

**The Cabinet of Ministers of the Republic of Azerbaijan
Resolution no 14**

25/01/2007

On approval of some normative legal acts in the area of phyto-sanitary control

For the purpose of ensuring the enactment of sub-clauses 1.10, 1.11, 1.19, 1.21, 1.23 and 1.24 of the Decree No 441 dated August 2, 2006, of the President of the Republic of Azerbaijan, “On Phyto-sanitary control”, the Cabinet of Ministers of the Republic of Azerbaijan hereby RESOLVES:

1.To approve Regulation “On the form of mandatory resolutions and decisions of the state phyto-sanitary inspectors, rules of drafting and issue thereof“, Regulation on the placement and activity of phyto-sanitary control stations”, “Regulations on creation and use of pesticide reserves, normatives with regard to pesticides’ reserves”, “Regulation on conducting of registration and accounting of pesticides, biological substances and agro-chemical substances”, “Regulations on conducting researches on planted territories and agricultural-chemical plots of land suitable for other agricultural households, issue of passports for agricultural chemical territories and rules of preparation of cartograms” and “Regulation on the unified statistic reporting forms of circulation of pesticides, biological substances and agricultural chemical substances, rules of submission thereof” (attached).

1. This resolution shall take effect from the day of signing.

Prime Minister of the Republic of Azerbaijan

A.Rasizade

*Approved by Resolution no 14 dated
January 25 2007 of the Cabinet of Ministers
of the Republic of Azerbaijan*

**Regulations
On the form of mandatory resolutions and decisions of the state
phyto-sanitary inspectors, rules of
drafting and issue thereof**

1. This Regulation is developed for the purpose of ensuring the enactment of sub-clause 1.10 of the Decree no 441 dated August 2, 2006 of the President of the Republic of Azerbaijan On Enforcement of the law of the Republic of Azerbaijan “On Phytosanitary Control” and shall determine the form of resolutions and decisions the implementation of which is mandatory for the state phyto sanitary inspectors, mechanisms of drafting and issue thereof.
2. When the state phytosanitary inspectors of local institutions of the State Phyto Sanitary Control Service near the Ministry of Agriculture of the Republic of Azerbaijan (hereinafter – the State Service) carry out phytosanitary control on the territory of facilities [objects] under quarantine which are under their supervision, they shall, within the limits of their powers, take resolutions and decisions (hereinafter – mandatory decisions) regarding the following issues; the implementation of such resolutions and decision shall be mandatory:
 - 2.1 conducting of phyto sanitary expertise and diagnostic, in the order specified by legislation, on the territory of facilities under quarantine which are under their supervision;
 - 2.2 disinfection of the facilities [objects] which are carriers of toxic organisms in respect of which quarantine is applied on agro-ecological systems;
 - 2.3 storage, disinfection, re-processing, confiscation or destruction, in the order specified by legislation, of plants and plant made products the hazard of which has been proved by the results of phyto-sanitary expertise or laboratory researches;
 - 2.4 confiscation or destruction of pesticides, biological substances which failed to pass registration in a relevant order, those which do not meet the requirements of standards and technical conditions, those the origin of which is unknown, false or low quality pesticides, biological substances, as well as those confiscation or destruction, in the order specified by legislation, of other plants protection means.
 - 2.5 When the plant protection measures are being carried out with a breach of current instructions and recommendations, technologies and agenda, suspension of these measures till full elimination of such deficiencies.
3. The following information shall be indicated in the drafted decision the implementation of which is mandatory:

Date and place where and when the mandatory decision is drafted;

First name, last name and patronymic of the state phyto-sanitary inspector who drafted the mandatory decision;

Taking of phytosanitary control measures;

Time and place of carrying out of phyto sanitary measures or time and place where the breach of phyto sanitary control legislation was discovered, as well as information on the significance of such breaches;

Other required information with regard to materials (production, cargo) under quarantine, as well as information with regard to breach of phyto sanitary control legislation.

