

MYANMAR

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PLANT PEST QUARANTINE LAW

State Law and Order Restoration Council Law No. 8/93 (16 June 1993)

The State Law and Order Restoration Council hereby enacts the following Law:

CHAPTER I TITLE AND DEFINITION




1. This Law shall be called the **Plant Pest Quarantine Law**.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - **Plant** means the cultivable plant and propagative parts thereof. Such expression also includes seed, tuber, corm, bulb, root or stem part of the plant;
 - **Plant Product** means any unprocessed material of plant origin or even though processed which by the nature and that of the processing method may create a risk for the spread of pests. Such expression also includes tuber, corm, bulb, grain, fruit or vegetable for consumption;
 - **Non-plant Product** means any material which is not a product of plant and which is contaminated with pest constituting risk of spread. This expression also includes imported materials which have been prescribed for the purpose of this Law by the Ministry for inspection;
 - **Pest** means insects, arachnids, rats, moles, snails, weeds that destroy crops, food or commodities or those interfering with human being or animal. Such expression also includes other pests that cause plant disease and living organisms prescribed by the Myanma Agriculture Service;
 - **Quarantine Pest** means pest dangerous to plant but not yet in existence in Myanmar and even those in existence but not widely spread yet that needs to be controlled;
 - **Beneficial Organism** means an organism which benefits the agriculture by causing disease to or parasitize its eggs or by predateding the pest. Such expression also includes insects, arachnids, fungi, bacteria, viruses, nematodes and various kinds of edible mushrooms which in one way or another benefits agriculture and other organisms prescribed by the Myanma Agriculture Service;
 - **Transit Camp** means a camp being stationed for the purpose of temporary storage of plant, plant product, pest, beneficial organism or soil from the arriving carrier to Myanmar before being transferred to the outgoing carrier destined to any foreign country;
 - **Import Certificate** means the certificate issued by the Myanma Agriculture Service for the purpose of importing from abroad, plant, plant product, pest, beneficial organism or soil;
 - **Phytosanitary Certificate** means an internationally recognized certificate issued by the Myanma Agriculture Service after phytosanitary inspection in accordance with the model prescribed in the 1951 International Plant Protection Convention.
 - **Ministry** means the Ministry of Agriculture;

- **Minister** means the Minister for the Ministry of Agriculture;
- **Managing Director** means the Managing Director of the Myanmar Agriculture Service.

CHAPTER II OBJECTIVES

3. This Law shall be implemented in accordance with the objectives given hereunder:
 - a. to prevent quarantine pests from entering into Myanmar by any means;
 - b. to suppress effectively the spread of quarantine pests;
 - c. to carry out, if necessary, disinfestation, disinfection treatment of plant or plant product to be exported and the issuance of phytosanitary certificate;

CHAPTER III IMPORT AND EXPORT

4. Plant, plant product, pest, beneficial organism or soil:
 - a. shall be imported by a person on application for an **import certificate from the Myanmar Agriculture Service** before obtaining licence or permit from the department or organization concerned; 
 - b. when on arrival by importing or when brought personally shall be subject to inspection by the Myanmar Agriculture Service; 
 - c. shall be subject to payment of fees as prescribed for import certificate and to payment of inspection fees by the person who imports or brings along with him. 
5. A person, who has been permitted to export plant or plant product, if desirous of obtaining phytosanitary certificate or disinfestation or disinfection treatment may apply to the Myanmar Agriculture Service after payment of the prescribed fees.
6. In re-exporting plant, plant product, pest, beneficial organism or soil through transit camp to abroad:
 - a. the Myanmar Agriculture Service has the right to inspect;
 - b. if quarantine pests are found while inspecting under sub-section a, the Myanmar Agriculture Service has the right to carry out disinfestation or disinfection treatment. The person so concerned shall incur the costs;
 - c. if desirous of obtaining phytosanitary certificate, application may be made to the Myanmar Agriculture Service after payment of the prescribed fees.

CHAPTER IV INSPECTION CAMPS

7. In order to carry out inspection works under this Law, the Myanmar Agriculture Service shall establish inspection camps at the following places:
 - a. Yangon International Airport;
 - b. Yangon Port;
 - c. Myanmar Posts and Telecommunications; Foreign Mail Service;
 - d. Transit Camp.

