 22, Paragraph two of the Plant Protection Law.

41. In order to carry out the phytosanitary control at a border control post or control point, the Service shall verify whether the relevant border control post or control point complies with the requirements laid down in Article 64 of the Official Controls Regulation and Commission Implementing Regulation (EU) 2019/1014 of 12 June 2019 to lay down detailed rules on minimum requirements for border control posts, including inspection centres, and for the format, categories and abbreviations to use for listing border control posts and control points (hereinafter - the Implementing Regulation 2019/1014).

42. In order to obtain an authorisation for phytosanitary control (except for the control of wood packaging material) at a control point, the registered operator shall submit to the Service a submission and append the documents thereto which contain information on the following:

42.1. the plants, plant products and other objects subject to the phytosanitary control which are to be imported, or the control point at which the imported plants, plant products, and other objects will be stored;

42.2. the manner in which the plants, plant products and other objects subject to the phytosanitary control will be separated from the plants, plant products and other objects originating in the European Union.

43. A control point shall be recognised if it complies with the minimum requirements for the control points laid down in the Implementing Regulation 2019/1014 and the requirements referred to in Paragraph 30 of this Regulation.

44. The Service shall examine the submission and verify compliance of the control point with the minimum requirements for control points laid down in the Implementing Regulation 2019/1014.

45. If the control point complies with the relevant requirements, the Service shall take the decision to issue an authorisation for phytosanitary control at the control point.

46. If the control point does not comply with the minimum requirements for control points laid down in the Implementing Regulation 2019/1014, the Service shall take the decision not to authorise phytosanitary control at the control point.

47. If the registered operator does not comply with the requirements laid down in the Implementing Regulation 2019/1014 or the control point no longer complies with the minimum requirements for control points laid down in the Implementing Regulation 2019/1014, the Service shall act in accordance with Article 62(1) of the Official Controls Regulation.

48. The Food and Veterinary Service shall carry out phytosanitary control of the plants, plant products and other objects subject to the phytosanitary control in respect of:

48.1. each consignment which consists in whole or in part of the plants, plant products and other objects subject to the phytosanitary control or, if the declared consignment is composed of several lots, each lot which consists in whole or in part of plants, plant products and other objects;

48.2. the wood packaging material to be imported irrespective of whether or not it is used for the carriage of consignment.

#### **IV. Distribution of Plants, Plant Products and Other Objects**

49. The Service or the registered operator who has obtained an authorisation to issue a plant passport in accordance with Paragraph 61 of this Regulation (hereinafter - the registered authorised operator) shall issue a plant passport. The issue of the plant passport shall constitute a procedure involving inspection of plants, plant products and other objects, appropriate sampling for testing, printing and attaching of the plant passport.

50. The registered operator who is involved in the cultivation and propagation of plants for planting shall keep a nursery journal. The nursery journal shall contain at least the following information:

50.1. the genus or species and, where applicable, also the variety and category of the plants for planting;

50.2. the origin of the source material, information on mother plants and root stocks or, where the origin is outside the nursery, the registration number and traceability code of the issuer of the plant passport;

50.3. the information on inspection of the immediate vicinity;

50.4. the quantity and place of the plants planted;

50.5. the growing area.

51. If the plant passport is issued by the Service, the registered operator who is involved in the cultivation and propagation of plants for planting shall, by 30 April each year, submit to the Service a submission and a declaration on phytosanitary control containing information on the carrying out of the relevant inspections and indicate the cultivated and inspected species, the quantity for which the plant passports will be required, and the growing scheme (plan).

52. The Service shall perform the inspection during the period which is most appropriate for the development, spread, and identification of harmful organisms.

53. After the inspection referred to in Paragraph 52 of this Regulation, the Service shall draw up an inspection report indicating the results of the inspection and the decision taken on the conformity of plants, plant products, and other objects with the requirements laid down in the laws and regulations regarding plant quarantine and the authorisation to use plant passports.

