

# **THE REPUBLIC OF NORTH MACEDONIA**

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## **LAW ON PLANT HEALTH**

### **I. GENERAL PROVISIONS**

#### **Article 1 Contents**

This law shall regulate the plants health, measures and obligations regarding the emergence of harmful organisms among plants, plant products and other objects, prevention from their entry and spreading, measures for eradication, biological measures for plant protection, access to and exchange of information and information system, expenditures and compensations, competence of the organs, authorised services, organs and bodies in the area of plant health, as well as other issues in the area of plant health.

#### **Article 2 Objectives**

The objectives of the Law shall include:

- protection of plants and plant products against harmful organisms;
- preventing entry and spreading of harmful organisms and providing their eradication using measures for protection of plants, plant products and other objects;
- detection and determination of harmful organisms;
- enabling optimal production of grown plants and trade with them;
- environment protection through monitoring of harmful organisms, establishing biological measures for protection of plants, integral protection and implementation of monitoring and prognosis;
- directing and monitoring of the development of plant health and
- providing appropriate education and information of the citizens for the purpose of raising public awareness of the plants health.

#### **Article 3 Definitions**

Certain terms, which are used in this Law shall have the following meaning:

1. Plants health is protection of plants, plant products and other objects against harmful organisms given in the lists of this Law, detection, determination, monitoring and prevention of the emergence and spreading, as well as their eradication using phytosanitary measures;
2. Plants are plants and living part of plants, including the seed.

Living parts of plants are:

- fruit, in botanical sense, which has not been preserved with deep freezing,
- vegetable, in botanical sense, which has not be preserved with deep freezing,
- tubers, bulbs, rhizomes and other underground parts for reproduction;
- cut flower,

- branches and leafs,
  - buds, graft branch, scions and pipings (cutting)
  - cutted trees with leafs,
  - plant tissue culture and
  - seed in botanical sense, intended for seeding.
3. Plant products are products from vegetable origin, unprocessed or simply processed, if they are not the plants defined in item 2 of this Article.

Plant products are also wood material, if it has kept all or part of its natural cylindrical shape, with or without bark, or if it has a form of a chunk, particles, sawdust, pieces or waste, and if it is used as wood for fixing of a load, wood placed between the load as separator, load platforms or packaging, which is used upon transport of objects from any kind, provided that it represents a risk for the plant health;

4. Other objects are field, forests, protected premises, storing premises, packing, means of transport, containers, boxes, soil or any other organism, object or material in contact with plants and plant products, and which may contain or carry harmful organisms and which is believed that requires phytosanitary measures;
5. Planting is an operation for placing the plants on a fixed place in order to provide their growing, reproduction or propagating;
6. Plants intended for seeding are:
- plants which have not been yet planted, but are intended for further plantation and
  - plants which are being planted, have been planted or will be replanted;
7. Harmful organisms are organisms belonging to the animal or plant world, viruses, mycoplasmas or other pathogenic organisms, harmful for plants and plant products;
8. Consignment is the quantity of plants, plant products and other objects being transported;
9. Phytosanitary measure is every act or procedure being implemented in accordance with this Law, in order to prevent entry and/or spreading of harmful organisms;
10. Country of origin is a country where plants have been grown and from where plant products have been received;
11. Movement is every movement of plants, plant products or other objects on the territory of the Republic of Macedonia, except the movement within the frames of the production place;
12. Production place is the entire property, part of the property or grouped properties, which represent production unit with all auxiliary objects, machines and equipment;
13. Import is an entry of consignments in the customs area of the Republic of Macedonia, regardless the fact for what purpose the entry of plants, plant products and other object was allowed in accordance with customs regulations, except upon transit;
14. Entry of harmful organisms shall mean every entry of harmful organism in the area where it has not been yet present or is present, but in limited extent;
15. Export is transport of consignments outside the customs area of the Republic of Macedonia, including the reexport and the temporary export;
16. Transit is transfer of consignments through the customs area in the Republic of Macedonia under customs control;
17. Phytosanitary certificate is a document which confirms the health condition of the consignment

issued by the phytosanitary service for the plant health of the country of origin;

18. Phytosanitary certificate for reexport is a document which certifies the health condition of the consignment issued by the phytosanitary service for the plant health of the country where the consignment is being imported and/or has been transhipped, stored, repacked or divided and which will accompany the consignment being reexported;
19. Plant passport is a document which certifies that plants, plant products and other objects moving on the territory of the Republic of Macedonia meet the requirements for the health condition of plants regulated by this Law;
20. Holder of the right of property of plants, plant products and other objects (hereinafter referred to as: owner) is physical or legal entity, which is their owner, and/or is engaged with production, processing, management, sale or other use;
21. Competent body is body of the state administration authorised for providing plant health in accordance with this Law (hereinafter referred to as: Phytosanitary Directorate);
22. Public service is an activity for conducting activities in the area of monitoring, forecast of harmful organisms and other activities in the area of plant health stated in Article 59, paragraph 2 of this Law;
23. Public services providers are public institutions or other legal and physical entities authorised to provide public services in the area of health plant;
24. Public authorisation is an authorisation granted to legal and physical persons meeting the requirements for providing public service in the area of health plant regulated by this Law by the Ministry of agriculture, forestry and water economy;
25. Monitoring of harmful organisms is official process upon which data is collected and recorded for the presence or absence of harmful organisms on the basis of phytosanitary inspection, monitoring of the health condition, systematic examination and other procedures on the basis of other available resources;
26. Phytosanitary inspection is examination of plants, plant products or other objects upon import, export, transit, reexport, production place and all other internal phytosanitary examinations in order to determine presence or absence of harmful organisms and inspection supervision over the implementation and application of the provisions of this Law;
27. Phytosanitary monitoring of the plant health is regular monitoring of harmful organisms for the purposes of providing health of plants and plant products and
28. Official sample is sample taken by phytosanitary inspectors and/or an authorised person in accordance with this Law.
29. Import from other countries shall mean import of consignments in the customs area of the Republic of Macedonia with the exception of transit.

#### **Article 4** **Providing plants health**

Plants as goods of common interest for the Republic have special protection regulated by this Law.

Plants health is right and responsibility of the Republic of Macedonia, Ministry of agriculture, forestry and water economy, Phytosanitary directorate, State phytosanitary laboratory, public services providers, organs and bodies, as well as of the owners.

## **Article 5**

### **Obligations of the Phytosanitary directorate, public service providers and State phytosanitary laboratory**

Phytosanitary directorate has an obligation to organise, control and implement prevention against entry and spreading of harmful organisms and their eradication, biological measures for plant protection, integral protection, to monitor and project harmful organisms, collect, use and exchange data and information in the area of plant health.

Phytosanitary directorate and public service providers cooperate upon the implementation of the monitoring of the health of plants, plant products and other objects for the purposes of determination and information on the emergence or spreading of harmful organisms and their eradication.

Public services providers shall inform the phytosanitary inspector and/or Phytosanitary directorate without delay on all new or unexpected emergences of harmful organisms included in List I part A section 1 and 2 and List II part A section 1 and 2 of Article 7 paragraph 2 item 1 of this Law.

Phytosanitary directorate in cooperation with public services providers conduct measures and tasks in the area of monitoring and forecast of harmful organisms and other technical activities in the area of plant health.

State phytosanitary laboratory cooperates with the Phytosanitary directorate and public services providers for diagnose and determination of harmful organisms and other researches and proposal of measures.