8. The Ministry may extend the establishment of pest inspection camps.

CHAPTER V
THE DUTIES AND POWERS OF THE MANAGING DIRECTOR

9. The duties and Powers of the Managing Director are as follows:
- a. prescribing methods of inspection in respect of plant, plant product, pest, beneficial organism, non-plant product or soil imported from abroad as to whether they are infested or infected with quarantine pests;
 - b. prescribing conditions relating to the temporary custody in the transit camp, transferring from one vehicle to another of plant, plant product, pest, beneficial organism or soil for re-export;
 - c. prescribing necessary measures for inspection in accordance with the requirements of the receiving country in respect of plant, plant product, pest, beneficial organism or soil for re-export;
 - d. prescribing necessary measures for the effective suppression of quarantine pest in case of outbreak of such pests in the country;
 - e. permitting or refusing after scrutinizing the applications for import certificate made in respect of plant, plant product, pest, beneficial organism or soil;
 - f. making arrangements for carrying out disinfestation or disinfection treatments;
 - g. permitting or refusing after scrutinizing the applications for phytosanitary certificate;
 - h. issuing order preventing the transportation from one place to another within the country of plant, plant product, pest, beneficial organism or soil that is infested or infected with quarantine pest;
 - i. imposing administrative penalty;
 - j. carrying out duties as are assigned by the Minister.
10. The Managing Director:
- a. shall assign the duty of Inspector General and Inspectors to the suitable personnel from the Myanmar Agriculture Service;
 - b. shall prescribe the duties and powers of the Inspector General and the Inspectors;
 - c. may assign his powers to the Inspector General or any officer of the Myanmar Agriculture Service;
 - d. may assign on suitable officers of the Myanmar Agriculture Service the power to impose administrative penalty.

CHAPTER VI
PROHIBITION AND PENALTY

11. No person shall, without obtaining the import certificate, import plant, plant product, pest, beneficial organism or soil.
12. No person, who imports plant, plant product, pest, beneficial organism or soil with import certificate or who brings along with him from abroad, shall fail to submit to inspection and control of the Myanmar Agriculture Service.
13. An importer of non-plant product which has been prescribed by the Myanmar Agriculture Service for inspection shall not fail to submit to inspection.

14. No person shall, knowingly transport from one place to another within the country, plant, plant product, beneficial organism or soil which has been declared to be infested or infected with quarantine pest by the Myanmar Agriculture Service.

15. No person shall violate any provision of the rules, procedures, made under this Law.

16. A person who violates any of the provisions contained in section 11 or section 12 shall be liable to the following administrative penalty:

- a. in the case of a first offence, imposition of a fine which may extend from a minimum of kyats 1,000 to a maximum of kyats 5,000;
- b. in the case of a subsequent offence, imposition of a fine which may extend from a minimum of kyats 5,000 to a maximum of kyats 10,000.

17. A person who violates the provisions contained in section 13, section 14 or section 15 shall be liable to the following administrative penalty:

- a. in the case of a first offence, imposition of a fine which may extend from a minimum of kyats 500 to a maximum of kyats 3,000;
- b. in the case of a subsequent offence, imposition of a fine which may extend a minimum of kyats 3,000 to a maximum of kyats 5,000.

18. In respect of the administrative penalty imposed under section 16 or section 17 may require the exhibits involved in the offence to be destroyed or after payment of prescribed fee may require them to be disinfested or disinfected.

CHAPTER VII APPEAL

19. A person dissatisfied with the order or decision made by the Managing Director under this Law may appeal to the Minister within 60 days from the date such order or decision was made.

20. The decision of the Minister shall be final.

CHAPTER VIII MISCELLANEOUS

21. The respective government department or government organization shall, in respect of plant, plant product, pest, beneficial organism, soil or non-plant product on arrival from abroad:

- a. promptly inform the Myanmar Agriculture Service for inspection;
- b. permit an importer to take delivery only when it has been found to be free from pest on inspection by the Myanmar Agriculture Service.

22. The inspection work under this Law shall be done:

- a. without affecting the smooth and steady flow of trade;
- b. without delay in inspection.

23. Any organization recognised by the Pesticide Registration Board formed under the Pesticide Law may carry out the disinfestation or disinfection treatment under this Law.
24. The Ministry may exempt any government department or government organization from complying with any of the provisions of this Law apart from the inspection of plant, plant product, pest or soil.
25. The government department or the government organization that is authorized to issue import licence or permit in respect of plant, plant product, pest, beneficial organism or soil imported from abroad may issue the licence or permit only on submission of the import certificate granted by Myanmar Agriculture Service.
26. The Myanmar Agriculture Service may recover the fine payable under this Law as if it were arrears of land revenue.
27. For the purpose of carrying out the provisions of this Law:
- a. the Ministry may, issue rules and procedures as may be necessary, with the approval of the government;
 - b. the Ministry and the Myanmar Agriculture Service may issue orders and directives as may be necessary.
28. The Insects and Pests Act, 1914 is hereby repealed.

(signed) Than Shwe
Senior General
Chairman, The State Law and Order Restoration Council