54. If plant passports are printed by the Service, the registered operator shall submit a submission to the Service. The submission shall include the following:

54.1. the name or given name and surname of the registered operator;

54.2. the registration number of the registered operator in the register;

54.3. the number and date of the inspection report on the basis of which it is authorised to use the plant passport;

54.4. the given name, surname, and telephone number of the contact person;

54.5. the botanical name of plants, plant products and other objects;

54.6. the variety denomination, where applicable;

54.7. the quantity of plant passports;

54.8. the type of the plant passport - an adhesive label or attachable label.

55. The Service shall print the plant passport within 10 working days after receipt of the submission referred to in Paragraph 54 of this Regulation.

56. The registered operator may print the plant passport if the Service has taken the decisions referred to in Paragraphs 53 and 58 of this Regulation to authorise use of the plant passport and to authorise printing of the plant passport.

57. In order to obtain the decision to authorise printing of the plant passport, the registered operator shall submit to the Service a submission and a sample plant passport of the relevant type.

58. The Service shall, within 10 working days after receipt of the submission referred to in Paragraph 57 of this Regulation, take a decision to issue an authorisation to the registered operator for printing of the plant passport, assign a code of the printer of the plant passports, and approve the sample plant passport of the relevant type provided that:

58.1. the registered operator is able to ensure the traceability system laid down in Article 69 of the Plant Health Regulation;

58.2. the sample of plant passport corresponds to the requirements laid down in Article 83 of the Plant Health Regulation and Commission Implementing Regulation (EU) 2017/2313 of 13 December 2017 setting out the format specifications of the plant passport for movement within the Union territory and the plant passport for introduction into, and movement within, a protected zone (hereinafter - the Implementing Regulation 2017/2313), and the declaration on phytosanitary control referred to in Paragraph 11 of this Regulation has been submitted.

59. In order for the Service to grant an authorisation to issue plant passports, the registered operator shall submit a submission for granting an authorisation to issue plant passports for specific families, genera or species and types of plants, plant products and other objects and attach:

59.1. the documents confirming that the registered operator or an employee thereof has the knowledge laid down in Sub-paragraph 61.2 of this Regulation;

59.2. the prepared action plan for the cases where a Union quarantine pest, a harmful organism to which measures are applied that have been adopted in accordance with Article 30(1) of the Plant Health Regulation, a protected zone quarantine pest or a Union regulated non-quarantine pest is established or if it is suspected that such pests can be present;

59.3. a plan for identifying and monitoring critical points of production process (for example, sowing, pricking-out, potting, grafting, planting, and grubbing) developed for specific genera and species;

59.4. a list of equipment and assemblies or documents on access to such equipment and assemblies in order to carry out the necessary inspections of plants and plant products, and implement the measures to eliminate the presence and spread of the pests referred to in Sub-paragraph 59.2 of this Regulation;

59.5. the sample plant passport of the relevant type, unless the sample plant passport has already been approved for the registered operator in accordance with Paragraph 58 of this Regulation;

59.6. the documents confirming that the registered operator has systems and procedures at its disposal to ensure traceability in accordance with Articles 63 and 64 of the Plant Health Regulation;

59.7. the description of the system for the place of production to explain how it is ensured that the pests referred to in Sub-paragraph 59.2 of this Regulation are not imported and distributed.

60. After receipt of the submission referred to in Paragraph 59 of this Regulation, the Service shall verify conformity of the registered operator with the requirements.

