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11 March 2004;
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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*¹ has adopted
and the President has proclaimed the following Law:

Plant Protection Law

Chapter I General Provisions

Section 1. Terms Used in this Law

The following terms are used in this Law:

1) **plants:**

- a) living plants,
- b) parts of plants, including fruit and seeds, which are intended for cultivation;

2) **plant products:**

- a) products of plant origin, unprocessed or having undergone simple preparation (milled, dried or pressed), and
- b) parts of plants, including fruit and seeds, which are not intended for cultivation;

3) **plant protection product:**

- a) active substances or preparations, put up in the form in which they are supplied to the user and containing one or more active substances. They are intended for the protection of plants or plant products against organisms harmful to plants or for the prevention of the action of such organisms, to influence the life processes of plants (except influencing the life processes by nutrition), the preservation of plant products (except preservatives), the destruction of undesirable plants or parts of plants, and the prevention of the undesired growth of plants, and

- b) live organisms (parasites or predators) put up in the form in which they are supplied to the user. They are intended for the protection of plants or plant products against organisms harmful to plants or for the prevention of the action of such organisms, to influence the life processes of plants (except influencing the life processes by nutrition), the preservation of plant products (except preservatives), the destruction of undesirable plants or parts of plants, and the prevention of the undesired growth of plants;

- 4) **plant protection measures** – impact of humans on harmful organisms or pathogenic agents initiating plant physiological dysfunction in order to protect plants;

- 5) **active substances** – substances or micro-organisms having a general or specific effect on harmful organisms, as well as on plants or plant products;

- 6) [11 March 2004]

- 7) **harmful organisms** – animal or plant kingdom organisms, viruses, mycoplasmas and other pathogens harmful to plants and plant products;

8) **residues of plant protection products** – one or more substances (including the metabolites of such substances, and substances resulting from the degradation or chemical reactions thereof), which after the use of plant protection products remain in or on plants and plant products, animal products which are used for food, as well as in the environment;

9) **distribution of plant protection products** – trade, any supply for payment or free of charge, importation, storage, except storage for destruction;

10) **registration of plant protection products** – a decision by which the right to distribute and use plant protection products is granted;

11) **environment** – water, air, land, soil, wild species of fauna and flora and any interactivity between them, as well as any relationship with living organisms thereof;

12) **integrated plant protection** – combination of biological, biotechnological, chemical or plant-breeding measures and the rational utilisation of such combinations in order to maximally reduce the use of plant protection products and to maintain the population of harmful organisms at levels, which do not cause economically unacceptable damage or loss;

13) **substances** – naturally occurring or synthetic chemical elements or the compounds thereof, including any impurities, which inevitably arise from the synthesising process;

14) **preparations** – mixtures or solutions, which are composed of two or more substances of which at least one is an active substance, and which is intended for use as a plant protection product;

15) **invasive alien plant species** – species non-characteristic to the nature of Latvia which endangers local species and their habitats or cause economic losses, damage to the environment or human health.

[11 March 2004; 2 November 2006]

Section 2. Purpose of this Law

The purpose of this Law is to regulate the activities of natural persons and legal persons in the field of plant protection in order to prevent the import, introduction and spread of harmful organisms in the territory of the State and the European Union, as well as to ensure that the plant protection measures and plant protection products do not leave an adverse effect on human health, those species of animals, which people raise or utilise for food, and the environment, and to prevent the accumulation of plant protection product residues in the products produced, in the soil and in water above the permissible norms.

[11 March 2004]

Section 3. Plant Protection

(1) Plant protection is a set of legal, technical, organisational and practical measures to be taken in order to study biological and ecological factors of the organisms harmful to and competitive with plants, to specify and implement restrictions on and combating of the spread of such organisms.

(2) The Ministry of Agriculture shall oversee plant protection in the State.

Chapter II

Competence of State Authorities with regard to the Field of Plant Protection

Section 4. State Plant Protection Service and Tasks thereof

(1) The State supervision in the field of plant protection shall be organised and carried out by the State Plant Protection Service, a direct administrative institution subordinate to the Ministry of Agriculture.

(2) A director shall manage the State Plant Protection Service. Service inspectors shall perform control functions in the field of plant protection.

(3) The task of the State Plant Protection Service shall be to detect, in time, the appearance of harmful organisms, to forecast development thereof, to determine the plant quarantine measures for individual cases and in specific places, as well as to promote the carrying out of plant protection measures to such extent as may be required to eliminate or restrict the spread of harmful organisms and to reduce the negative impact thereof.