Matters stated in paragraphs 1, 2, 3, 4 and 5 of this Article shall be established and implemented by annual programme for monitoring, forecasting, diagnosing, determining, eradication of harmful organisms and for undertaking measures of eradication and uprooting of extremely harmful organisms, which has been adopted by the Government of the Republic of Macedonia on a proposal of the Minister of agriculture, forestry and water economy.

## **Article 6**

### **Obligations of the owner and other persons**

Owner must control the plants grown by him/her, plant products and other facilities and objects which he/she owns or uses or threats in other way in order to detect emergence or spreading of harmful organisms.

Owner must immediately inform the phytosanitary inspector and/or public services providers, which inform the Phytosanitary directorate on all new or unexpected emergences of harmful organisms included in List I, part A, section 1 and 2 and List II, part A, section 1 and 2. Owner must undertake measures regulated by the Minister of agriculture, forestry and water economy for prevention of the spreading of harmful organisms and their eradication.

If the owner did not implement measures from paragraph 2 of this Article, phytosanitary inspector imposes their implementation at the expense of the owner.

All other persons, which due to the character of their work, suspicion or have noticed new or unexpected emergence of harmful organisms, shall be obliged to inform the phytosanitary inspector and/or Phytosanitary directorate in accordance with this Law.

5) Owners in the area of forestry shall be obliged to act in accordance with the provisions of this Law and the provisions adopted based on this Law, as well as the Law on forests and the provisions adopted based on this Law.

## **II. PREVENTION OF ENTRY AND SPREADING HARMFUL ORGANISMS AND THEIR ERADICATION FOR THE PURPOSES OF PLANTS HEALTH**

### **1. GENERAL PROVISIONS**

#### **A) Harmful organisms, plants, plant products and other objects**

##### **Article 7**

##### **Lists of harmful organisms**

Harmful organisms are given in lists according to the risk for the plants health and survival of certain species of plants and in relation to the risk of economic damage which they may cause. In order to prevent the entry and spreading of harmful organisms, permanent monitoring and application of measures should be implemented.

Harmful organisms, which are considered as extremely harmful and whose import and spreading in the Republic of Macedonia is forbidden, shall be classified in the following lists:

1. List I, part A, section 1 and 2 and List II, part A, section 1 and 2 referring to the entire territory of the Republic of Macedonia and
2. List I, part B and List II, part B referring to certain protected zones in the Republic of Macedonia.

Lists from paragraph 2 of this Article shall be regulated by the Minister of agriculture, forestry and water economy and shall be published in the "Official Gazette of the Republic of Macedonia.

##### **Article 8**

##### **Lists of plants, plant products and other objects**

1) Species of plants, plant products and other objects, which may contain or which may be carriers of harmful organisms stated in Article 7, paragraph 2 of this Law and represent a risk for the plants health shall be classified in the following lists:

- List III, part A referring to the prohibition of import of plants, plant products and other objects in the Republic of Macedonia;
- List III, part B referring to the prohibition of import of plants, plant products and other objects prohibited in certain protected areas in the Republic of Macedonia;
- List IV, part A referring to certain phytosanitary requirements, which must be met as a condition for import and movement of plants, plant products and other objects on the entire territory of the Republic of Macedonia and section 1 and 2 plants, plant products and others objects and objects originating in other countries; ~~plants, plant products and other objects with origin from other countries;~~
- List IV, part B referring to special phytosanitary requirements which must be met as a condition for import or movement of plants, plant products and other objects on the territory of protected areas in the Republic of Macedonia in relation to which the protected area is defined;
- List V referring to plants, plant products and other objects, which must be subject of phytosanitary inspection of the plant health on the place of production and origin before their movement in the Republic of Macedonia, which contains:
  - a) List V, part A referring to plants, plant products and other objects, which must be examined at the place of production before they start to move in the Republic of Macedonia, which contains:
    - List A, part A, section 1 referring to plants, plant products and other objects, which are potential carriers of harmful organisms of importance for the Republic of Macedonia, and which must be accompanied by plant passport;

- List V, part A, section 2 referring to plants, plant products and other objects, which are potential carriers of harmful organisms of importance for certain protected zone, and which must be accompanied with plant passport referring to the protected zone where import or transport is being performed;
- b) List V, part B referring to plants, plant products and other objects that must be examined upon the import from other countries, which contains:
  - List V, part B ~~A~~, section 1 referring to plants, plant products and other objects, which are potential carriers of harmful organisms upon the import in the Republic of Macedonia;
  - List V, part B, section 2 referring to plants, plant products and other objects, which are potential carriers of harmful organisms with importance for certain protected zones and
  - List VI referring to plants and plant products for which special arrangement may be regulated.

2) Lists from paragraph 1 of this Article shall be regulated by the Minister of agriculture, forestry and water economy and shall be published in the “Official Gazette of the Republic of Macedonia.

### **Article 9 Emergence of harmful organisms**

If the harmful organisms stated in List I, part A and List II, part A shall appear on the territory of the Republic of Macedonia or harmful organisms stated in List I, part B and List II, part B shall appear in certain protected zones or symptoms of plants, plant products and other articles and facilities shall appear and/or there is a doubt for the existence of harmful organisms stated in List I, part A, List II, part A, List I, part B and List II ~~I~~, part B, the owner must immediately inform the Phytosanitary directorate.

The owner must protect plants, plant products or other objects and must prevent a contact with other plants, plant products or other objects according to the instructions issued by the Director of the Phytosanitary directorate, and approved by the Minister of agriculture, forestry and water economy..

The way of informing from paragraph 1 of this Article shall be regulated by the Minister of agriculture, forestry and water economy.

### **Article 9-a Phytosanitary policy strategy**

The Phytosanitary Policy Strategy is a strategic document setting out the priority activities of the phytosanitary policy and encompassing an analysis of the situation in the field of phytosanitary policy, the medium-term development directions and activities for their implementation, the expected effects and the necessary funds for the implementation of the phytosanitary activities.

The Strategy on Phytosanitary Policy is adopted by the Government of the Republic of Macedonia on a proposal of the Minister of Agriculture, Forestry and Water Economy for a period of five years.

### **Article 9-b Phytosanitary plant health monitoring**

Phytosanitary plant health monitoring involves systematically collecting and storing data on the presence of harmful organisms, which includes health screening, sampling, monitoring of plant health status and systematic control of infected, endangered and non-infected areas.

The Minister of Agriculture, Forestry and Water Economy shall prescribe the manner of carrying out the health examination and the manner of sampling, as well as the plant species over which the phytosanitary monitoring is carried out.

## **Article 10**

### **Detection of harmful organisms**

In case of suspicion for an emergence of harmful organisms stated in Article 9, paragraph 1 of this Law, an official sample must be taken by the phytosanitary inspector and must be delivered to the State phytosanitary laboratory (hereinafter referred to as: Laboratory) for diagnostic tests. The laboratory shall confirm and dispute the suspicion for the presence of harmful organisms and shall determine the reason. The laboratory shall provide method for handling the official samples in order to avoid the risk from spreading of harmful organisms and shall ensure the identity of the sample.

Diagnostic tests from paragraph 1 of this Article may be also performed by authorised laboratories in accordance with Article 60 or 67 from the Law on plants health (“Official Gazette of the Republic of Macedonia” No 29/2005)” and / or accredited laboratories.