61. The Service shall grant an authorisation to issue the plant passport if the registered operator conforms with the requirements laid down in Article 89 of the Plant Health Regulation and Commission Delegated Regulation (EU) 2019/827 of 13 March 2019 on criteria to be fulfilled by the professional operators in order to comply with the conditions set out in Article 89(1) point (a) of Regulation (EU) 2016/2031 of the European Parliament and of the Council and procedures to ensure that those criteria are met, and also:

61.1. the registered operator has been registered with the register for at least three years, and, when carrying out inspections of the registered operator over the three years before receipt of the documents referred to in Paragraph 59 of this Regulation, the Service has not established any violations of the requirements laid down in the laws and regulations regarding plant quarantine and propagating material;

61.2. the registered operator or an employee thereof has passed the verification test prepared by the Service which confirms that:

61.2.1. he or she has the necessary knowledge of the applicable provisions, best practices, measures, and other activities to detect Union quarantine pests, harmful organisms to which measures are applied that have been adopted in accordance with Article 30(1) of the Plant Health Regulation, protected zone quarantine pests, and Union regulated non-quarantine pests, and to determine the spread thereof;

61.2.2. he or she has the necessary knowledge of the measures and other activities which are applied to eliminate the presence and spread of the pests referred to in Sub-paragraph 61.2.1 of this Regulation.

62. The test referred to in Sub-paragraph 61.2 of this Regulation shall consist of theoretical and practical parts and shall be passed not earlier than a year before submission of the submission.

63. The authorised operator shall ensure that a person who has passed the verification test referred to in Sub-paragraph 61.2 of this Regulation carries out a plant inspection at appropriate time assessing conformity of the material with the laid down requirements in the critical points referred to in Paragraph 65 of this Regulation, and takes notes thereon in the nursery journal.

64. The authorised operator may take samples and send them for testing only to detect the Union regulated non-quarantine pests. The Service shall take samples and send them for testing to detect Union quarantine pests, harmful organisms to which measures are applied that have been adopted in accordance with Article 30(1) of the Plant Health Regulation, Union regulated non-quarantine pests, and protected zone quarantine pests.

65. The plan for identifying and monitoring critical points of production process shall include at least the following information:

65.1. the place of production and number of mother plants, rootstocks and material;

65.2. the time of production;

65.3. propagation activities;

65.4. the packaging, storage and transportation activities.

66. If plants and plant products conform with the requirements laid down in the field of plant quarantine, the authorised operator may issue plant passports by following the requirements for the form and content of plant passport of the Implementing Regulation 2017/2313.

67. The authorised operator who updates the plan referred to in Paragraph 65 of this Regulation shall submit a list

of the genera or species of plants to be grown in the current year and keep the nursery journal referred to in Paragraph 50 of this Regulation.

68. The Service shall assign a code to the authorised operator and approve a sample plant passport in accordance with the procedures laid down in Paragraph 58 of this Regulation.

69. The plant passport:

69.1. shall be made of suitable water-resistant material if it is attached to the plants to be stored outdoors;

69.2. can be printed on the surface of a box, a pot, a bag or any other packaging;

69.3. in exceptional cases, it can be on a separate A4 page which is attached to the packaging unit if the plant passport cannot be attached to the surface of the packaging.

70. A composition of plants shall be accompanied by the plant passport which contains the botanical names of the planted plants. If the plant passport is issued for a seed mixture, the plant passport shall only contain the name of the plant species subject to the phytosanitary control. Where in such cases several plant species are subject to the phytosanitary control and the country of origin is the same, then the plant passport shall contain all the plant species subject to the phytosanitary control and the country of origin. If plants have different origin, several plant passports shall be issued.

71. In ensuring systems and procedures for the traceability and movement of plants and plant products in their property and outside it, the registered operator who has obtained an authorisation to print plant passports and the authorised operator shall:

71.1. keep an inventory journal of prepared and attached plant passports. The inventory journal shall indicate a traceability code assigned to each lot, the quantity, species, and, where applicable, the variety and category of plants, plant products and other objects in the composition of the lot;

71.2. keep the documents related to the production, distribution, or importation of plants and plant products for three years by indicating the registered operator who has delivered a trade unit and to whom the specific trade unit has been delivered, and also the information regarding the plant passport and inspection reports of the Service;

71.3. attach an internal waybill to the plants and plant products moved within its property by indicating the information on species and, where applicable, variety, quantity, production or storage place and identification number or another identification mark;

71.4. pass the information referred to in Sub-paragraphs 71.1, 71.2, and 71.3 of this Regulation to the person who is responsible for plants, plant products and other objects, and participate in inspections of the Service.