(4) In order to carry out its tasks, the State Plant Protection Service shall:

1) evaluate and register plant protection products, maintain a register of plant protection products by introducing a list of active substances registered in the European Union;

2) establish and maintain a register of those persons who are involved in the cultivation of plants subject to phytosanitary control, as well as in the processing, storage, trade, import and export of plants and plant products;

3) issue phytosanitary documents certifying the conformity of plants and plant products to the requirements prescribed by regulatory enactments, including phytosanitary certificates for export and re-export of plants and plant products;

4) carry out State supervision and control of the circulation of plant protection products;

5) carry out examination of plants, provide land users (owners) with information on the appearance and spread of harmful organisms, and also on the plant protection measures to be taken;

6) carry out phytosanitary control and determine phytosanitary measures;

7) issue permits for the importation or movement of harmful organisms, plants, plant products and objects which have come into contact with them, for scientific purposes, field trials or varietal selection;

8) perform the reference laboratory functions in laboratory diagnostic of harmful organisms and on request provide laboratory services;

9) carry out harmful organism risk analysis;

10) issue a certificate for the right to perform plant protection product efficacy assessment trials;

11) introduce, implement, supervise and control the requirements of European Union regulatory enactments and European Council and European Commission decisions in the field of plant protection;

12) perform the monitoring of the spread of invasive alien plant species specified by the Cabinet on land utilised for agriculture, establish and maintain a database regarding the spread of invasive alien plant species;

13) perform State supervision and control of the spread of invasive alien plant species specified by the Cabinet;

14) issue special permits (licences) for the distribution of plant protection products.

(5) Inspectors of the State Plant Protection Service, in the performance of supervision and control have the following rights:

1) to examine whether the requirements of regulatory enactments in the field of plant protection are being complied with; and

2) without prior warning, to visit persons engaged in the field of plant protection, to request and receive documents and information, as well as to take samples for laboratory investigation.

(6) The State Plant Protection Service shall compile and disseminate technical information on harmful organisms, formulate recommendations on the measures to be taken to restrict and combat the spread of such organisms, as well as to ensure the exchange of information between states in the field of plant protection and the provision of information to the

European Commission, Member States of the European Union and international organisations.

(7) Experts from the European Commission and Member States of the European Union together with State Plant Protection Service officials may perform controls in the field of plant protection in Latvia.

(8) Decisions of the State Plant Protection Service may be disputed and appealed according to the procedures specified in regulatory enactments regulating administrative procedure.

(9) State Plant Protection Service decisions regarding the application of phytosanitary measures and the suspension or prohibition of the distribution or use of plant protection products shall be implemented without delay. The director of the Service is entitled with a written decision to suspend the operation of an administrative act, which is disadvantageous to the recipient, if a submission has been received from the person regarding the suspension of the operation of the administrative act.

(10) The presenting of a submission to a higher institution or the submission of an application to a court in order to dispute a decision regarding the application of phytosanitary measures shall not suspend the operation of such decision.

[11 March 2004; 2 November 2006; 4 March 2010]

Section 5. Competence of the Cabinet

In respect of the field of plant protection, the Cabinet shall issue:

1) regulation regarding plant quarantine, determine the procedures for phytosanitary control and supervision, the procedures for the registration of growers of plants and the processors, keepers, sellers, importers and exporters of plants, plant products and the objects which have come into contact with them, the phytosanitary measures to be applied, the procedures for the importation and distribution of plants, plant products and the objects which 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, as well as the procedures for the circulation of plants, plant products and the objects which have come into contact with them in such zones, the procedures by which information is submitted to the European Commission, and the minimal equipment at a border control point for the performance of phytosanitary control;

2) regulation regarding procedures for the registration of chemical plant protection products and plant protection products containing microorganisms and viruses;

3) regulation regarding propagating material, determining the conformity criteria and the procedures for circulation of the material;

4) regulation regarding control of pesticide residues, determining the maximum permissible levels for pesticide residues in products and the procedures for control thereof;

5) regulation regarding distribution, storage and use of plant protection products, determining the criteria to be set for sales locations, the duties and rights of persons, the procedures for the importation and exportation of plant protection products, as well as regulations regarding the procedures of circulation and control of plant protection products and unregistered plant protection products;

6) regulation regarding prohibited plant protection products, determining the procedures for the distribution and use thereof;

7) regulation regarding the procedures by which a person shall cover expenditures, which are associated with the registration of plant protection products, registration of persons subject to phytosanitary control, phytosanitary examinations, laboratory investigations or the issuance of documents, compulsory performance of phytosanitary measures and the performance of phytosanitary border controls;

8) regulation regarding the classification, packaging and labelling of plant protection products;

9) regulation regarding the procedures by which a certificate is issued for the performance of plant protection product efficacy assessment trials;

10) regulation regarding the importation or movement of harmful organisms, plants, plant products and objects which have come into contact with them, for the needs of science, research or varietal selection intended items;

11) regulation regarding the procedures for the registration of live organisms;

12) regulation regarding the procedures by which special permits (licences) for the distribution of plant protection products shall be issued and the State fee for the issue and re-registration thereof shall be paid, as well as regarding the amount of the State fee;

13) regulation regarding procedures for the eradication and containment of the spread of specific quarantine organisms;

14) regulation regarding phytosanitary measures and the procedures for the application thereof for plant or plant product protection against harmful organisms;