When a presence of harmful organisms from List I, part A and List II, part A will be determined or in protected zone with harmful organisms from List I, part B or List II, part B, phytosanitary inspector shall order destruction in other way, propose treatment and/or other regulated measures.

A disinfection, desinsectisation and deratisation must be performed in the facilities for placing, processing and storing plants and transport means used for the transport of plants where the presence of harmful organisms stated in paragraph 1 of this Article is determined, for the purposes of their uprooting by authorized legal persons stated in Article 60 of this Law.

Phytosanitary directorate shall immediately inform the owners on the emergence and risk of harmful organisms and shall provide information onr the prevention of the presence of harmful organisms.

Measures and way of implementation of measures from paragraphs 3 and 4 of this Article shall be regulated by the Minister of agriculture, forestry and water economy.

## **Article 11**

### **Publication of data on harmful organisms**

The Phytosanitary directorate shall keep records for the emergence and detection of harmful organisms and other data necessary for monitoring in order to provide information on national and international level.

The content, form and manner of keeping records stated in paragraph 1 of this Article shall be regulated by the Minister of agriculture, forestry and water economy.

Data on the emergence of newly discovered organisms from List I, part A and List II, part A in the Republic of Macedonia must not be given and published without approval of the Phytosanitary directorate.

The manner of providing and publishing of data stated in paragraph 3 of this Article shall be regulated by the Minister of agriculture, forestry and water economy.

## **Article 12**

### **Specially regulated area**

Specially regulated area is an area with presence of harmful organisms or area where there is a risk of presence of harmful organisms or area without the presence of harmful organisms where the plant health shall be provided on a determined way.

Upon the detection of the presence of some harmful organism or when there is a risk of its presence, the phytosanitary inspector shall mark the place where the harmful organism is present, order measures to be undertaken and inform the owners.

Borders of specially regulated area stated in paragraph 1 of this Article, measures for detection, prevention of spreading and eradication of harmful organisms, termination of undertaking measures and the way of informing shall be regulated by the Minister of agriculture, forestry and water

economy.

### **Article 13** **Protected zone**

A zone where, besides the conditions which are suitable for living of harmful organisms, there is no presence of one or several harmful organisms or zone where besides the fact that those organisms do not live there, there is a threat certain harmful organisms to attack certain plants under favourable environmental conditions, it may be determined as protected zone.

A harmful organism shall be considered as living in protected zone, if it is known that it has emerged there and no phytosanitary measures have been taken for its extermination or when such measures have proved as ineffective for a period of at least two successive years.

In zone where, besides the suitable/favourable conditions for living of harmful organism, one or several harmful organisms do not live and it has been defined as protected zone on previously determined way, Phytosanitary directorate shall be obliged to perform or provide carrying out of regular and systematic examinations for the presence of harmful organisms regarding which the protected zone has been defined as such. In a protected zone where there is a threat of emergence of certain harmful organisms in certain plants under favourable environmental conditions, and where such organisms have not emerged on the territory of the Republic of Macedonia, systematic examinations shall be performed by choice/optional.

The manner of determination of the protected zone, requirements for carrying out systematic examinations and lists of protected zones shall be regulated by the Minister of agriculture, forestry and water economy.

## **B) Prohibitions and limitations**

### **Article 14** **Prohibition of entry and spreading of harmful organisms**

Entry and spreading of harmful organisms stated in List I, part A and List II, part A shall be prohibited.

Entry and spreading of harmful organisms stated in List I, part B and List II, part B shall be prohibited within the frames of the protected zone, in relation to which the protected zone has been defined as such.

All deliberate and undeliberate entries of harmful organisms on the territory of the Republic of Macedonia or in certain protected zone shall be considered as an entry pursuant to paragraphs 1 and 2 of this Article.

If there is a risk for the plant health on the territory of the Republic of Macedonia, entry and spreading of harmful organisms, which have not been included in the lists of paragraphs 1 and 2 of this Article shall be prohibited.

### **Article 15** **Prohibition of import or movement of plants, plant products and other objects**

Import of plants, plant products and other objects given in List III, part A shall be prohibited.

Import of plants, plant products and other objects given in List III, part B shall be prohibited within the frames of the protected zone in relation to which the protected zone has been defined as such.

If determined phytosanitary requirements have not been met, import or movement of plants, plant products and other objects given in List IV, part A shall be prohibited.

If determined phytosanitary requirements have not been met, import or movement of plants, plant products and other objects given in List IV, part B shall be prohibited within the frames of the



protected zone in relation to which the protected zone has been defined as such.

If there is a risk for the plant health on the territory of the Republic of Macedonia, import and movement of other species of plants, plant products and other objects, which have not been given in the lists of paragraphs 1, 2, 3 and 4 of this Article shall be prohibited.

### **Article 16**

#### **Exceptions for the purposes of experimental, scientific and research, selective and development activities**

By exception of provisions of Articles 14 and 15 of this Law, the scientific and research institutions authorised by the Ministry of agriculture, forestry and water economy, harmful organisms stated in List I, part A, List II, part A, List I, part B and List II, part B, as well as plants, plant products and other objects from List III, part A, List III, part B, List IV, part A and List IV, part B may be imported, if:

- they are used for experimental, scientific and research, selective or development activities;
- they meet the requirements in relation to scientific and technical capacities;
- they have employed person with completed at least VII-2 degree of education in the area of plant protection and
- they have an import permit.

The import permit from paragraph 1 of this Article shall be issued by the director of Phytosanitary directorate on the basis of an application from institutions stated in paragraph 1 of this Article.

The request shall contain:

- data on the applicant (name, seat-?, registration number);
- data on harmful organisms or plants, plant products and other objects and
- data on the way and purpose of their use and measures for prevention against spreading.

The Phytosanitary directorate shall keep records on the import of paragraph 1 of this Article.

Scientific and technical capacities of this Article shall be regulated by the Minister of agriculture, forestry and water economy.

### **Article 17**

#### **Special cases**

By exception of the provisions of Articles 14 and 15 of this Law, the Phytosanitary directorate in certain cases may approve, in accordance with determined requirements, and if there is no risk or spreading of harmful organisms:

- import of plants, plant products and other objects, which are grown or used in the nearest border zone, if they are indented for use in the nearest border zone in the Republic of Macedonia and
- import of plants, plant products and other objects in cases where there is small contamination with harmful organisms, except of plants intended for planting.

The Phytosanitary directorate shall keep records on the exceptional import of paragraph 1 of this Article.

Requirements for performing exceptional import of plants, plant products and other objects from paragraph 1 of this Article shall be regulated on a more specific way by the Minister of agriculture, forestry and water economy.

## **Article 18** **Exceptions**

The provisions from Articles 14 and 15 of this Law shall not refer to:

- consignments in transit through the territory of the Republic of Macedonia and
- small quantities of plants, plant products and other objects, including the foodstuff, when they are ~~not~~ used by the owner or receiver of non-industrial or uncommercial purposes or for a consummation upon the transport.

Under small quantities of paragraph 1, indent 2 of this Article shall be considered: fruit and fresh vegetable, with the exception of potatoes, ornamental bulbs, Christmas trees with no root intended for personal use only by the end consumer in a quantity determined by the Minister of agriculture, forestry and water economy.

The Minister of agriculture, forestry and water economy shall regulate the allowed small quantities of plants, plant products and other objects, including foodstuffs with a special rulebook.

