

REPUBLIC OF TAJIKISTAN

LAW ON PLANT QUARANTINE

In accordance with the Constitution of the Republic of Tajikistan and generally recognized principles of international law the present Law establishes the principles of legal regulation of ensuring plant quarantine on the territory of the Republic of Tajikistan and is aimed at protection of rights and legal interests of legal persons and individuals.

CHAPTER 1. GENERAL PROVISIONS

ARTICLE 1. THE PURPOSE OF THE LAW

The purpose of this Law is protection of plants and plant products from quarantine objects on the territory of the Republic of Tajikistan.

ARTICLE 2. GENERAL DEFINITIONS

For the purposes of the Law the terms defined herein shall have the following meanings:

- “quarantine” (Italian *guaranta giorni* – forty days) – a complex of measures to prevent the spread of infectious diseases of individuals, animals, plants and pests.
- “plants” – living plants and parts thereof, including seeds and plants’ genetic material.
- “plant quarantine” – legal regime, which envisages a system of measures to protect plants and plant products from quarantine objects on the territory of the Republic of Tajikistan.
- “plant products” – unprocessed material of plant origin and products of plant origin which by their nature and (or) their processing method may create a risk of penetration or spread of pests on the territory of the Republic of Tajikistan.
- “quarantineable products” (quarantineable materials, quarantineable freight) – plants, plant products, container, wrapping, soil, or other

organisms, objects or materials, which may be pest carriers or facilitate the spread of pests.

- “fumigation” – a method of application of poisonous smoke, gas, aerosol against pests and agents of plant diseases.
- “detazation” - removal of poisonous substances
- “bundle of quarantine products” – a quantity of homogenous quarantine products concentrated in one location and assigned to be shipped by a certain carrier to a certain destination to a certain legal entity or individual.
- “quarantine phytosanitary arrangements” – actions taken to prevent the penetration and spread of pests on the territory of the Republic of Tajikistan.
- “pests” – plants, different biological species, varieties and types, pests or venomous organisms of different biological varieties, types and origin, which can cause harm to plants and plants products.
- “quarantine pests” – pests, not yet in existence and (or) those in existence but not yet widely spread on the territory of the Republic of Tajikistan.
- “_____” – lands of any use, buildings, constructions, reservoirs, warehouses, equipment, transportation means, containers, _____ and other objects which can be the source of penetration or spread of quarantine objects on the territory of the Republic of Tajikistan.
- “quarantine phytosanitary zone” – a territory, where quarantine phytosanitary regime is established in the event of detection of quarantine objects.
- “quarantine phytosanitary regime” – quarantine phytosanitary measures established in the quarantine phytosanitary zone.
- “phytosanitary certificate” – a document, which certifies the compliance of quarantine objects with rules and norms ensuring plant quarantine.
- “state quarantine phytosanitary control” – measures aimed at detection of quarantine objects, establishment of quarantine phytosanitary condition of quarantine objects, ensuring state quarantine phytosanitary supervision on

compliance with the legislation of the Republic of Tajikistan with regard to rules and norms of plant quarantine ensuring.

- “rules and norms of plant quarantine ensuring” – regulations and legal acts, regulative technical and methodological documentation in plant quarantine ensuring;
- “import quarantine certificate” – a document, certifying compliance of quarantineable products imported to the territory of the Republic of Tajikistan to rules and norms of plant quarantine ensuring.

ARTICLE 3. Legislation of the Republic of Tajikistan in plant quarantine ensuring.

Legislation of the Republic of Tajikistan in plant quarantine ensuring is based on the Constitution of the Republic of Tajikistan and includes the present Law and other regulations and legal acts adopted in accordance with this Law as well as international legal acts ratified by the Republic of Tajikistan.

ARTICLE 4. Powers of the Republic of Tajikistan for plant quarantine ensuring.