15) regulation regarding the measures for restricting the invasive alien plant species – *Heracleum sosnowskyi* Manden. (hereinafter – hogweed), as well as the procedures and methods for the elimination, regarding procedures by which State administration institutions shall provide information regarding the distribution of hogweed in the target groups of land use, and content of the information that shall be freely available to the public regarding the spread of the species, as well as regarding labour protection requirements when performing containment measures;

16) regulation regarding the list of invasive alien plant species;

17) regulation regarding the procedures for restriction of the spread of the invasive alien plant species, regarding the procedure by which the invasive alien plant species are included in the list of invasive alien plant species, regarding the procedures by which the monitoring, State supervision and control of invasive alien plant species is performed, regarding the procedures by which State administration institutions shall provide information regarding distribution of invasive alien plant species in other target groups of land use, content of information that shall be freely available to the public regarding the spread of invasive alien plant species, as well as regulations regarding a State institution which controls bringing in of invasive alien plant species specified by the Cabinet on the State border, and the procedures by which restriction measures of the spread of invasive alien plant species shall be performed, restriction measures and methods of certain invasive alien plant species, and, if necessary, labour protection requirements;

18) regulation regarding procedures for granting a compensation for the implementation of phytosanitary measures in determining plant quarantine and harmful organisms, for eradication and containment of the spread of which a compensation is to be paid, the amount and procedures for disbursement of the compensation;

19) regulation regarding compliance of propagation material of fruit-trees and berry bushes with criteria and the procedures for circulation of this material, determining the procedures for recognition of a person who performs virus testing and provides an opinion whether the propagation material is virus free or virus tested; and

20) regulation regarding procedures by which the Service performs the functions of a reference laboratory for plants in the diagnostics of harmful organisms determining the procedures for accreditation of a reference laboratory, functions and duties thereof.

[11 March 2004; 12 May 2005; 2 November 2006; 9 October 2008; 4 March 2010]

Section 6. Competence of the Minister for Agriculture

In respect of the field of plant protection, the Minister for Agriculture shall perform the following tasks:

1) approve official instructions in relation to plant quarantine and specific plant protection measures;

- 2) [2 November 2006];
 - 3) if in the territory of the State there is a risk of spreading harmful organisms, in respect of the importation, cultivation or movement of plants, plant products and objects which have come into contact with them, may specify phytosanitary measures and publish such measures in the newspaper *Latvijas Vēstnesis* [the official Gazette of the Government of Latvia];
 - 4) [2 November 2006]; and
 - 5) approve a long-term programme for the restriction of the spread of specific harmful organisms.
- [11 March 2004; 2 November 2006]

Chapter III

Plant Protection Products and Measures

Section 7. Plant Protection Products

- (1) In Latvia registered plant protection products shall be permitted to be distributed or used.
- (2) A submission regarding the inclusion of a plant protection product in the register shall be submitted by a person who is responsible for the initial distribution of the plant protection product in Latvia, or the authorised person thereof (hereinafter – applicant for registration). An applicant for registration shall have a legal address in the territory of the European Union. A State fee shall be paid to the register of plant protection products for the registration and maintaining of a plant protection products in accordance with the procedures specified in the Cabinet.
- (3) A decision regarding the inclusion of a plant protection product in the register shall be taken by the State Plant Protection Service within a period of one year from the day that the applicant for registration has submitted documents, which ensure the preparation of the assessment of the plant protection product.
- (4) Unregistered plant protection products, which are intended for distribution or use in one of the Member States of the European Union or exportation outside of the territory of the European Union may be imported, manufactured, stored or transported according to the procedures the Cabinet has specified for the distribution of plant protection products.
- (5) Plant protection products shall be included in the register for ten years. In order to ensure the possibility of gradually assessing the features of new active substances and to accelerate the accessibility of plant protection products containing new active substances for users, the State Plant Protection Service may include the plant protection product in the register for a period of up to three years according to the procedures specified in regulatory enactments regarding the registration of plant protection products.
- (6) Scientific research and experiments and trials intended to improve plant protection products, which are associated with the distribution and use in the environment of plant protection products not in the register, shall be permitted only if a State Plant Protection Service permit has been obtained for the performance of research and experimentation. It is permitted to use such plant protection products only in controlled conditions, in limited amounts and in restricted areas. For the distribution in the environment of plant protection products containing genetically modified organisms it is necessary to also obtain a permit, which is issued in accordance with the regulatory enactments regarding the utilisation and distribution of genetically modified organisms.
- (7) If the distribution of a specific harmful organism unavoidably endangers crops and it is not possible to combat such harmful organisms with plant protection products included in the register or other plant protection measures, the State Plant Protection Service may issue a permit for a period of up to 120 days in accordance with the regulatory enactments regarding

the registration of plant protection products for the limited distribution and use of such plant products (in controlled conditions), which do not conform to the conditions of registration.

(8) In including plant protection products in the register, the following registration classes shall be determined:

1) the first class – plant protection products, which are used under the guidance of a plant protection specialist;

2) the second class – plant protection products which may be used by persons who have obtained a certificate for the acquisition of the minimum knowledge of plant protection; and

3) the third class – plant protection products that may be used by all persons.