### **C) Register of producers, processors, importers and distributors of plants, plant products and other objects**

## **Article 19** **Register**

Only natural and legal entities who meet the determined requirements for performing the activities for which they are registered at court and which are entered in the register of producers, processors, importers and distributors of plants, plant products and other objects (hereinafter referred to as: register) in accordance with this Law may be engaged in production, processing, import or distribution of plants, plant products and other objects of List V, part A and List V, part B.

Entry into register shall be compulsory for:

- producers, processors and distributors of plants, plant products and other objects of List V, part A;
- importers of plants, plant products and other objects stated in List V, part B and
- producers of certain plants, plant products and other objects which have not been given in List V, part A and relevant centres for collection and delivery in the area of production.

The register shall be established and managed by the Phytosanitary directorate.

The registration shall be performed by submission of a request for registration in the register.

For the request referred to in paragraph 4 of this Article, the authorized official of the Office that conducts the procedure for registering in the Register decides on the basis of the following evidences:

- Decision on registration of the legal entity and current situation issued by the Central Registry of the Republic of Macedonia,
- property list for agricultural land and / or warehouse space,
- lease agreement for the use of agricultural land and / or warehouse space intended for the production, processing, storage and distribution of plants and plant products,
- proof of permanent employment (M1 / M2) form,
- Agreement on business-technical cooperation for the provision of plant health services with the person responsible for plant health, and
- Diploma or Certificate (notarized copy) of higher education in the field of agriculture (vegetable production) or forestry.

The authorized official of the Office that conducts the procedure for registering ex officio shall obtain

the evidence referred to in paragraph 5 indents 1, 2 and 4 of this Article within three working days from the submission of the request.

An authorized official of the competent public authority shall be obliged to submit the required evidence referred to in paragraph 6 of this Article within three days from the reception of the request.

The request shall contain:

- data on the applicant: name, seat, i.e. address, responsible person and tax number and unique tax number of citizens;
- the appropriate registry kept in the Central Registry of the Republic of Macedonia
- legal and organisational form;
- type of activity;
- data on agricultural land for which a cadastral number CA plot and number of cadastral municipality is being used and
- data on the person responsible for plants health: name and surname, tax number (unique personal identification number), i.e. tax number of legal entity, registered seat and adress.

Person responsible for plants health in the legal or natural entity should have at least high education in the area of agricultural sciences (plant production) or in the area of forest science.

~~The Director of the~~ Phytosanitary directorate shall adopt a decision on the entry in the register not later than three months after the reception of the request with the complete documentation.

If the person responsible for the plants health will stop to perform the obligations regulated in Article 21 of this Law, ~~the Director of the~~ Phytosanitary directorate shall ex officio adopt a decision for his/her deletion from the register.

## **Article 20**

### **Content of the register**

The register shall contain the following data:

- number of the appropriate register ~~registry~~ kept in the Central Registry of the Republic of Macedonia, tax number;
- name of legal entity or name and surname of an individual ~~natural~~ person and registered seat or address;
- responsible person of the legal entity;
- legal and organisational form;
- type of activity;
- agricultural land which is used in plots and type of use;
- number of cadastral municipality and number of CA plot and
- person responsible for plant health.

Register shall be kept in written and in electronic form.

The form, content and way of keeping the register shall be regulated by the Minister of agriculture, forestry and water economy.

## **Article 21**

### **Obligations of the person responsible for plant health in accordance with the register**

Person responsible for plants health of Article 19, paragraph 6 of this Law shall be obliged to:

- keep exact and precise records for the production, processing and trade with plants, plant products and other objects, which he/she buys for storing and planting in premises, which he/she produces or offers for sale and keeps the documents for at least one year;
- keep and update plan of places where he/she grows, produces, stores, keeps or uses plants, plant products and other objects;
- keeps regular visual examinations of the plant health;
- enables an access of the phytosanitary inspector for performing phytosanitary inspection of plants, premises and documents and upon taking official samples;
- immediately informs the Phytosanitary directorate and phytosanitary inspector on all unusual and sudden emergences of harmful organisms, symptoms or other phenomena for the plants, as well as production and emergence of prohibited plant types;
- immediately informs the Phytosanitary directorate on all changes of data in the register;
- every year informs the phytosanitary inspector for the extent and place of production or processing of plants, plant products and other objects and
- cooperates with Phytosanitary directorate and/or phytosanitary inspector for providing good plant health.

The way of keeping records, way of implementation of the examinations of plant health, content and way of informing on the data of paragraph 1 of this Article shall be regulated by the Minister of agriculture, forestry and water economy.

## **Article 22 Exceptions**

By exception of Article 19, paragraphs 1 and 2 of this Law, entry in the register shall not be compulsory for small producers or processors, if their entire production or processing and sale of plants, plant products and other objects are intended for their personal use or for end consumption by the individual ~~natural~~ person on a local market, which has not been professionally included in the production and processing of plants and in absence of risk of spreading of harmful organisms.

Closer criteria for determination of small producers or processors and local markets shall be regulated by the Minister of agriculture, forestry and water economy.

## **2. IMPORT, EXPORT AND TRANSIT OF CONSIGNEMENTS**

### **A) Import**

#### **Article 23 Place of entry**

Consignments for which a phytosanitary inspection is compulsory may be imported through specific places of entry into the Republic of Macedonia, which shall meet the requirements for performing phytosanitary inspection regarding the premises and the appropriate equipment.

Consignments which contain plants, plant products and other objects stated in List V, part B, may be imported from other countries only through specific places of entry where customs services and phytosanitary inspection have been established.

By exception of paragraph 2 of this Article, consignments of wood material for packaging may be imported from other countries and through places where only customs service has been established.

Phytosanitary examination of plants, plant products and examination of the wood material for packaging, which upon the import use transport of those types of goods, which are not plants and plant products from the List V, part B ~~✓~~ shall be performed by the competent customs control on the place of entry.

The manner and procedure of performing the phytosanitary inspection of plants, plant products and other objects on the places of entry into the Republic of Macedonia shall be more precisely regulated by the Minister of agriculture, forestry and water economy.

The places of entry into the Republic of Macedonia where phytosanitary inspection is performed shall be determined by the Government of the Republic of Macedonia.”

#### **Article 24** **Import**

Consignments of List List V, part B, section 1, which have been imported in the country, their packing and, if necessary, the vehicle in which they were transported, have to be subject to phytosanitary inspection.

Upon the phytosanitary inspection it should be determined whether the consignments:

- are accompanied by phytosanitary certificate;
- are not attacked from harmful organisms from lists List I, part A and List II, part A;
- do not contain plants, plant products or other objects from List III, part A and
- meet special phytosanitary requirements given in List List IV., part A.

Consignments from paragraph 1 of this Article must have original phytosanitary certificate issued from the country of origin, except when special phytosanitary requirements stated in IV, part A or List IV, part B for certain types of consignments, which are regulated by the Minister of agriculture, forestry and water economy may be also met in country which is not a country of origin.

Consignments of paragraph 1 of this Article, which after the issue of a phytosanitary certificate in the country of origin have been sent, stored, repacked or shared in other country which is not country of origin, besides the original certificate or notary verified copy of it must also have phytosanitary certificate for reexport issued in the second country. If such consignments have previously been successively imported in several different countries and more than one phytosanitary certificate for reexport have been issued, besides the original certificate or its notary verified copy, they must also own all previous phytosanitary certificates or their notary verified copies.

