

LAW OF GEORGIA ON THE PROTECTION OF PLANTS FROM HARMFUL ORGANISMS

(Last amended as of 24 June 2005, #1785)

Article 1. General Provisions

1. Protection of plants from harmful organisms is a responsibility of the state and the whole people. It largely determines the ensuring of ecologically safe environment for the present and future generations, prevention of harmful effect of means of plant protection on human health, live organisms, water, atmospheric air, soil, entire life balance (in agricultural and natural ecological systems), and food supply of the population.

Article 2. Purpose of the Law

1. The purpose of the Law on Protection of Plants from Harmful Organisms is the following:
 - a) protection of cultivated plants, meadows, pastures and forests from harmful organisms (pests, diseases, weeds);
 - b) prevention of undesirable effect of use of means of plant protection that are harmful for human health, flora and fauna, the entire biosphere;
 - c) provision of the legal basis for activities for protection of plants and products of natural origin from harmful organisms;
 - d) ensuring fulfillment of the international and the national acts related to plant protection;
 - e) implementing state purpose-oriented programs on the prevention of the spread and development and liquidation of the quarantine and the especially harmful organisms.

Article 3. Plant Protection Service

1. The Plant Protection Service, including the central, regional state quarantine services and the state quarantine services of the autonomous republics provides arrangement of activities for plant protection and control thereof on the territory of Georgia.
2. The Plant Protection Service shall provide:
 - a) control over fulfillment of the Law on Protection of Plants and regulatory acts;
 - b) coordination of development of the state-level concept, perspective programs and forecast in the plant protection area;
 - c) phytosanitary diagnostics of agricultural land (regardless of the form ownership and use), forecast of spread of harmful organisms and control over performance of activities for fighting thereof;
 - d) cooperation of the Plant Protection service with international organizations;
 - e) promotion of scientific achievements and advanced technologies, determining an approximate demand for means of plant protection;
 - f) training of specialists and organization of scientific-research work in the plant protection area, control over circulation and utilization of the plant protection means;
 - g) providing consultations and information support to natural and legal person.
3. The activities envisaged by the Law on Protection of Plants shall be carried out in regions by the services specified in item 1 of this Article. They are authorized:
 - a) to require and ensure fulfillment of the provisions of the Law on Protection of Plants by all land owners and land users;
 - b) to notify all land owners and land users about the time of appearance, reproduction and development of harmful organisms;
 - c) to give instructions as to use of ecologically appropriate measures and means against them within the economic limits of harmfulness and with the observance of the "waiting period";
 - d) to establish control over disinfecting, disinsectization, deratization of soil, greenhouses, storage facilities and compliance with other recommended technological requirements.

Article 4. Quarantine Service

1. A system of state measures for internal and external plant quarantine, which purpose is to prevent penetration and spread of organisms harmful for plants in the Republic is operating on the territory of Georgia.

2. The State Quarantine Plant Service:
 - a) controls observance of the procedures of production, procurement, storage, transportation, sale and use of plant and other products;
 - b) timely identifies, limits the area of spread, fights weeds, pests and diseases of plants in the regions;
 - c) ensures performance of quarantine measures for plant protection by all enterprises, institutions and organizations (regardless of the form of ownership and organizational-legal form), as well as by citizens involved in production, transportation, storage and sale of plant products;
 - d) implements inspection of fitness of the seed and planting products and carries out their certification during export and import.

Article 5. Testing and Registration of Means of Plant Protection

1. Only preparation forms of pesticides and biological means of plant protection, made both in Georgia and outside it, that were given positive toxicological, hygienic and ecological assessments and showed high biological effectiveness are subject to registration.
2. The purpose of state tests of means of plant protection is to determine their effectiveness, extent of harmfulness for human health and the whole nature.
3. A list of registered preparations, plant growth regulators, physical and chemical properties thereof, regulations of use, and recommended technological means (machinery) is published by the relevant department on a regular basis.
4. The term of validity of registration may be either suspended or stopped in case of preparations manifesting new properties posing a threat to the environment and human health.

Article 6. Toxicological-Hygienic Assessment of Means of Plant Protection

1. Means of plant protection recommended for use are subject to toxicological and hygienic assessment. The rent quantity of toxic substances is considered in their use.
2. The purpose of toxicological and hygienic assessment of means of plant protection is to find out the content of permissible dose of toxic substances in food products and food for live-stock, as well as in nature, to avoid undesirable consequences for human health and environment.

Article 7. Use of Means of Plant Protection

1. Means of plant protection shall be used only if registered by an appropriate department and included in the list of permitted preparations.
2. Importation of registered means of plant protection shall be allowed only with permission of a relevant department for the research purpose.
3. Means of plant protection imported into the Republic for scientific-research and testing works for non-profit purposes, as well as for state testing shall be exempted from customs duty and other charges.