(9) Seeds and growing medium, which contain plant protection products or which have come into contact with such products may be imported and distributed if such products have been included in the register or are registered in one of the Member States of the European Union. The name of the active substance and the dosage shall be indicated on the packaging of the seeds and growing medium.

(10) The State Plant Protection Service shall ensure that all interested persons have an opportunity to obtain information regarding the register of plant protection products and on the use of the products included in it, as well as once a year shall publish a list of the registered plant protection products.

[11 March 2004; 2 November 2006]

Section 8. Distribution and Use of Plant Protection Products

(1) Plant protection products may be distributed by merchants, which have obtained a special permit (licence) issued by the State Plant Protection Service.

(2) Plant protection products shall be distributed or used if they are classified, packaged and labelled according the procedures specified in regulatory enactments for the classification, packaging and labelling of plant protection products and are packed in the original packaging with the manufacturer's labelling in which there is indicated in Latvian the name of the plant protection product, registration number and class of the product, the preparatory form and type of effect, the names of the active substances and its concentration in the preparation, the name of the manufacturer, the date of manufacture of the product and the expiry date, a description of its hazards, instructions on use, directions for rendering first aid and other information, which was approved upon registration of such products.

(3) It is not permitted to distribute such plant protection products the quality of which does not conform to the conditions for registration thereof. In case of any doubt or suspicion, inspectors of the State Plant Protection Service may take samples of plant protection products from merchants and send them for quality control.

(4) Inspectors of the State Plant Protection Service may prohibit the distribution or use of plant protection products, if it has been determined that they are not qualitative or do not conform to the requirements of this Law but, if any doubt arise regarding their quality, suspend the distribution of these products until absolute reassurance of the quality. In this case, the decision shall be taken within at least a 30-day period from the day of suspension of the distribution.

(5) Plant protection products the term of validity of which has expired may be distributed if their samples conform to the conditions for registration and there is a relevant decision of the State Plant Protection Service.

Samples shall be taken with the participation of an inspector from the State Plant Protection Service who, within a 30-day period after the receipt of analyses from an accredited laboratory, shall decide on further actions with respect to these materials. The merchant distributing the plant protection products referred to shall cover expenditures related to the analysis of samples.

(6) Merchants which distribute plant protection products shall ensure circulation thereof and accounting in accordance with procedures prescribed by the Cabinet and, each year, by 1 April, submit information to the State Plant Protection Service regarding the preceding calendar year, with an indication of the names and quantities of the plant protection products sold to users.

(7) Plant protection products, which are not registered, shall not be advertised. The information provided for in advertisements and consultations regarding plant protection products shall not contradict the information included in the register of plant protection products.

(8) For the performance of experiments and research or measures if the distribution of a specific harmful organism unavoidably endangers crops, it is permitted to distribute the plant protection product in the original packaging with the manufacturer's labelling on which is indicated the relevant hazard symbols, a warning regarding risk and safety measures and on which is an indication regarding the trade prohibition.

[11 march 2004; 12 May 2005; 4 March 2010]

Section 9. Storage of Plant Protection Products

(1) The merchants referred to in Section 8, Paragraph one of this Law shall ensure:

1) the storage of plant protection products in the original packaging and in the conditions indicated on labelling thereof and, in addition, separately from other products and substances that may affect the properties of the relevant plant protection products; and

2) separate storage of those plant protection products the term of validity of which has expired and the quality of which does not conform to the conditions for registration.

(2) The technical requirements to be set for the places of storage of the plant protection products referred to in Paragraph one of this Section shall be prescribed by the Cabinet.

(3) Persons who have acquired plant protection products shall be liable for the storage thereof in lockable places, inaccessible to children and animals, separate from food products and animal feed.

[12 May 2005]

Section 10. Use of Plant Protection Products

(1) Persons shall use plant protection products in accordance with the directions referred to on the labelling of such products, the good plant protection practice principles specified by European and Mediterranean plant protection organisations, as well as in all possible cases in accordance with integrated plant protection principles.

(2) The plant protection products included in the first and second class of registration may be used by persons who have been certified and have obtained a certificate granting the right to acquire and use these plant protection products. These persons shall ensure the enumeration of the use of plant protection products in accordance with the procedures prescribed by the Cabinet.

(3) The State Plant Protection Service shall organise the training of persons for implementation of plant protection measures, specify the minimum knowledge required for plant protection issues, and certify and issue certificates granting persons the right to acquire and use plant protection products necessary to combat harmful organisms.

(4) Persons, at the request of the State Plant Protection Service, shall provide information regarding the appearance and spread of harmful organisms, the measures taken to combat such organisms and the plant protection products used.

(5) Chemical plant protection products, which are unusable, shall be eliminated in accordance with regulatory enactments, which determine the procedures for the management of waste.

The owner of the unusable chemical plant protection products shall cover expenditures related to these actions.