The powers of the Republic of Tajikistan for plant quarantine ensuring shall include:

- design and fulfillment of unified public policy in plant quarantine ensuring in the Republic of Tajikistan;
- implementation of state phytosanitary control;
- establishment and abolishment of quarantine phytosanitary zone, establishment and annulment of quarantine phytosanitary regime;
- carrying out of control examinations of quarantineable objects;
- detection of quarantine phytosanitary situation on the territory of the Republic of Tajikistan;
- definition and enactment of regulations on import and export (to) from the Republic of Tajikistan of quarantineable products;
- carrying out of quarantine phytosanitary certification of quarantineable objects;
- organization of decontamination of quarantineable objects;
- ensuring the implementation of obligations of the Republic of Tajikistan under international treaties on cooperation in plant quarantine.

ARTICLE 5. Specially authorized state institution for plant quarantine ensuring

Specially authorized state institution for plant quarantine ensuring shall carry out state control of plant quarantine.

The Government of the Republic of Tajikistan shall determine specially authorized state institution for plant quarantine ensuring in the Republic of Tajikistan and its powers.

Specially authorized state institution for plant quarantine ensuring in the Republic of Tajikistan shall ensure adherence to plant quarantine for the benefit of the Republic of Tajikistan and shall carry out state quarantine phytosanitary control on the territory of the Republic.

Specially authorized state institution for plant quarantine ensuring in the Republic of Tajikistan shall approve the list of quarantine objects.

Specially authorized state institution for plant quarantine ensuring in the Republic of Tajikistan performs phytosanitary certification and issues quarantine permissions for import of quarantineable products.

CHAPTER II. PLANT QUARANTINE ENSURING

ARTICLE 6. Establishment and termination of quarantine phytosanitary zone, establishment and annulment of quarantine phytosanitary regime. Imposition and abolition of quarantine

In case of contamination (obstruction) of quarantineable objects by quarantine objects the specially authorized state institution for plant quarantine ensuring in the Republic of Tajikistan shall establish quarantine phytosanitary zone and quarantine phytosanitary regime, and notify the executive agency responsible for quarantine imposition.

In the quarantine phytosanitary zone various measures are taken to fight quarantine objects, localize and liquidate their sources; prohibitions for the usage of certain quarantineable products, export of certain quarantineable products from the quarantine phytosanitary zone and other prohibitions and restrictions are introduced.

Once sources of quarantine objects are terminated the specially authorized state institution for plant quarantine ensuring closes down the quarantine phytosanitary zone and rescinds quarantine phytosanitary regime, and the appropriate executive agency cancels quarantine.

ARTICLE 7. Quarantine phytosanitary certification of quarantineable products

Quarantineable products are allowed to be imported to the territory of the Republic of Tajikistan and zones free from quarantine objects, exported from quarantine phytosanitary zones of the Republic of Tajikistan and transported in cases envisaged by rules and norms of plant quarantine ensuring if phytosanitary certificate confirms the compliance of quarantineable products with rules and norms of plant quarantine ensuring.

Every lot of quarantineable products imported to or exported from the Republic of Tajikistan shall be accompanied by phytosanitary certificate and import quarantine permit.

Every lot of quarantineable products imported to the territory of the Republic of Tajikistan or transported through the territory of the Republic of Tajikistan and every lot of quarantineable products exported from quarantine phytosanitary zone shall be accompanied by phytosanitary certificate and import quarantine permit.

ARTICLE 8. Protection of the territory of the Republic of Tajikistan from quarantine objects

Import to and transportation of the quarantineable products in the Republic of Tajikistan shall comply with rules and norms of plant quarantine ensuring established by the legislation of the Republic of Tajikistan, as well as comply with norms of international agreements on cooperation in quarantine ensuring ratified by the Republic of Tajikistan.

It is forbidden to import to the Republic of Tajikistan quarantineable products infected by quarantine objects (except for the cases, envisaged by rules and norms of plant quarantine ensuring) and quarantineable products if rules and norms of plant quarantine ensuring are broken during import procedures.

Quarantineable products imported to the territory of the Republic of Tajikistan shall be checked and examined by state quarantine phytosanitary control.

Quarantineable products may only be imported to the Republic of Tajikistan at post control points of state border of the Republic of Tajikistan.

Location of post control points and their staff at state border shall be approved by the Government of the Republic of Tajikistan after recommendation of specially authorized state institution for plant quarantine ensuring.