Phytosanitary inspection may be also performed for other consignments, if the phytosanitary inspector suspicions that they represent risk for the plant health on the territory of the Republic of Macedonia.

The way of performing phytosanitary inspection stated in paragraph 1 of this Article shall be regulated by the Minister of agriculture, forestry and water economy.

#### **Article 25** **Import in protected zone**

Consignments from List V, part B, which are imported in the protected zone, besides the conditions regulated by Article 24 of this Law must meet the following conditions:

- not to be attacked from harmful organisms from List I, part B and List II, part B;
- not to contain plants, plant products or other objects from List III, part B and
- to meet the phytosanitary requirements of List IV, part B.

#### **Article 26** **Experimental, scientific and research, selective and development activities**

Consignments of List V, part B, which are intended to be used in experimental, scientific and research, selective or development activities must be subject to phytosanitary inspection, must have approval for import defined in Article 16 of this Law and phytosanitary certificate from the country

of origin.

### **Article 27** **Special cases**

If there is no risk of spreading harmful organisms, the director of the Phytosanitary directorate may allow import of plants, plant products and other objects from List V, part B, in accordance with the requirements regulated in Article 17 of this Law, which have been grown or used in the nearest border zone without phytosanitary certificate and phytosanitary inspection, if they were intended to be used in the nearest border zone.

### **Article 28** **Exceptions**

Small quantities of plants, plant products and other objects from List V.B may be imported without a phytosanitary certificate in accordance with the provisions of article 18 of this Law.

Phytosanitary inspection of consignments of paragraph 1 of this Article shall be performed only if the phytosanitary inspector determines so.

### **Article 29** **Obligations of the importers and customs officers**

The importer, transporter or citizens importing consignments stated in Article 24, paragraph 1 of this Law in the Republic of Macedonia, must inform the phytosanitary inspector on the arrival of consignments, which are imported or reloaded upon the transport.

Customs officers may not begin with the procedures for customs clearance, except upon transit, until the phytosanitary inspector performs phytosanitary inspection of consignments stated in paragraph 1 of this Article and allows an import.

The importer shall be obliged to realise measures imposed by the phytosanitary inspector for the consignments being imported.

Customs officers shall prohibit import and shall deliver to the phytosanitary inspector plants, plant products and other objects, which the citizen has imported in the Republic of Macedonia without a phytosanitary certificate or which are given in List III, part A or List III, part B, with the exception of small quantities of Article 18 of this Law, which imposes implementation of the measures of Article 10, paragraph 3 of this Law.

### **Article 30** **Procedures upon import**

Phytosanitary inspection of consignments of Article 24 of this Law shall be performed on places of entry determined pursuant to Article 23, paragraph 3 of this Law in the Republic of Macedonia where other administrative procedures for import shall also be performed, including customs clearance.

If there is no risk of spreading of harmful organisms, phytosanitary inspector ~~inspection~~ may approve examinations to be performed of the health of plants from the consignments on locations determined from the Minister of Agriculture, Forestry and Water Economy in the inland of the Republic of Macedonia under customs supervision.

### **Article 31** **Aproval or refusal of an import**

If the requirements regulated in Article 24 or Article 25 of this Law have been met, the phytosanitary inspector after the realisation of the phytosanitary inspection shall approve import of the consignment and shall put a stamp on the phytosanitary certificate or the phytosanitary certificate for reexport with the date of import and seal of the phytosanitary inspector.

If the requirements of Article 24 or article 25 of this Law have not been met, the phytosanitary inspector shall not allow import of the consignment and shall impose undertaking one or several measures defined in Article 10, paragraph 3 of this Law. In that case, the phytosanitary inspector shall put recognizable mark of the phytosanitary certificate or the certificate for reexport, red triangular stamp with which the certificate shall become invalid.

If upon the phytosanitary inspection it has been established that part of the consignment is attacked from harmful organisms given in List I, part A, List I, part B, List II, part A or List II, part B, the import of the rest of the consignment may be approved if there is no suspicion for the presence of harmful organisms in this part of the consignment and if there is no risk of their spreading.

Form and content of the stamp stated in paragraphs 1 and 2 of this Article shall be regulated by the Ministry of agriculture, forestry and water economy.

### **Article 32**

#### **Other consignments upon import**

In case of an import of consignments, which, according to the accompanying documents, contain no plants, plant products and other objects given in List V, part B, the phytosanitary inspector may perform phytosanitary inspection if there is no approved suspicion regarding the identity of the consignment or there is a risk of spreading of harmful organisms.

If after the realisation of the phytosanitary inspection, the phytosanitary inspector still suspicions in the indentity of the consignment, especially regarding the class, type or origin, the consignment shall be considered to contain plants, plant products and other objects given in the List V.B.

### **Article 33**

#### **Free economic zones**

For consignments imported in free economic zones or in customs warehouses in the Republic of Macedonia, provisions from Article 23-32 of this Law shall be applied, which refer to import of consignments.

### **B) Export**

#### **Article 34**

#### **Procedures upon export**

If the country where consignments comming from the Republic of Macedonia are being exported requests phytosanitary certificate, the phytosanitary inspector shall perform phytosanitary inspection of the consignment before he/she issues a phytosanitary certificate in order to guarantee that the determined phytosanitary requirements have been met of the country where the consignment is being exported.

If the country where the consignment, which is not comming from the Republic of Macedonia, but it was stored, repacked or divided in the Republic of Macedonia, is being exported requests a phytosanitary certificate, the phytosanitary inspector shall perform phytosanitary inspection of the consignment before he/she issues a phytosanitary certificate on reexport in order to guarantee that the determined phytosanitary requirements of the exporter country have been met.

Upon the issue of the phytosanitary certificate by the phytosanitary inspector it shall be confirmed that the requirements from paragraphs 1 and 2 of this Article have been met.

Form and content of the phytosanitary certificate or the phytosanitary certificate on reexport from paragraphs 1 and 2 of this Article shall be regulated by the Minister of agriculture, forestry and water economy in accordance with the determined forms of the International Plant Protection Convention (IPPC).

### **Article 35**

#### **Responsibilities of exporters**

The exporters should submit an application for issuance of phytosanitary certificate at the phytosanitary inspector within 24 hours of the planned export.

The application for issuance of phytosanitary certificate shall contain:

- data on the applicant, name of the legal entity, i.e. name and surname of the individual ~~natural~~ person and registered seat or address and
- data on the consignment.

The exporters shall be obliged to implement measures, which the phytosanitary inspector has imposed upon the phytosanitary inspection of the consignment intended for export.

Form and content of the application of paragraphs 1 and 2 of this shall be regulated by the Ministry of agriculture, forestry and water economy.

### **C) Transit**

#### **Article 36**

##### **Transit of consignment**

Phytosanitary inspection shall not be compulsory in cases of consignments in transit in accordance with the Article 24.

The consignment of paragraph 1 of this Article must be packed in a manner, which provides inexistence of a risk of expulsion of harmful organisms, and it must not be divided, combined with other consignments or repacked in the customs area in the Republic of Macedonia.

If a consignment has not been packed in accordance with Article 2 of this Article, or a reload has been performed, the phytosanitary inspection shall be compulsory, in accordance with Article 24 of this Law.