72. The traceability code of a relevant lot indicated in the plant passport shall be assigned by the following:

72.1. the Service if it prints plant passports;

72.2. the registered operator who has obtained an authorisation to print plant passports;

72.3. the authorised operator.

73. The traceability code indicated in plant passports which are printed in Latvia shall consist of the following:

73.1. the last two digits of the vegetation period when plant has been inspected;

73.2. the two-character alphabetical code of the printer of plant passports or the three-character alphabetical code of the authorised operator assigned by the Service;

73.3. the order number in the inventory journal of plant passports.

74. In the cases referred to in point (f) of Part A and point (g) of Part B of Annex VII to the Plant Health Regulation, the plant passports issued in Latvia may contain the code LV after the letter 'D' only if the plants intended for planting have been grown in Latvia or it may be proved with accompanying documents that a seedling has been grown in Latvia for at least:

74.1. one full vegetation period - for woody plants;

74.2. two months - for flowers (irrespective of the duration of vegetation period thereof).

75. The Service shall not indicate in the traceability code of the plant passport the code of the printer and of the authorised operator referred to in Sub-paragraph 73.2 of this Regulation.

76. Plant passports shall not have a specific expiry date unless it is otherwise provided for in the laws and regulations regarding plant quarantine.

77. It shall be prohibited to re-use or copy the plant passport.

78. If the Service establishes that the registered operator referred to in Paragraphs 58 and 61 of this Regulation does not comply with the requirements laid down in the field of plant quarantine, the Service shall act in accordance with Article 92(2) of the Plant Health Regulation and require to remedy deficiencies or revoke the decisions referred to in Paragraph 58 or 61 of this Regulation.

79. The registered operator shall cover the costs associated with the inspection, laboratory testing of plants, plant products and other objects, issue of plant passports and granting of the authorisation to issue plant passports.

## **V. Determination and Maintenance of Protected Zones**

80. The Service may submit a submission to the European Commission so that it recognises the entire territory of Latvia or part thereof where a harmful organism has not been introduced into or has not spread as the protected zone in respect of the specific harmful organism in accordance with Chapter II, Section 3 of the Plant Health Regulation.

81. Establishment of the protected zone may be suggested by the Service or interested person by submitting a submission to the Service.

82. Upon receipt of the suggestion or submission referred to in Paragraph 81 of this Regulation, the Service shall evaluate the following:

82.1. the conformity of the harmful organism to the requirements of Article 3 and Article 32(1) of the Plant Health Regulation;

82.2. the information at its disposal on the harmful organism and the need for survey;

82.3. the information on the harmful organism which can be found in different literature;

82.4. the economic justification for the protected zone to be established, and also social and environmental impact thereof.

83. Surveys to detect the protected zone pest shall be carried out, the extent of its territory shall be reduced, and its status shall be recognised in accordance with Articles 34 and 35 of the Plant Health Regulation.

## **VI. Procedures for the Movement of Plants and Plant Products in the Protected Zones**

84. If it is required to follow specific requirements for the importation of plants, plant products and other objects into a relevant protected zone, they shall be moved through the protected zone other than the zone of their origin to the place of destination of the consignment outside the protected zone without a plant passport valid for that zone by ensuring that:

84.1. the plants, plant products and other objects or vehicle is free from harmful organisms and does not present a phytosanitary risk;

84.2. the packaging of plants, plant products and other objects or vehicle does not present a phytosanitary risk in the protected zone immediately after packaging and the identity of consignment remains intact during transportation through the protected zone;

84.3. the plants, plant products and other objects have consignment accompanying documents indicating their place of origin and the intended place of dispatch outside the relevant protected zone.

