

Law of Georgia on Agricultural Quarantine

(Last amended on 24 June 2005).

This Law regulates the measures of agricultural quarantine on the territory of Georgia and the principles of their implementation. It is directed to maintenance of such normative by the state and local governments as well as legal and physical persons.

Part 1 General Provisions

Article 1. Definitions.

The terminology used in present Law has the following meaning:

- a. "Quarantine" is a system of restrictive measures to prevent the spread of plant, animal and human diseases and pests;
- b. "Quarantine zone" is a territory, where the quarantine measures apply;
- c. "Agricultural quarantine" is the state system of phytosanitary and veterinary quarantine measures;
- d. "Phytosanitary quarantine" is the system of state quarantine measures preventing entry and spread of plant organisms subject to quarantine;
- e. "Veterinary quarantine" is the system of state quarantine measures preventing entry and spread of human and animal diseases;
- f. "Subjects of phytosanitary quarantine" are pests, agents causing plant disease;
- g. "Subjects of veterinary quarantine" are diseased or suspect animals, birds, fish, bees; areas of their maintenance; infected or suspected products, raw materials of animal origin; other products, raw materials, and cargo subject to veterinary inspection;
- h. "Products, raw materials and entities subject to phytosanitary quarantine" are products, raw materials and entities that might facilitate spread of the organisms subject to quarantine;
- i. "Products, raw materials and entities subject to veterinary quarantine" are live organisms, products, cargoes, materials and entities that can facilitate the spread of contagious diseases;
- j. "Plant" is a plant and its parts, including the seeds;
- k. "Harmful organisms" are agents of plant, animal or other pathological origin that are harmful for plants and their products; animals, birds and their products turning them into contiguous entities.

Article 2. Legislative Framework.

1. Phytosanitary quarantine is undertaken in conformity with the present Law, the Law of Georgia on Protection of Plants from Harmful Organisms, and other normative acts.
2. Veterinary quarantine is undertaken in conformity with the present Law, the Law of Georgia on Veterinary Activities, other veterinary legislation and normative acts.

Article 3. Objectives of Agricultural Quarantine.

1. The main objectives of the phytosanitary quarantine are:
 - a. Prevention of the entry and spread of diseases and pests from other countries;
 - b. Timely discovery of diseases and pests, their eradication, and supervision of the measures to do so;
 - c. Establishment of state control on the implementation of quarantine rules in production, transportation, storage, processing and sale of agricultural goods.

1. Main objectives of the veterinary quarantine are:

- a. Prevention of the entry and spread of human and animal diseases from other countries;
- b. Timely discovery of human and animal diseases, localization of the centers of infection and their eradication;
- c. Establishment of state veterinary control over the utilization of the quarantine rules on animals, birds, fish and other living organisms; production, storage, processing, transportation and sale of commodities and inputs of animal origin and other products and materials subject to veterinary control.

Article 4. Quarantine Service Fees.

The quarantine services are subject to fees. Its structure and amount are determined in accordance with the Law of Georgia on Fees for Quarantine Services. (7 May 2003)

Part II Agricultural Quarantine State Services

Article 5. State Services Implementing Agricultural Quarantine.

1. Agricultural quarantines are implemented and monitored by the appropriate subdivisions of the Ministry of Agriculture and Food. Their activities are defined in the present Law, the Law of Georgia on Protection of Plants from Harmful Organisms, the Law of Georgia on Veterinary Activities and other normative acts.
2. The border phytosanitary and veterinary quarantine services in the Autonomous Republics of Abkhazia and Ajara should report to the appropriate central services at the Ministry of Agriculture and Food of Georgia.

Article 6. Scope of Work of the Agricultural Quarantine Services.

1. The State Phytosanitary Quarantine Service should:
 - a. Outline the list of the quarantine objects, determine the nomenclature of already spread and unspread diseases and pests, elaborate rules and procedures for the phytosanitary quarantine;
 - b. Conduct phytosanitary quarantine inspection and laboratory testing on the entry and exit of commodities subject to quarantine, including inspection of plants, mail transactions, hand luggage, bottled and packed products and means of transportation;
 - c. Administer inspection of the plots under seedling, sort testing, selection bases, hot-houses that produce and disseminate (sell) seeds, seedlings, etc., and import seeds and sowing materials from abroad;
 - d. Control implementation of the normative acts regulating the sphere;
 - e. Represent Georgia's interests in the international phytosanitary organizations.
1. The appropriate unit of the Ministry of Agriculture and Food has the right to quarantine seeds, seedlings and other materials, production and entities subject to quarantine, and the right of issuing the phytosanitary certificate, as defined by the Law of Georgia on Protection of Plants from Harmful Organisms.
2. The Law of Georgia on Veterinary Activities, veterinary legislation and relevant normative acts define the scope of work of the State Service for Veterinary Quarantine.

Article 7. Entities Subject to Agricultural Quarantine.