Without breaching the provisions of paragraph 1 of this Article, in case of reasonable suspicion for a risk of an entry or spreading of harmful organisms, the Minister of agriculture, forestry and water economy may determine the manner in which the consignment is being treated, compulsory phytosanitary inspection, manner of performance of the phytosanitary inspection and may determine the necessary measures for certain consignments.

### **3. MOVEMENT OF PLANTS, PLANT PRODUCTS AND OTHER OBJECTS**

#### **Article 37**

##### **Movement**

Plants, plant products and other objects given in List V, part A, section 1 may be put into circulation only if the plant passport is attached to them or to their packing or it is attached on the mean of transport as accompanying document.

Consignments given in List V, part A which have been put into circulation and which are intended for experimental, scientific and research, selective and development activities must be subject to phytosanitary inspection and must be accompanied by plant passport.

#### **Article 38**

##### **Movement in protected zone**

Plants, plant products and other objects stated in List V, part A, section 2 must be put into circulation in or within the frames of the protected zone only if the plant passport, which is valid for this protected zone, is attached to them or to their packing or is attached to the mean of transport as an accompanying document and if they meet the movement requirements.



Provisions of paragraph 1 of this Article shall not be applied for a movement of plants, plant products and other objects through a protected zone or from a protected zone.

Requirements for movement of consignments of paragraphs 1 and 2 of this Article shall be regulated by the Ministry of agriculture, forestry and water economy.

### **Article 39** **Exceptions**

By exception of Article 37, paragraph 1 of this Law, quantities of plants, plant products and other objects given in List V, part A, which have been put into circulation by small producers or processors who may not be entered into the register in accordance with the provisions of Article 22 of this Law, may be put into circulation without a plant passport.

### **Article 40** **Production, processing, usage**

Plants, plant products and other objects given in List V.A I List V, part A, section 1, which are produced, processed or used by legal and natural entities entered in the register, and which are intended for movement, must be subject to phytosanitary inspection in order to guarantee that:

- they have not been attacked by harmful organisms given in List I, part A and List II, part A and
- they meet special phytosanitary requirements given in List IV, part A.
- Plants, plant products and other objects given in List I, part A, Section 2, which are intended for movement in protected zone must be subject to phytosanitary inspection due to reasons stated in paragraph 1 of this Article in order to guarantee that:
  - they have not been attacked by harmful organisms given in List I, part B and List II, part B and
  - they meet special phytosanitary requirements given in List IV, part B.

Phytosanitary inspections of paragraphs 1, 2 of this Article shall regularly be implemented, at least in the determined time periods or at least once a year and at least in visual manner.

Time periods and way of performing the phytosanitary inspections of paragraphs 1, 2 and 3 of this article shall be regulated by the Minister of agriculture, forestry and water economy.

By exception of paragraph 3 of this Article, phytosanitary inspections may be performed with no special order, by random choice in order to guarantee the health condition of the plants and regardless the origin of plants, plant products and other objects at any time and any place where they have been put into circulation, produced, stored, processed, sold or used in other way, as well as in the premises of the supplier.

If upon the phytosanitary inspection it has been established that plants, plant products and other objects represent a risk of spreading of harmful organisms or that the determined conditions for their movement have not been met, the phytosanitary inspector shall impose measures regulated in Article 10, paragraph 3 of this Law.

### **Article 41** **Plant passports**

Plant passport shall be issued for: plants, plant products and other objects given in List V, part A.

Plant passport shall be issued by the Phytosanitary Directorate or by persons providing public services in the area of plant health or by a person stated in Article 19, paragraph 2, indents 1 and 2 of this Law, if they are authorised by the Phytosanitary Directorate, and if plants, plant products and other objects given in List V, part A have been subject to Phytosanitary inspection in accordance with the provisions of Article 40 of this Law.

## **Article 42**

### **Right to issue plant passports**

Phytosanitary Directorate shall issue an authorisations to persons for issue of plant passports if they meet the following requirements:

- are registered in the register in accordance with the Article 19 of this Law;
- are professionally qualified for providing plant health or guarantee that the person professionally qualified for providing plant health, which is employed will take the obligations of Article 48 of this Law and
- have notification (letter, note) by the phytosanitary inspector, which confirms that they fulfil the obligation from Article 21 of this Law.

The request for an authorisation for issuance of plant passports shall be delivered to the Phytosanitary Directorate according to determined form.

Besides the data stated in Article 19 of this Law, the request shall also contain:

- data on the type of production, processing, sale or import of plants, plant products and other objects, which the authorisation refers to and
- prove that the requirements of paragraph 1 of this Article have been met.

Persons from paragraph 1 of this Article shall be considered to be professionally qualified if they have at least high education in the area of agricultural sciences (plant production) or in the area of forest sciences and a certificate confirming the basic knowledge of harmful organisms, their eradication and regulations in the area of plant health, shall obtain training organised by the Phytosanitary directorate, according to the programme regulated by the Minister of agriculture, forestry and water economy. The Phytosanitary directorate shall organise the training through the entities stated in Article 60 of this Law.

Form and content of the form from paragraphs 2 and 3, as well as the requirements for a confirmation of the basic knowledge in accordance with paragraph 4 of this Article shall be specifically regulated by the Minister of agriculture, forestry and water economy.

The authorisation for issue of plant passports shall be issued by the ~~Director of the~~ Phytosanitary directorate within three months after the reception of the complete request, if the determined requirements have been met.

If individual-~~natural~~ or legal entity will stop meeting the determined requirements for issue of plant passports, the authorisation shall be ex officio seized.

The unsatisfied party may lodge a complaint upon the decision on seizure of the authorisation to the State Commission for Decision-making in Administrative Procedure and Second Instance Procedure.~~Minister of agriculture, forestry and water economy.~~

## **Article 43**

### **Records on persons issuing plant passports**

Phytosanitary directorate shall keep records on persons issuing plant passports.

The form, content and way of keeping records stated in paragraph 1 of this Article shall be regulated by the Ministry of agriculture, forestry and water economy.

## **Article 44**

### **Types of plant passports**

There are the following types of plant passports:

- plant passport;

- replacement of the plant passport (marked as RP) and
- plant passport for a protected zone (marked as ZP).

Form and content of plant passports of paragraph 1 of this Article shall be regulated by the Ministry of agriculture, forestry and water economy.

#### **Article 45**

##### **Issuance of passports for non-attacked plants, plant products and other objects**

If upon the phytosanitary inspection it has been established that some of the plants, plant products and other objects, which have been grown, processed or used by registered producer or processor or are present in their premises in other way, have been attacked by harmful organisms from List I, part A, List I, part B, List II, part A or List II, part B, plant passports may be issued for the rest of the plants, plant products and other objects, if there is no suspicion that they are attacked and that there is no risk of spreading of harmful organisms.

#### **Article 46**

##### **Replacement of plant passports**

If some consignment has been divided or composed of several different separate consignments already having plant passport, a replacement of the plant passport must be issued for the new consignment to the registered producer, processor or distributor.

If in the case stated in paragraph 1 of this Article, the health condition of the consignment has changed, a replacement of the plant passport may only be issued after re-performance of the phytosanitary inspection.

#### **Article 47**

##### **Replacement of plant passport by phytosanitary certificate**

After the performance of phytosanitary inspection of the imported consignments, given in List V, part A, which must be accompanied by phytosanitary certificate, the phytosanitary inspector shall allow the importer to put into circulation the imported consignments in the country with phytosanitary certificate where it has been indicated that it represents a replacement of the plant passport.