4. The form of decision the implementation of which is mandatory [mandatory decision] shall be drafted in accordance with the samples indicated in attachments no 1-5 of this Regulation.
5. When drafting the mandatory decision, there shall be created an opportunity for the owner (carrier or other authorized person) of the materials (production, cargo) being under quarantine control, to the physical person or legal entity who/which is in breach of requirements of phyto sanitary control legislation to get acquainted with the decision.
6. The mandatory decision shall be drafted in 3 copies, the first copy shall be kept by the relevant local institution of the State Service where the state phytosanitary inspector who drafted the decision is employed, the second copy shall be kept by the owner (carrier or authorized person) of the material (production, cargo) under quarantine control or by the physical persons or legal entities who/which are in breach of the requirements of phytosanitary control legislation, the third copy shall be submitted to the State Service for information.
7. In case of non-compliance with the relevant normative legal acts in the area of phyto sanitary control, the legal entities and physical persons shall be notified in advance of such breaches in writing by the state phytosanitary inspector, whereas in case of repeated non-compliance there shall be taken a mandatory decision specified in paragraph 2 of this Regulation.
8. Physical persons and legal entities shall bear liability [responsibility] in accordance with current legislation for non-compliance with mandatory decisions of the state phytosanitary inspectors.
9. In case if said physical persons and legal entities do not agree with mentioned mandatory decisions of the state phytosanitary inspectors, they shall have the right to file a complaint in relevant order to the Ministry of Agriculture or relevant court of the Republic Azerbaijan.

Attachment no 1 to the Regulation on
**On the form of mandatory resolutions and decisions of the state
phyto-sanitary inspectors, rules of
drafting and issue thereof**

State Phyto Sanitary Service near the Ministry of Agriculture of the Republic of
Azerbaijan
On conducting of phytosanitary expertise and diagnostic on the territories of facilities
[objects] under phytosanitary control quarantine in the order specified by legislation

Decision No _____
(sample form) _____
_____ 200

I, _____
(first name, last name, patronymic)

State phyto sanitary inspector of the State Phytosanitary Control Service (name of the local institution of the State Phytosanitary Control Service) near the Ministry of Agriculture of the Republic of Azerbaijan, in course of carrying out of quarantine inspection in the order specified by existing legislation, have discovered, on the territory of facilities [object] under quarantine, the existence of risk of contraction with hazardous organisms and in accordance with article 11.2.2 of the law of the Republic of Azerbaijan “On Phytosanitary Control”, hereby decide:

To take a sample from the below indicated object under quarantine under phytosanitary control in the order specified by legislation for carrying out of phytosanitary expertise and diagnostic:

Type of object under quarantine under phytosanitary control _____
Origin _____
Certificate number, date _____
Designation place _____
Volume of taken sample (units, kg, gr.) _____

This sample is taken with participation of the owner (physical person or legal entities or authorized person) of facilities [object] under quarantine under phytosanitary control _____

First name, last name and patronymic of the owner (physical person or legal entities or authorized person) of hazardous object _____

Address and signature _____
Stamp

State phytosanitary inspector of the State Phytosanitary Control
Service _____
(Signature)

Attachment no 2 to
to the Regulation on

**On the form of mandatory resolutions and decisions of the state
phyto-sanitary inspectors, rules of
drafting and issue thereof**

**State Phytosanitary Control Service near the Ministry of Agriculture of the
Republic of Azerbaijan**
Decision No _____
(sample form)
_____ **200**

**On Disinfection of the objects, carriers of hazardous organisms, in respect of
which quarantine is applied in these agro-ecosystems**

I _____
(first name, last name, patronymic)

State phyto sanitary inspector of the State Phytosanitary Control Service (name of the local institution of the State Phytosanitary Control Service) near the Ministry of Agriculture of the Republic of Azerbaijan, in course of carrying out of quarantine inspection in the order specified by existing legislation, have discovered

_____,
(type of hazardous object under quarantine).

In accordance with article 11.2.3 of the law of the Republic of Azerbaijan “On Phytosanitary Control“ I decide:

To disinfect, within the period of 48 hours, by the fumigation team _____
(type of object)

which is the carrier of hazardous organisms to which the quarantine is applied in the agro-ecosystems.

Stamp

State phytosanitary inspector of the State Phytosanitary Control
Service _____
(Signature)