(6) The use of plant protection products from aircraft is allowable only after co-ordination with the State Plant Protection Service and the relevant regional environmental administration.

[11 March 2004]

Section 11. Plant Protection Machines

Only such plant protection machines may be operated which conform to the State standards, technical requirements and operational regulations, not endangering human health and life, as well as ensuring environmental protection.

Chapter IV Plant Quarantine and Measures

Section 12. Plant Quarantine

(1) Plant quarantine or phytosanitation is a set of measures organised by the State, which shall be carried out to ensure plant protection, not allowing the importation and spread of plant quarantine organisms and other organisms particularly harmful to plants, which do not occur or are of limited spread and to which phytosanitary measures shall apply.

(2) The State Plant Protection Service shall carry out phytosanitary control, or this control shall be carried out under supervision thereof in order to determine whether plants, plant products or objects which have come into contact with them conform with phytosanitary norms and, if necessary, shall determine phytosanitary measures to prevent the importation, introduction and spread of plant quarantine organisms.

(3) If a risk of spreading harmful organisms arises in the territory of the State, the State Plant Protection Service may propose to the Minister for Agriculture that phytosanitary measures for the importation, cultivation and movement of plants, plant products and objects which have come into contact with them be specified.

(4) A person has a duty to inform the State Plant Protection Service without delay regarding the appearance of a plant quarantine organism or other unknown organism or symptom.

(5) The State Plant Protection Service shall develop a long-term programme for the limitation of the spread of specific harmful organisms.

(6) A person may receive a compensation for fulfilment of phytosanitary measures assigned to him or her in accordance with the procedures specified in regulatory enactments. The compensation shall be paid from the State budget.

[11 march 2004; 9 October 2008]

Section 13. Registration of Persons

(1) Persons involved in the cultivation of plants subject to phytosanitary control, as well as in the processing, storage, import, trade, export and movement of plants and plant products within the State shall register with the State Plant Protection Service. A State fee shall be paid for the assessment of a submission for the registration of a person or performance of amendments in the register of persons involved in the circulation of plants and plant products subject to phytosanitary control in accordance with the procedures specified by the Cabinet.

(2) The registered persons have a duty to:

1) keep documentation related to plants and plant products and to, upon request, produce it to the inspectors of the State Plant Protection Service;

2) visually inspect plants and plant products and inform the State Plant Protection Service without delay of the appearance of plant quarantine organisms or other unknown organisms or symptoms;

3) comply with the requirements prescribed by the regulatory enactments regarding circulation of plants and plant products subject to phytosanitary control and objects, which have come into contact with them;

4) ensure that the inspectors of the State Plant Protection Service have an opportunity to access properties where plants, plant products and objects that have come into contact with them are grown and stored, and to control the implementation of phytosanitary measures;

5) inform the State Plant Protection Service regarding changes to the information included in the register; and

6) ensure for the State Plant Protection Service the necessary written information regarding the cultivation, production and storage location of plants and plant products.

(3) The State Plant Protection Service shall, not less frequently than once a year, control how the registered persons comply with the requirements prescribed by the regulatory enactments regarding the circulation of plants, plant products and objects which have come into contact with them, which are subject to phytosanitary control.

[11 March 2004; 2 November 2006]

Section 14. Importation of Plants and Plant Products

(1) It is prohibited to import into the European Union and the State plant quarantine organisms as well as plants, plant products and objects which have come into contact with them if they do not conform with the phytosanitary norms, as well as when there are no relevant documents.

(2) Persons involved in the importation of plants and plant products subject to phytosanitary control and of objects which have come into contact with them, shall ensure the conditions necessary for the carrying out of phytosanitary control.

(3) Customs clearance for plants and plant products subject to phytosanitary control and of objects, which have come into contact with them, may only be completed after phytosanitary control thereof.

(4) In individual cases the State Plant Protection Service may also subject to phytosanitary control other plants, plant products and objects which have come into contact with them if there is a high risk of the importation of plant quarantine organisms.

(5) If, as a result of phytosanitary control, the non-conformity of plants, plant products and objects which have come into contact with them to phytosanitary norms is determined, then, measures to be taken with respect to these, shall be one of the following:

1) they shall be sent back to the relevant state or the infected or invaded products shall be removed from the freight, allowing the remaining part of the freight to be imported if it is ensured that no danger of the spread of harmful organisms exists;

2) they shall be destroyed in accordance with procedures specified by the State Plant Protection Service; or

3) they shall be placed under customs control while the importer carries out the phytosanitary measures specified by the State Plant Protection Service.

(6) The implementation of the measures referred to in Paragraph five of this Section shall be controlled by the State Plant Protection Service. The expenditures of such measures shall be covered by the importer of the plants, plant products and objects, which have come into contact with them according to the procedures specified by the Cabinet.

(7) The phytosanitary control of imported propagating material determined by the Minister for Agriculture shall be carried out in the places where it is stored or grown. This propagating material may be distributed or moved only pursuant to a decision taken by the State Plant

Protection Service regarding its conformity with the requirements prescribed by regulatory enactments.