Post control points at the state border of the Republic of Tajikistan shall be equipped in accordance with rules and norms of plant quarantine ensuring and supported with vehicle and communication facilities.

Quarantineable products imported to the Republic of Tajikistan through post control points at the state border of the Republic of Tajikistan shall be subject to primary and at destination - secondary examination of state quarantine phytosanitary control.

State quarantine phytosanitary control of quarantineable products imported to the territory of the Republic of Tajikistan and exported from the Republic shall be carried out by specially authorized state institution for plant quarantine ensuring in the Republic of Tajikistan

Import of quarantine objects to the territory of the Republic of Tajikistan for scientific purposes shall be regulated by rules and norms of plant quarantine ensuring.

The usage of quarantineable objects is prohibited with the exception of cases envisaged by rules and norms of plant quarantine ensuring.

It is prohibited to undertake quarantine phytosanitary measures and restrictions in any form for any other purposes other than those related to plant quarantine ensuring.

ARTICLE 9. Decontamination, purification, and removal of poisonous substances (degassing) of quarantineable objects

Quarantineable products imported to the territory of the Republic of Tajikistan and infected by quarantine objects shall be decontaminated at points of admission through the state border of the Republic of Tajikistan or at destination points with the exception of cases envisaged by the rules and norms of plant quarantine ensuring.

Quarantineable products imported to the territory of the Republic of Tajikistan from countries - sources of quarantine objects are subject to prophylactic decontamination in cases envisaged by the rules and norms of plant quarantine ensuring.

Transportation means used for shipment of quarantineable products are subject to obligatory purification or if necessary, decontamination in accordance with rules and norms of plant quarantine ensuring.

Decontamination of quarantineable objects by means of gassing and removal of poisonous substances (degassing) shall be carried out by specially authorized state institution for plant quarantine ensuring in the Republic of Tajikistan.

Decontamination, purification, removal of poisonous substances (degassing) from quarantineable objects are realized in accordance with the rules and norms of plant quarantine ensuring.

ARTICLE 10. Obligations of institutions, businessmen and individuals in plant quarantine ensuring

Institutions, businessmen and individuals who are engaged in production, procurement, import and export to (from) the Republic of Tajikistan, shipment, storage, processing, utilization and sale of quarantineable products are obliged to:

- follow the rules and norms of plant quarantine ensuring in production, procurement, import and export to (from) the Republic of Tajikistan, shipment, storage, processing, utilization and sale of quarantineable products;
- immediately notify the specially authorized state institution for plant quarantine ensuring in the Republic of Tajikistan about arrival of quarantineable products;
- avoid unsealing of carriers and containers with quarantineable products which arrived to the Republic of Tajikistan without written permission of the specially authorized state institution for plant quarantine ensuring in the Republic of Tajikistan;
- make everything possible for timely conduct of quarantine phytosanitary control including examination;
- provide quarantineable products with warehouses, which comply with quarantine phytosanitary requirements and organize appropriate security of such products;
- keep away from decontamination of carriers with quarantineable products on the road and in places not specifically designed for such purposes;
- provide proper custody of quarantineable products until the commencement of state quarantine phytosanitary control;
- make available carriers, especially equipped berths, platforms, facilities, workers if necessary, to conduct decontamination, purification, removal of poisonous substances (degassing) of quarantineable objects;
- immediately notify the specially authorized state institution for plant quarantine ensuring in the Republic of Tajikistan about the fact of detection of signs of contamination of quarantineable products by quarantine objects;
- arrange transportation of quarantineable products without wastage and possible contamination of the territory of the Republic of Tajikistan by quarantine objects;
- perform other obligations according to the legislation of the Republic of Tajikistan in plant quarantine ensuring and to rules and norms of plant quarantine ensuring.

Measures related to detection of quarantine objects, fighting them, localization and liquidation of their sources shall be taken at the expense of owners and users of quarantineable objects.

Decontamination, removal of poisonous substances (degassing), arrest, destruction and return of quarantineable products shall be carried out at the expense of its owners, users, consignees or shipping agencies.