If some consignment, given in List V, part A, having a phytosanitary certificate, is divided or is composed of several different consignments, a plant passport must be issued for the new consignment.

If in the case stated in paragraph 2 of this Article, the health condition of the imported consignment has changed, a replacement of the plant passport may only be issued after re-performance of the phytosanitary inspection.

#### **Article 48**

##### **Obligations of producers, processors, importers and distributors regarding the issue of plant passports**

Besides the obligations of Article 21 of this Law, the producers, processors, importers and distributors of plants, plant products and other objects stated in article 19, paragraph 2, indents 1 and 2 of this Law should:

- inform the Phytosanitary directorate on all changes regarding the requirements for issue of plant passports;
- inform the phytosanitary inspector on the purpose of movement of plants, plant products and other objects in protected zones;
- provide plant passports from authorised persons;

- guarantee that they have used plant passports in a way according to which the passports can not be used again and
- keep the documents and keep records regarding the issue of all types of plant passports.

The form, content, way and terms of information, as well as time periods for keeping the documents shall be regulated by the Minister of agriculture, forestry and water economy in accordance with paragraph 1 of this Article.

#### **Article 49**

##### **Responsibilities of buyers of plants, plant products and other objects**

Buyers of plants, plant products and other objects included in the trade of produced or processed products as end consumers must keep all types of plant passports in accordance with the determined terms.

The duration of keeping passports of paragraph 1 of this Article shall be regulated by the Minister of agriculture, forestry and water economy.

The buyers stated in paragraph 1 of this Article must provide an access of the phytosanitary inspector to plants, plant products and other objects in any phase of the production or processing or on the market, as well as to provide performance of the phytosanitary inspection, including the verification of the documents.

### **III. BIOLOGICAL MEASURES FOR PLANT PROTECTION**

#### **Article 50**

##### **Biological plant protection**

Biological plant protection is a strategy for eradication of harmful organisms in the agriculture and forestry by using living natural enemies, antagonists or competitors or their products and other self replicant biotic organisms.

Organisms of paragraph 1 of this Article are indigenous and exotic (allochthons).

#### **Article 51**

##### **Indigenous types of organisms**

Indigenous type of organism is a type which is naturally present in a given ecosystem in a certain area.

The applicant shall be allowed to entry, cultivate and use the indigenous types of organisms for the purposes of biological plant protection in protected space and in open only if the requirements have been met regarding the professional and technical capacities regulated by the Minister of agriculture, forestry and water economy in accordance with the Minister of environment and physical planning, and on the basis of submitted request to the Phytosanitary directorate and issued approval by the Phytosanitary directorate.

#### **Article 52**

##### **Entry of exotic (allochthons) types of organisms**

Exotic (allochthon) type of organism is a type entered by the man, which has not been present in certain ecosystem before its entry.

Only the exotic types of organisms given in the list published by the Minister of agriculture, forestry and water economy in accordance with the Minister of environment and physical planning and for which an approval for import and use has been issued by the Phytosanitary directorate, may be used for the purposes of biological protection of plants in protected space and in open.

The Phytosanitary directorate shall issue an approval for import and usage of exotic types of organisms of paragraph 1 of this Article, if it establishes that the intervention in nature does not

represent a threat to the nature balance or biodiversity.

By exception of the provisions of paragraph 3 of this Article, the approval for import and use of exotic types of species may be issued for the purposes of biological plant protection for experimental, scientific and research and development goals.

In order to obtain an approval of paragraphs 3 and 4 of this Article, the applicant must meet the determined requirements.

The request for issue of an approval of paragraphs 3 and 4 of this Article shall be submitted to the Phytosanitary directorate.

The request of Article 51, paragraph 2 of this Law and paragraphs 3 and 4 of this Article shall contain the following data:

- name of the legal entity or name and surname of an individual ~~natural~~ person and registered seat or address;
- responsible person in the legal entity;
- type of activity;
- type and method of use regarding the end organisms;
- introductory scheme and list of recipients;
- evaluation of the risk;
- proof that the use of organisms shall be allowed in at least three environmentally comparable European countries and
- proof that the organism is intended for biological protection.

Form and content of the list of paragraph 2 and technical requirements of paragraph 5 of this Article shall be regulated by the Ministry of agriculture, forestry and water economy.

Phytosanitary directorate shall keep records on the import and use of exotic types of organisms stated in this Article and it they shall be delivered to the Ministry of environment and physical planning.

#### **IV. COLLECTION, USAGE AND EXCHANGE OF INFORMATION**

##### **Article 53**

##### **Collection and usage of data**

In order to analyse and to perform monitoring of the measures for the plants health, on the basis of this Law, the Phytosanitary directorate may obtain and use the data being kept within the frames of the regulated databases by state authority bodies, public and other institution and services, holders of licences and other authorised organs and bodies for the purposes of management and maintenance of databases.

Phytosanitary directorate may also use the basic topographic plans, topographic charts (maps), maps of land measurement and digital ortophoto maps.

The registries, records and other database, which are created and maintained by the Phytosanitary directorate shall be financed from the funds provided by the Budget of the Republic of Macedonia.

The way of connecting the data of the Phytosanitary directorate to other databases and the way of collecting data from other databases shall be regulated by the Minister of agriculture, forestry and water economy in accordance with the regulations which apply for data protection.

##### **Article 54**

##### **Data communication**

Data in the area of plant health shall be given in accordance with the provisions for free access to

information and this Law.

Phytopsanitary directorate shall communicate data from its registers and databases of other state authority bodies, bodies of the local self-government units, if they are necessary for the execution of their competencies, as well as of the authorised institutions and those providing public services, if they are necessary for performing tasks in the area of plant health.

The holders of databases, charts and digital ortophoto maps, stated in Article 53, paragraph 2 of this Law shall communicate the data to the Phytopsanitary directorate free of charge, but they may also charge the material expenses, which have been made. The holders of databases shall communicate the data of the Article 53, paragraph 1 of this Law, which have a character of personal data, in accordance with the regulations for protection of personal data.

The extracts from databases kept in accordance with this law and not containing personal data, may be given to persons having legal interest regardless the expenses for their communication. Data obtained in this way may be used only for the purposes for which they have been given, and could not be modified or unauthorised communicated to other persons.

### **Article 55** **Information system**

Persons providing plant health must keep records, registers and databases in relation to the information system and to regularly update and keep them.

Phytopsanitary directorate shall provide the establishment and connection of the information system stated in paragraph 1 of this Article with the information system of the Ministry of agriculture, forestry and water economy and with the international information system in the area of plant health.

The way of keeping records, registers and databases stated in paragraph 1 of this Article shall be regulated by the Ministry of agriculture, forestry and water economy.

### **Article 56** **International exchange of data and information**

In international level, the exchange of data and information shall cover:

- central service;
- lists of places of entry where consignments can be imported in the Republic of Macedonia;
- lists of harmful organisms, which are subject to eradication;
- presence or emergence of harmful organisms stated in lists provided by this law, in the part of the territory where their presence has not been previously known or for the undertaken measures;
- emergence, sudden emergence or spreading of harmful organisms representing potential risk;
- emergence of harmful organism in protected zone in relation to which the protected zone has been defined as such;
- findings from systematic examinations in a protected zone;
- regulations adopted on the basis of this law;
- cases where consignments with plants, plant products and other objects have been kept because they do not meet the phytopsanitary requirements and
- other data and information in the area of plant health covered by this Law on request of international bodies and organizations.