85. If, while carrying out an inspection in the protected zone, the Service establishes that phytosanitary requirements are not complied with, it shall require to take one or more of the following phytosanitary measures:

85.1. to treat the plants and plant products to destroy the protected zone harmful organisms and to issue the relevant plant passport after treatment if it is foreseeable that the phytosanitary requirements will be met after the treatment;

85.2. to move the contaminated or infested plants under supervision of the Service for further use to the places where they will not present an additional phytosanitary risk and which are under the supervision of the Service;

85.3. to move the relevant plants, plant products and other objects under the supervision of the Service to industrial processing sites;

85.4. to destroy the relevant plants, plant products and other objects.

86. If the requirements referred to in Paragraph 84 of this Regulation are not complied with, the Service shall require to:

86.1. seal the packaging;

86.2. transport the plants, plant products and other objects under the supervision of the Service outside the protected zone.

## **VII. Export and Re-export of Plants, Plant Products and Other Objects**

87. The Service shall ensure that forms of the strict accountability documents - phytosanitary certificates - are prepared.

88. In drawing up the phytosanitary certificate the following requirements shall be complied with:

88.1. a patented logo of the Service and the name of the State "Latvija" in the English language shall be integrated in the form of a watermark in the phytosanitary certificate;

88.2. a six character order number of the form shall be printed typographically in the phytosanitary certificate (in red colour);

88.3. the phytosanitary certificate for export and the phytosanitary certificate for re-export shall be printed typographically. Translations of the typographical text in other official languages may be indicated on the other side of the phytosanitary certificate;

88.4. the supplemented lesser State coat of arms of Latvia is represented next to the European Union's logo.

89. The phytosanitary certificate shall be:

89.1. completed in the English language or another official language the use of which has been agreed to by the importing country;

89.2. issued in one copy.

90. In order to obtain the phytosanitary certificate for export or the phytosanitary certificate for re-export, a natural person or professional operator shall submit a submission to the Service.

91. The submission referred to in Paragraph 90 of this Regulation shall include the following:

91.1. the given name, surname, and personal identity number or the name and registration number, address of the declared place of residence or legal address;

91.2. the given name, surname or the name and address of the consignee;

91.3. the country of destination;

91.4. the mode of transport and the number of vehicle;

91.5. the point of entry in the country of destination if known;

91.6. the name of the produce inspected, the botanical name of the plant, and the quantity to be exported;

91.7. the country of origin of the produce;

91.8. the place of inspection;

91.9. any other information which would be necessary to be indicated in the phytosanitary certificate.

92. After receipt of the submission, the Service shall, within 48 hours, commence verification of the conformity of the plants, plant products and other objects with the phytosanitary requirements of the importing country by taking samples for laboratory testing, where necessary. If the plants, plant products and other objects correspond to the respective requirements, the phytosanitary certificate of the relevant type shall be issued in accordance with the International Standards for Phytosanitary Measures of the International Plant Protection Convention.

93. The registered operator shall ensure that the place of inspection referred to in Section 92 of this Regulation complies to the requirements laid down in Annex to this Regulation. If the place of inspection does not comply with the laid down requirements, the Service shall not carry out the inspection.

94. If infection by harmful organisms is detected or if it is laid down in the phytosanitary requirements of Latvia or

the importing country, the plants, plant products and other objects, production and storage places thereof, and also vehicles shall be subject to chemical treatment.

95. Chemical treatment shall be confirmed by an attestation issued by the performer of chemical treatment. If the chemical treatment constitutes fumigation, the attestation shall include the following:

95.1. the enterprise performing fumigation;

95.2. the given name and surname of the person responsible for fumigation, and also his or her fumigation certificate number and expiry date thereof;

95.3. the produce and the quantity treated;

95.4. the name and concentration of the active substance;

95.5. the date of commencement of the treatment;

95.6. the duration of the treatment (the intended duration);

95.7. other information on the treatment;

95.8. the date of issue of the attestation.