ARTICLE 11. Detection of quarantine objects and prevention of their spread

Quarantineable objects shall be subject to systematical quarantine phytosanitary examination with the aim of timely detection of quarantine objects and determination of their sources.

In accordance with article 6 of this Law in case of detection of quarantine objects' sources the quarantine phytosanitary regime is established on appropriate territories.

As envisioned by rules and norms of plant quarantine ensuring, grain and products of its processing imported to the Republic of Tajikistan shall be processed in accordance with technologies of seed viability deprivation. Export of grain with viable seeds from processing points is prohibited.

ARTICLE 12. Confiscation, destruction and return of quarantineable products

In accordance with the legislation of the Republic of Tajikistan and with the aim to prevent penetration and/or spread of quarantine objects on the territory of the Republic of Tajikistan, quarantineable products may be confiscated, destroyed or returned according to the order of officials of specially authorized state institution for plant quarantine ensuring in the Republic of Tajikistan.

ARTICLE 13. Laboratory analysis and examination of quarantineable products

With the purpose of evaluating quarantine phytosanitary condition of quarantineable products, they are subject to quarantine phytosanitary control including examination and if necessary, to laboratory analysis and examination.

Laboratory analysis and examination of quarantineable products with the purpose of evaluating their quarantine phytosanitary condition shall be conducted by specially authorized state institution for plant quarantine ensuring in the Republic of Tajikistan.

CHAPTER III. STATE PLANT QUARANTINE SERVICE OF THE REPUBLIC OF TAJIKISTAN

ARTICLE 14. Main principles of organization and activity of the State plant quarantine service of the Republic of Tajikistan

State plant quarantine service of the Republic of Tajikistan is a unified centralized network, which includes the following state agencies and organizations:

- a. State Inspection for plant quarantine of the Republic of Tajikistan;
- b. Republican plant quarantine laboratory;
- c. Fumigation group of State Inspection for plant quarantine of the Republic of Tajikistan;
- d. State Inspection for plant quarantine in Gorno-Badakhshan autonomous region and other regions of the Republic of Tajikistan;
- e. Regional and inter-regional points for plant quarantine;
- f. Border admission plant quarantine points at river wharfs, railway stations, airports, post-offices, and highways.

This network is used by State plant quarantine service to carry out public actions in plant quarantine ensuring.

Agencies and institutions of state plant quarantine service of the Republic of Tajikistan constitute legal entities and have their own stamps with official names.

General supervision of State plant quarantine service is performed by State Inspection for plant quarantine of the Republic of Tajikistan in accordance with its functions.

The Decree on State plant quarantine service of the Republic of Tajikistan is approved by the Government of the Republic of Tajikistan.

ARTICLE 15. Rights of officials implementing state quarantine phytosanitary control

State quarantine phytosanitary control is implemented by officials of Specially authorized state institution for plant quarantine ensuring in the Republic of Tajikistan.

Officials implementing state quarantine phytosanitary control have the rights (within their powers) to:

- visit without hindrance quarantineable objects, which are owned by entrepreneurs and individuals as well as quarantineable objects, which are owned by these objects independently of their legal structures and forms of ownership;
- receive documentary information concerning plant quarantine from state authorities, executive agency of Gorno-Badakhshan autonomous region,

other regions, cities, districts, municipal agencies, institutions, businessmen and citizens;

- carry out quarantine phytosanitary examination of quarantineable objects and assessment of quarantineable products including points of its preparation and shipment;
- take samples of quarantineable objects;
- set prohibition on or suspend production, procurement, import and export to (from) the Republic of Tajikistan, shipment, storage, processing, utilization and sale of quarantineable products;
- put forward directives which are compulsory and shall be timely implemented, to institutions, businessmen and citizens on elimination of violations of rules and norms of plant quarantine ensuring implemented by;
- make decisions on decontamination, purification, removal of poisonous substances (degassing) and return of quarantineable products;
- confiscate and destroy quarantineable products;
- execute other powers envisaged by the legislation of the Republic of Tajikistan in plant quarantine ensuring.