[11 march 2004]

Section 15. Transit of Plants and Plant Products

(1) If a consignment of plants, plant products and objects which have come into contact with them is carried in transit through the territory of the State without dividing, repackaging and storing this consignment and ensuring that there is no possibility to infect the territory of the State with it, or to become infected in the territory of the State with plant quarantine organisms, the relevant consignment shall not be subject to phytosanitary control.

(2) Phytosanitary control shall be carried out if there is cause for suspicion that a transit consignment is infected with plant quarantine organisms and their spread is possible and, also, if the provisions of Paragraph one of this Section have not been complied with.

Section 16. Exportation (Export) and Re-exportation (Re-export) of Plants and Plant Products

(1) Plants and plant products and objects which have come into contact with them, to be exported and to be re-exported shall conform to the phytosanitary regulations of the country of destination.

(2) Persons involved in the exportation and re-export of plants and plant products and objects which have come into contact with them, shall, at least 48 hours before the preparation of the consignment intended for delivery, inform the State Plant Protection Service of the necessity for phytosanitary control.

(3) Having carried out phytosanitary control, the State Plant Protection Service shall issue a phytosanitary certificate for export, or a phytosanitary certificate for re-export if the consignment of plants and plant products and objects which have come into contact with them conforms with the phytosanitary regulations of the country of destination or the country of transit.

(4) It is prohibited to export plants, plant products and objects, which have come into contact with them without phytosanitary documents if such are provided for by the phytosanitary regulations of the country of destination.

(5) The phytosanitary measures specified by the country of destination for wood packaging shall be performed by a person included in the register of wood packaging markers in accordance with the regulatory enactments regarding phytosanitary measures and procedures for application thereof in the protection of plants or plant products against harmful organisms. The State fee shall be paid in accordance with the procedures specified by the Cabinet for the examination of a submission regarding inclusion of a person in the register of wood packaging markers.

[2 November 2006]

Section 17. Internal Circulation of Plants and Plant Products

(1) It is prohibited to distribute and move plants, plant products and objects which have come into contact with them that are infected with plant quarantine organisms, as well as plants and plant products that do not conform with the phytosanitary norms.

(2) The State Plant Protection Service shall carry out examination of plants and plant products, analyse the risk of importation or spread of harmful organisms and, on the basis of the results obtained, submit a recommendation to the European Commission to recognise as a protected zone the whole of the territory of Latvia or a part thereof where in conditions appropriate for existence one or more specified harmful organisms have not been introduced

and spread, but where there is a danger that under favourable ecological conditions for them such harmful organisms may be introduced and spread.

(3) The State Plant Protection Service shall carry out the supervision of certification of the propagating material of fruit plants, ornamental plants and vegetables and shall issue conformity documents.

(3¹) Virus testing of propagation material of fruit-trees shall be performed by a person who the Service has recognised in accordance with the procedures specified by the Cabinet.

(4) If the presence of plant quarantine organisms is determined, persons following the instructions given by an inspector of the State Plant Protection Service shall carry out the destruction of the relevant plants and plant products, the disinsectization or disinfection of plants, plant products and objects which have come into contact with them, and observe the restrictions imposed on the circulation of plants and plant products.

(5) The storage and propagation of plant quarantine organisms and organisms especially dangerous for plants, as well as the activities related to genetic modification of these organisms may be carried out only for the purposes of phytosanitary research and diagnostics after prior co-ordination with the State Plant Protection Service.

(6) In cases of massive spread of harmful organisms (epiphytoty), plant protection measures shall be carried out in accordance with the Civil Protection Law.

(7) In order to distribute plants, plant products and objects, which have come into contact with them, which are under phytosanitary control in Latvia and the European Union, plants and plant products shall have attached to them a plant passport, which certifies the conformity of the plants and plant products to phytosanitary requirements.

(8) Harmful organisms, plants, plant products and objects that have come into contact with them, shall be imported or moved for the needs of trials and varietal selection if a permit has been obtained from the State Plant Protection Service.

[11 March 2004; 9 October 2008]

Section 18. Control and Supervision of Circulation of Plants and Plant Products

(1) The circulation of plants and plant products subject to phytosanitary control and objects, which have come into contact with them, shall be supervised and controlled by the State Plant Protection Service. The Cabinet may determine another institution for the border control of the imported plants, plant products and objects that have come into contact with them, which shall observe the instructions given by the State Plant Protection Service for the carrying out of phytosanitary control.