Article 8. Production, Storage, Transportation of Means of Plant Production

1. Production of only chemical and biological compounds and preparations forms of means of plant protection for which appropriate technical documents are approved shall be permitted.
2. Means of plant protection are allowed to be stored in facilities having a passport issued by a relevant department in compliance with the sanitary requirements and safety rules.
3. Transportation of means of plant protection is allowed only in containers and by means of transportation meeting the safety norms.

Article 9. Obligations of Land Users With Respect to Use of Means of Plant Protection

1. In use of pesticides, land user shall:
 - a) notify in advance the local population and relevant services about the time and place of plant treatment;
 - b) observe the norms, regulations and technology of use; transportation and storage of pesticides;

- c) follow the established rules of labor protection and safety rules, keep records of use, transportation and storage of pesticides.

Article 9¹. Obligations of physical and legal persons in the plant protection area

When yielding and selling farm products, the physical and legal person shall be obliged:

- a) To prevent the contamination of plant products and the environment with pesticides, their adverse impact on the human and animal organisms;
- b) To effect recommended measures for preventing the mass development and spread on the adjacent territory of the harmful plant organisms being dangerous to the health of plants, animals and the men.

Article 10. Prohibition in Use of Means of Plant Protection

1. On the territory of Georgia, the following is prohibited:

- a) use of means of plant protection (chemical weed-killers and pest-killers) in the area of water collection facilities, water reservoirs, main water supply facilities of inhabited localities and other special zones established by the law;
- b) use of agricultural produce with pesticide residue content exceeding the permitted norm. and importation thereof;
- c) importation and use of non-registered means of plant protection;
- d) use of infected and untreated seeds, seedlings and expired means of plant protection;
- e) production and transportation of non-registered means of plant protection;
- f) use of technology (machinery) not meeting the requirements specified in the relevant documents and not being equipped with control devices to determine operation quality;
- g) importation and sale of seed and substrates which contain plant protection means (active substances) not registered in Georgia or which do not comply with the composition and action of the means registered in Georgia.

Article 11. Control over Use of Means of Plant Protection

The Plant Protection Service provides control over the general situation concerning plant protection on the territory of Georgia.

Article 12. Responsibility for Violation of the Law on the Protection of Plants from Harmful Organisms

The violation of the provisions of the Law of Georgia "On the Protection of Plants from Harmful Organisms" shall entail responsibility in accordance with the current legislation.

Article 12¹. Rights of persons exercising state phytosanitary supervision

1. State inspectors of the Plant Protection Service shall be responsible for exercising the state phytosanitary supervision.

2. The persons exercising the state phytosanitary supervision shall have the right:

- a) In accordance with the procedure established by Georgian legislation, to inspect the phytosanitary state of agricultural lands, farm products, pesticide storehouses, seed stores, land parcels, to implement a complex of measures to fight harmful organisms, to comply with the set regulations of storage, transportation, manufacture/packaging, sale, and utilization of plant protection means;
- b) To receive from natural and legal persons information concerning the phytosanitary condition of crops and perennial plants, forests, hayfields and pastures, and the planting stock, as well as the measures taken;
- c) In case instructions, recommendations, technologies and regulations are violated, to suspend the plant protection work as prescribed by the Georgian legislation;
- d) For the purpose of control, to take samples of the plant products and soil to determine the remaining content of pesticides therein, of the pesticides, biological and other agents, treated seed to determine their quality in compliance with the state standards.

Article 13. International Agreements

If an international agreement which the Republic of Georgia a party to established the rules of protection of plants from harmful organisms other than those established by the Georgian legislation, the rules provided for in the international agreement shall be used.

Article 14. Definition of the Terms Used in the Law

1. *Pesticides* - means of plants protection of chemical, biological or plant nature.
2. *Waiting period* - a time period between the last treatment with pesticides and harvesting, expressed in days.
3. *Economic limit of harmfulness* - intensity of spread of harmful organisms or extent of damage of plant when plant protection measures are economically and ecologically justified.
4. *Disinfecting, disinsectization and deratization* - measures to fight diseases, pests and rodents, respectively, in storage facilities, greenhouses.
5. *State phytosanitary control* – activities of the Plant Protection Service targeted to the identification and prevention of a mass spread of pests, diseases and weeds, the revealing of violations in the plant protection measures, in accordance with the Georgian legislation.
6. *State phytosanitary supervision* – the identification and establishment of the mass spread causes upon revealing of harmful organisms, the exercise of control over the meeting of agricultural crops' protection recommendations, the observance of the requirements of the regulations concerning the taking of plant protection measures and use of plant protection agents.

Article 15. Transitional provisions

1. The control measures specified under this Law shall, before January 1, 2006, be applied only upon importation of products to Georgia if the facts of plant diseases from harmful organisms in the country of origin of the products are known.
2. The Georgian government shall, based on information of the respective international organizations, ensure regular publication of a list of the countries unreliable because of the spread of plant diseases from harmful organisms, in accordance with making amendments to the said list.

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EDUARD SHEVARDNADZE

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VAKHTANG GOGUADZE

Tbilisi, 12 October 1994