96. Paragraph 95 of this Regulation shall not be applicable to the plants and plant product consignments subject to the phytosanitary control if they are imported into Latvia from a European Union Member State in order to be exported to a third country and they are not repacked, split, combined with other consignments or stored (not exceeding the validity of the certificate).

97. The customs clearance of the plants and plant product consignment subject to the phytosanitary control and to be exported to third countries may be completed if:

97.1. the consignment the origin of which is Latvia has a phytosanitary certificate issued by the Service;

97.2. the consignment which has been imported into Latvia has a phytosanitary certificate issued by the third country and addressed to the relevant importing country, and if the consignment is not split, repacked, combined with another consignment or stored in Latvia;

97.3. the consignment which has been imported into Latvia from a third country or a European Union Member State and is intended to be sent to a third country, and is split, repacked, combined with another consignment or stored in Latvia has a phytosanitary certificate issued by the Service.

98. In order to obtain a pre-export certificate, the registered operator shall submit a submission. The submission shall include the following:

98.1. the given name, surname, and personal identity number or the name and registration number, address of the declared place of residence, or legal address;

98.2. the plants and plant products to be inspected;

98.3. the country of destination;

98.4. the place of inspection;

98.5. any other information to be included in the pre-export certificate.

99. The pre-export certificate shall be issued in one copy and completed in the English language.

100. The exporter shall cover the costs associated with the inspection of plants, plant products and other objects, laboratory testing, and treatment thereof, where necessary, and also the issue of phytosanitary certificates or pre-export certificates.

## VIII. Closing Provisions

101. Cabinet Regulation No. 218 of 30 March 2004, Regulations Regarding Plant Quarantine (*Latvijas Vēstnesis*, 2004, No. 65, 180; 2005, No. 44, 100, 159; 2006, No. 34, 89; 2007, No. 201; 2008, No. 183; 2009, No. 26, 63, 198; 2010, No. 41; 2011, No. 11; 2014, No. 104, 215; 2015, No. 241; 2017, No. 255; 2018, No. 49; 2019, No. 181), is repealed.

102. Paragraph 97 of this Regulation shall come into force on 1 January 2021.

## **Place of Inspection and Equipment Thereof at a Place of Phytosanitary Control for Export and Re-export of Plants and Plant Products**

1. If a consignment to be inspected is loaded into a vehicle, the place of inspection shall be equipped with facilities for unloading and loading of consignment.

2. Equipment of premises intended for the inspection of fruits and vegetables:

2.1. a table with a surface that can be easily cleaned for placing and examination of selected fruits;

2.2. lighting.

3. It shall be ensured at the place where consignments of grains, seeds, oil meal, sugar beet pulp pellets, and other bulk goods are checked that there is a table with a surface that can be easily cleaned, appropriate lighting and a possibility for the inspector to take a sample selected at random:

3.1. with a skewer from the bulk;

3.2. from the packaging;

3.3. during re-pouring from the spout (where necessary - by the help of a representative of the enterprise or port employee).

4. Equipment of premises intended for the inspection of cut flowers and foliage:

4.1. a table for placing plants to be inspected;

4.2. good lighting;

4.3. source of heat.

5. It shall be ensured at the place of inspection of planting material and indoor plants that pots and all parts of a plant can be examined from several sides, individual plants can be picked out from the consignment and examined in good lighting.

6. It shall be ensured at the place of inspection of peat that a sample of peat can be taken in places selected by the inspector at random.

7. It shall be ensured at the place of inspection of timber that it can be examined before loading into a container or a vehicle. The place of inspection shall comply with the following requirements:

7.1. the stowage area is free from wood waste (bark, sawdust etc.);

7.2. the material is stowed not more than three meters above the ground or at a height of three bundles leaving a 80 cm wide lane between them to be able to carry out the inspection;

7.3. the material of each lot is stowed separately.

Minister for Agriculture K. Gerhards

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