(2) When carrying out the supervision and control of the circulation of plants and plant products, inspectors of the State Plant Protection Service shall:

1) examine plants and plant products in warehouses, means of transport and industrial premises as well as areas of land irrespective of the type of management thereof, of the form of property, season and other circumstances;

2) without payment to persons, take samples of plants and plant products, growing mediums, seeds and propagating material for analysis in accordance with the methodological instructions approved by the director of the State Plant Protection Service;

3) assign persons to carry out the destruction of plants and plant products, the treatment with relevant plant protection products and disinfection of plants, plant products and objects which have come into contact with them if plant quarantine organisms and plant and plant products which do not conform to phytosanitary requirements have been determined, as well as to assign the use of specified devices and methods or to transfer the plants and plant products to zones where they shall not create additional danger, or to transfer the plants and plant products to industrial processing locations, as well as determine the procedures for cultivation and harvesting of the plants, and control the implementation of these measures;

4) prohibit the sowing of particular seeds, the planting and cultivation of plants, also, permanently or temporarily, the use of the soil contaminated with harmful organisms, the use of infected seeds or propagating material, the transportation and sale of infected plants or plant products, as well as the circulation of genetically modified organisms not conforming with the requirements prescribed by regulatory enactments;

5) prohibit or determine restrictions regarding the importation, exportation and inland circulation of plants, plant products and objects which have come into contact with them if non-conformity with the requirements prescribed by regulatory enactments has been determined; and

6) if phytosanitary measures have been broken and if there is a risk of the spread of plant quarantine organisms, the phytosanitary measures required shall be carried out on a compulsory basis. The breaker according to the procedures specified by the Cabinet shall cover expenditures related to such measures.

[11 March 2004]

Chapter IV¹ **Restriction of the Spread of Invasive Alien Plant Species** **and Determination of the Spread Thereof**

Section 18.¹ Invasive Alien Plant Species and Restriction of Their Spread

(1) Invasive alien plant species may be included in the list of invasive alien plant species, if such species is included in the list of invasive alien plant species approved by the European and Mediterranean Plant Protection Organisation or by submitting the relevant proposal in accordance with the procedures specified by the Cabinet.

(2) It is prohibited to bring in Latvia the plant species included in the list of invasive alien plant species. The Cabinet shall determine the State institution which controls the bringing in of invasive alien plant species on the State border.

(3) It is prohibited to grow in Latvia the plant species included in the list of invasive alien plant species. It is the duty of a land owner or possessor to destroy such invasive alien plant species, if they have spread on the land owned or possessed by him or her.

(4) The State Plant Protection Service shall perform the State supervision and control of the spread of invasive alien plant species.

(5) Destruction of invasive alien plant species in all the territories in which they have spread, as well as in the territories adjacent to these territories shall be commenced and performed in one season. The territories which are delimited from the surrounding territories with natural obstacles (a road, watercourse, forest and the like), which obstruct further spread of the referred to plant species, shall be considered as adjacent territories.

(6) Local governments shall be involved in accordance with the procedures specified by the Cabinet for the implementation of certain measures for restriction of the spread of invasive alien plant species. For the implementation of the measures for restriction of the spread of invasive alien plant species a local government of the city or a local government of the municipality shall:

1) take a decision regarding measures for restriction of the spread of invasive alien plant species in the territory of the relevant local government and publish it in the newspaper *Latvijas Vēstnesis* [the official Gazette of the government of the Republic of Latvia];

2) establish a group of experts in the composition of which a representative of the State Plant Protection Service is included. A group of experts shall develop a plan of measures of the relevant local government for restriction of the spread of invasive alien plant species; and

3) in co-operation with the State Plant Protection Service organise and co-ordinate the implementation of measures for restriction of the spread of invasive alien plant species, if a

land owner or possessor does not perform measures for restriction of the spread of invasive alien plant species.

(7) An invasive alien plant species may be brought in or grown for scientific and research purposes, if a permit has been received from the State Plant Protection Service in accordance with the procedures specified in the regulatory enactments regarding restriction of the spread of invasive alien plant species.

[2 November 2006; 17 July 2008; 9 October 2008]

Section 18.² Surveying of the Spread of Invasive alien plant species and Compilation of Data

(1) The Plant Protection Service shall perform the monitoring of the spread of invasive alien plant species on land utilised for agriculture. The information regarding the spread of invasive alien plant species in other target groups of land use shall be provided to the State Plant Protection Service by the State administration institutions in accordance with the procedures specified by the Cabinet.

(2) The State Plant Protection Service shall compile data regarding the spread of invasive alien plant species in a database. The information shall be freely available for the public in accordance with the procedures specified by the Cabinet.

(3) Each person shall inform the State Plant Protection Service, if the information regarding the spread of invasive alien plant species is at his or her disposal.

[2 November 2006]

Chapter V Co-operation in Plant Protection

Section 19. Co-operation in Plant Protection

(1) Scientific research institutions and other persons performing scientific researches, upon co-ordination with the State Plant Protection Service shall carry out research on plant quarantine organisms, organisms especially dangerous for plants and phytosanitary measures for restriction of the spread of the referred to organisms.

(2) The police, State and local government institutions, at the request of the State Plant Protection Service, shall provide assistance to ensure the implementation of requirements prescribed by regulatory requirements.

[9 October 2008]

Chapter VI Liability for Failure to Comply with this Law

Section 20. Liability for Failure to Comply with this Law

(1) For violations of this Law, persons at fault shall be held liable in accordance with the procedures prescribed by law.