1. The following entities are subject to phytosanitary quarantine:
 - a. Seeds and sowing materials of agricultural, forestry and decorative crops, plants and their parts, food and commodities of plant origin that can become carriers of quarantined organisms;
 - b. Fungi and their cultures, bacteria, viruses, nematodes, mites and insects;

- c. Collections of insects, disease sources and samples, as well as collections of herbs and seeds;
- d. Means of transportation entering the country from abroad;
- e. Agricultural equipment, bottling and packaging materials, industrial products, plant crafts that can facilitate spread of the quarantine organisms, as well as rocks and soil samples;
- f. Territories and buildings of the organizations producing, processing, storing and selling commodities of plant origin, agricultural and forestry crops, household plots, and non-agricultural land.

1. The Law of Georgia on Veterinary Activities, veterinary legislation and relevant normative acts define the list of the entities subject to the inspection of the State Service for Veterinary Quarantine.

Part III State Border Agricultural Quarantine Control

Article 8. The State Phytosanitary Border-Quarantine Control.

1. The Phytosanitary Service, in cooperation with the Customs Service, should administer state phytosanitary border-quarantine measures at the seaports, airports, and highway border crossings within the area of the border control at the border checkpoints.
2. Import of the commodities of plant origin and other entities subject to quarantine is possible after producing a certificate on the condition of the commodity subject to quarantine issued by the relevant division of the Ministry of Agriculture and Food of Georgia and the phytosanitary certificate issued by the quarantine service of the exporting country.
3. Import of the commodities subject to quarantine from the countries that do not have phytosanitary quarantine services and therefore, a phytosanitary certificate should obtain permission from the appropriate unit of the Ministry of Agriculture and Food of Georgia as defined by the Law of Georgia on Protection of Plants from Harmful Organisms.
4. In case of transit and re-export of the commodities and cargoes subject to quarantine the exporter should produce a phytosanitary certificate of the exporting country and a quarantine permission issued by the Phytosanitary Quarantine State Service of Georgia.
5. Commodities and means of transport entering the territory of Georgia are subject to mandatory phytosanitary border inspection and, if necessary, to laboratory testing and eradication of diseases.
6. Commodities with recovered quarantine organisms should be turned back or destroyed. In case such eradication is impossible, the commodities should be processed and sold or disposed of at the owner's expense, supported by the relevant documentation.

Article 9. State Veterinary Border-Quarantine Control.

The Veterinary Department of the Ministry of Agriculture and Food of Georgia, in cooperation with the Customs Service, should administer state veterinary border-quarantine measures at the seaports, airports, and highway border crossings within the area of the border control at the border checkpoints as defined by the Law of Georgia on Veterinary Activities.

Part IV Administration of the Agricultural Quarantine on the Territory of Georgia

Article 10. Internal Quarantine Measures of the State Phytosanitary Service.

1. In case of discovering organisms subject to quarantine a defined territory is declared a quarantine zone

2. The entry/exit of the means of transport, commodities subject to quarantine to/from the area under quarantine regime is prohibited. The elimination of the disease, processing and eradication measures are administered within the zone after adequate documentation is drawn up.
3. Phytosanitary Quarantine Inspectors should return, hand over to the relevant processing enterprise or destroy entities subject to quarantine illegally taken from the quarantine zone. Relevant documentation should register such acts.
4. Local Administrations should declare phytosanitary quarantine as requested by the State Phytosanitary Service. Having administered the quarantine measures and eradicated the disease, the quarantine should be removed and appropriate notification should be sent to the State Sanitary Administration.

Article 11. Internal Quarantine Measures of the State Veterinary Service.

The veterinary quarantine measures are administered by the Veterinary Department of the Ministry of Agriculture and Food of Georgia in cooperation with the Veterinary departments of Autonomous Republics of Abkhazia and Ajara, other entities under its supervision, and the Veterinary Police under the Internal Affairs Administrative Police Department. State Budget funding for the Veterinary Police are allocated to the Veterinary Department under the category "epizootic expenses." The Law of Georgia on Veterinary Activities, veterinary legislation and relevant normative acts define quarantine measures. The Veterinary Department should inform the State Sanitary Administration when a quarantine is declared.

Part V Penalties for Violation of this Law

Article 12. Penalties for Violation of the Conditions of Phytosanitary and Veterinary Quarantine.

Penalties for violation of the Law of Georgia on Agricultural Quarantine are defined by the legislation of Georgia.

Part VI Transitional and Concluding Provisions

Article 13. Transitional Provisions

1. The control measures envisaged by this Law shall cover only bringing products to the territory of Georgia prior to 1 January 2006, if established that in the country of origin of goods, are observed:

a) facts of plant disease from harmful organisms.

b) epidemic and epizootic.

2. The Government of Georgia, on the grounds of information obtained from relevant international organizations, shall provide systematic publication of a list of malus countries where epidemic and epizootic, also plant diseases caused by harmful organisms are observed, taking into consideration amendments made to the above list. *(24 June 2005).*

Article 14. Effecting the Law.

This Law shall be effective upon publication.

President of Georgia
Eduard Shevardnadze
Tbilisi, 15 May, 1997 N716-IIS