Any pressure on authorized officials who execute state quarantine phytosanitary control with the aim of influencing their decision-making or hindering their activity is inadmissible and entails penalty envisaged by the legislation of the Republic of Tajikistan.

ARTICLE 16. Emblem and identification badge of State plant quarantine service of the Republic of Tajikistan

State plant quarantine service has its own emblem and identification badge.

The Statute on the flag and identification badge of the State plant quarantine service shall be approved by the Government of the Republic of Tajikistan.

ARTICLE 17. Sources of finance of State plant quarantine service of the Republic of Tajikistan

Sources of finance of State plant quarantine service of the Republic of Tajikistan are the following:

- state budget funds;
- service fees for plant quarantine ensuring carried out by agencies and institutions of State plant quarantine service;
- service fees paid by institutions, businessmen and citizens as reimbursement for extra expenditures of agencies and institutions of State plant quarantine service spend on quarantine phytosanitary arrangements;

- income from publishing activity related to plant quarantine ensuring;
- willing contributions and donations;
- other sources not prohibited by the legislation of the Republic of Tajikistan.

ARTICLE 18. Uniform of officials of State plant quarantine service of the Republic of Tajikistan

Officials of state plant quarantine service of the Republic of Tajikistan have a right to wear uniform approved by the Government of the Republic of Tajikistan.

CHAPTER IV. SETTLEMENT OF DISPUTES RELATED TO PLANT QUARANTINE ENSURING

ARTICLE 19. Agency responsible for settlement of disputes related to plant quarantine ensuring

Disputes related to plant quarantine ensuring shall be resolved by the Government of the Republic of Tajikistan, municipal official authorities, specially authorized state institution for plant quarantine ensuring and courts in accordance with the order established by the legislation of the Republic of Tajikistan.

ARTICLE 20. Settlement of disputes related to plant quarantine ensuring between the Republic of Tajikistan and other countries

Disputes related to plant quarantine ensuring between the Republic of Tajikistan and other states shall be resolved in accordance with ratified international treaties.

ARTICLE 21. The procedure for dispute settlement related to plant quarantine ensuring

Disputes related to plant quarantine ensuring are considered on the basis of submitted claim by one of the parties with all necessary documents enclosed, including a report of specially authorized state institution for plant quarantine ensuring of the Republic of Tajikistan, owners and holders of quarantineable products, results of assessment, laboratory analysis and examination of quarantineable products.

Decisions on disputes related to plant quarantine ensuring shall be executed by specially authorized state institution for plant quarantine ensuring of the Republic of Tajikistan.

An appeal against the decision on disputes related to plant quarantine ensuring shall not serve as a basis for suspension of execution of this decision.

ARTICLE 22. Settlement of property disputes related to plant quarantine ensuring

Property disputes related to plant quarantine ensuring shall be resolved by Court.

CHAPTER V. RESPONSIBILITY FOR VIOLATION OF THE LAW ON PLANT QUARANTINE

ARTICLE 23. Compensation of damage caused by violation of the Law on plant quarantine

Individuals and legal entities shall compensate the damage caused by violation of the Law on plant quarantine in the amount and order established by the civil legislation of the Republic of Tajikistan.

ARTICLE 24. Responsibility for violation of the Law on plant quarantine

Individuals and legal entities that violated the Law on plant quarantine shall be liable for such violation in accordance with the legislation of the Republic of Tajikistan.

CHAPTER VI. INTERNATIONAL COOPERATION IN PLANT QUARANTINE

ARTICLE 25. Principles of international cooperation in plant quarantine

The Republic of Tajikistan carries out international cooperation in plant quarantine shall be governed by principles of mutual security against import and spread of quarantine objects.

ARTICLE 26. Activity of international organizations and foreign citizens in plant quarantine ensuring on the territory of the Republic of Tajikistan

Activity of international organizations, foreign citizens, and persons without citizenship in plant quarantine ensuring on the territory of the Republic of Tajikistan shall be carried out in accordance with the legislation of the Republic of Tajikistan and international treaties ratified by the Republic of Tajikistan and shall be governed by plant quarantine ensuring.

The President
Of the Republic of Tajikistan

E. Rakhmonov

Dushanbe
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