(2) Persons at fault shall be held liable in accordance with Civil Law for the failure to carry out plant protection measures, for negligent use of plant protection products, distribution of plant protection products of poor quality, intentional distribution of plants and plant products infected with plant quarantine organisms, as a result of which losses have been caused to the growers of the plants or additional costs have been incurred.

(3) The liability referred to in Paragraphs one and two of this Section shall not release persons from the performance of the phytosanitary measures determined by the State Plant Protection Service.

(4) [11 March 2004]
[11 March 2004]

Transitional Provisions

1. The State Plant Protection Service shall be a successor in rights and obligations of the State Plant Protection Station.

2. Until the day of the coming into force of this Law, special permits (licences) issued for trading of plant protection products shall be valid until the end of the expiry date specified thereof.

3. Until the day of the coming into force of this Law, the term of validity and registration conditions for registered plant protection products shall apply.

4. [11 March 2004]

5. [11 March 2004]

6. The Cabinet shall issue:

1) by 1 May 2004, regulations regarding the procedures for the registration of live organisms;

2) by 1 May 2004, regulations regarding the procedures by which special permits (licences) for the distribution of plant protection products shall be issued;

3) by 1 May 2004, regulations regarding the procedures by which a person shall cover the expenditures, which are associated with registration, the registration of persons subject to phytosanitary control, phytosanitary examinations, laboratory investigations or the issue of documents, the performance of compulsory phytosanitary measures and the performance of phytosanitary border controls;

4) by 1 May 2004, regulations regarding the procedures for the registration of chemical plant protection products and plant protection products containing micro-organisms and viruses;

5) by 1 May 2004, regulations regarding the distribution, storage and use of plant protection products, determining the criteria to be set for sales locations, the duties and rights of persons, the procedures for the importation and exportation of plant protection products, as well as regulations regarding the procedures of circulation and control of plant protection products and unregistered plant protection products;

6) by 1 May 2004, regulations regarding the importation or movement of harmful organisms, plants, plant products and objects which have come into contact with them, items intended for scientific purposes, field trials and varietal selection;

7) by 1 July 2004, regulations regarding the classification, packaging and labelling of plant protection products; and

8) by 1 July 2004, regulations regarding the procedures by which certificates are issued for the performance of plant protection product efficacy assessment trials.

[11 march 2004]

7. Special permits (licences) issued up to 1 May 2004 for trade in plant protection products shall be in effect until the end of the term of validity specified in them.

[11 March 2004]

8. For plant protection products registered up to 1 May 2004, the registration time period specified and the registration conditions shall be preserved.

[11 March 2004]

9. The Cabinet shall, until 1 January 2007 issue the Regulation referred to in Section 5, Clauses 15 and 16 of this Law.

[2 November 2006]

10. The Cabinet shall, until 1 May 2007, issue the Regulation referred to in Section 5, Clause 17 of this Law.

[2 November 2006]

11. The Cabinet shall, until 1 December 2008, issue the Regulations referred to in Section 5, Clauses 18 and 19 of this Law.

[9 October 2008]

12. The Cabinet shall, until 30 December 2009, issue the Regulation referred to in Section 5, Clause 20 of this Law.

[9 October 2008]

13. Section 5, Clause 20 of this Law shall come into force on 1 January 2010.

[9 October 2008]

14. In 2008 the compensation intended in Section 12, Paragraph six of this Law shall be paid from the resources granted to the sub-programme “Resources for Unforeseen Cases” of the budget of the Ministry of Finance.

[9 October 2008]

15. Special permits (licences) for the placing on the market of plant protection products issued by the Ministry of Agriculture shall be in force until the end of the term of validity specified therein.

[4 March 2010]

16. Section 5, Clause 12 of this Law shall come into force at the same time with the relevant amendments to the Law on Taxes and Fees.

[4 March 2010]

17. Until the day of coming into force of the Regulation referred to in Section 5, Clause 12 of this Law the Cabinet Regulation No. 470 of 29 April 2004, Procedures for Issuing of Special Permits (Licences) for the Placing on the Market of Plant Protection Products, shall be applied in so far as it is not in contradiction of this Law.

[4 March 2010]

Informative Reference to European Union Directives

The legal norms arising from the following directives have been included in this Law:

1) Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market;

2) Commission Directive 92/70/EEC of 30 July 1992 laying down detailed rules for surveys to be carried out for purposes of the recognition of protected zones in the Community;

3) Commission Directive 92/90/EEC of 3 November 1992 establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration;

4) Commission Directive 95/44/EC of 26 July 1995 establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 77/93/EEC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections;

5) Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations; and

6) Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.

[2 November 2006]

Note. This Law shall come into force on 1 January 2007.

[2 November 2006]

Note¹. This Law shall come into force on 1 July 2009.

[17 July 2009]

Note². This Law shall come into force on the next day after proclamation thereof.

[9 October 2008]

This Law has been adopted by the *Saeima* on 17 December 1998.

President
Rīga, 30 December, 1998

G. Ulmanis