Data and information shall be communicated in accordance with the international conventions, agreements and contract, which the Republic of Macedonia has ratified.

## **V. EXPENSES AND COMPENSATIONS**

### **Article 57**

#### **Expenses**

All expenses for testing of plants, plant products and other objects performed on a request of a phytosanitary inspector for determination of the plant health, in case where the results from the analysis are not beneficial for the owner are on the account of the owner from who the tests have been taken.

All expenses for the measures of stated in this law, undertaken for provision of the plant health are on the account of the owner.

Expenses for technical training for obtaining authorisation for issue of plant passports are on the account of the candidate.

Expenses for all authorisations arising from this Law shall be on the account of the authorised legal and individual ~~natural~~ person.

Special compensation shall be paid for performing phytosanitary inspection.

The amount of the special compensation, the way of its payment, type and quantity of plants, plant products and other objects for which the compensations is being paid, as well as the amount and the way of paying the expenses of paragraphs 1, 3 and 4 of this Article shall be regulated by the Government of the Republic of Macedonia.

Funds of paragraphs 1, 3 and 4 and the compensation of paragraph 5 of this Article shall represent and income of the Budget of the Republic of Macedonia, and they will be used for executing preventions and measures in the area of plant health by the Phytosanitary directorate, in accordance with the Annual Programme for Plants Health adopted by the Government of the Republic of Macedonia.

### **Article 58**

#### **Compensation**

If the phytosanitary inspector impose destruction or other elimination of plants, plant products and other objects in accordance with this law, the owner has a right of compensation if:

- immediately informed on the emergence or suspicion of harmful organisms from List I part A, List II, part A or in case of protected zone from List I, part B and List II, part B and
- has implemented all determined and imposed measures for the plant health.

The amount of the compensation of paragraph 1 of this Article shall be determined on the basis of type, age, condition etc.

The estimation of the amount of the compensation shall be made by a Commission established by the Minister of agriculture, forestry and water economy for whose activity a compensation is paid.

A decision on the amount of the compensation of paragraph 1 of this Article shall be adopted by the Minister of agriculture, forestry and water economy.

The compensation of paragraphs 1 and 3 of this Article shall be paid by the funds provided by the Programme for Plant Health.

The compensation of paragraph 1 of this Article shall not be paid if harmful organisms appear upon import of plants, plant products and other objects in the Republic of Macedonia.

The procedure for payment of the compensation for destruction or different elimination of plants, plant products and other objects shall be implemented on a request of the owner, and on the basis of the decision of phytosanitary inspector, report with proposal for the amount of the compensation by the Commission of paragraph 3 of this Article and the decision of paragraph 4 of this Article by the

Minister of agriculture, forestry and water economy. The decision of the phytosanitary inspector, which imposes undertaking of measures and the report for estimation of the compensation of the Commission must be attached to the request for compensation, which must be submitted in the Ministry of agriculture, forestry and water economy – Phytosanitary directorate.

The owner may submit a complaint for determination of the compensation to the State Commission for second instance decision in the field of inspection supervision and extrajudicial procedure ~~Minister of agriculture, forestry and water economy~~ within 30 days from the day of the reception of the decision of the phytosanitary inspector.

The complaint shall not postpone the implementation of the decision of the phytosanitary inspector.

The party may submit a complaint upon the decision adopted by the Minister of paragraph 4 of this Article to the Second Instance Commission for administrative matters in the area of agriculture, forestry and water economy and veterinary of the Government of the Republic of Macedonia, within 15 days from the day of the reception of the decision.

Closer criteria for determination of the amount of paragraph 2 of this Article shall be regulated by the Government of the Republic of Macedonia.

## **VI. PUBLIC SERVICES IN THE AREA OF PLANT HEALTH**

### **Article 59**

#### **Public services**

Public services in the area of plant health are activities for performing works in the area of monitoring, forecast of harmful organisms and other activities in the area of plant health especially:

- monitoring of the development of harmful organisms usually present at the plants, plant products, forecast, determination of optimal terms and measures for protection;
- intervention in case of sudden emergences of quarantine pests of the plants, calamite phenomenon and epiphytotics of harmful organisms;
- provision of meteorological, biological and other data for the purposes of monitoring and forecast of the emergence of harmful organisms;
- laboratory determination and diagnosing of harmful organisms;
- education of the owners and other persons included in the implementation of the activities related to the plant health;
- issue of plant passports;
- implementation of scientific and research and developing activities;
- performing disinsectisation, disinfection and deratisation for the plant health and
- performing other technical activities.

### **Article 60**

#### **Public services providers in the area of plant health**

Activities for provision of public services in the area of plant health shall be performed by legal and natural entities who have obtained public authorisations and other legal and natural entities if they meet the requirements regarding the expert staff, premises and equipment. Regarding the expert staff they should have employed at least one person with at least high education in the area of agricultural sciences (plant production) or in the area of forest sciences, with professional experience of at least three years within the vocation. The activities for providing public services in the area of plant health in forestry shall be performed in accordance to the regulations in the area of forestry.

Closer requirements of paragraph 1 of this Article regarding premises and equipment shall be



regulated by the Minister of agriculture, forestry and water economy.

**Article 61**  
**Obligations of public services providers**

Obligations of the public services providers of Article 60 of this Law shall be composed of:

- regular and continuous activities for providing services;
- providing services to natural and legal entities included in agricultural and forest activities, activities for plant protection and to other interested persons and
- providing services after previously determined prices.

Responsibilities of public services providers in the area of plant health shall be determined with the permit of Article 65 of this Law.

If a person included in public services does not provide public service to a person to whom he/she is obliged provide, or does not provide service according to already established prices and other planned requirements, the user of the service may request from the Phytosanitary directorate to determine on his/her right and to order to the person providing public services to provide him/her the public service in accordance with previously established price.

**Article 62**  
**Financing of the public services providers**

The activities of public services providers shall be financed by:

- own incomes realised with payment of the price of the provided services;
- funds from the budget of the Republic of Macedonia for the current year, provided with transfer for financing of the Programme for Plant Health and
- other resources.

**Article 63**  
**Prices of the services of public services providers**

Users of public services in the area of plant health shall partially or completely pay the price of certain services, and some of them can be free of charge.

The prices for the services in the area of plant health and the part which should be paid by the users of public services shall be regulated by the Minister of agriculture, forestry and water economy.

**Article 64**  
**Control of the implementation of public services**

The control of the implementation of public services shall be performed by the Phytosanitary directorate, with the exception of public services in the area of plant health in the forestry performing in accordance with this Law and the provisions in the area of forestry.

**Article 65**  
**Permits**

Phytosanitary directorate shall issue permits for providing public services in the area of plant health on the basis of open competition, which shall be announced in at least two daily newspapers.

The open competition shall contain data for:

- the type of public service for which a permit shall be issued;
- beginning and validity of the permit;
- requests that should be met by the subject to whom the permit shall be issued;

- compulsory data on the request;
- selection criteria;
- term for granting the permit;
- contact person for providing information regarding the content of the open competition;
- data, place and time of opening of the open competition applications and
- way of informing the candidates on the selection.

The procedure for opening and evaluation of the offers shall be determined by the Commission appointed by the Minister of agriculture, forestry and water economy.

Authorised representatives of the candidates may be present at the opening of the applications.

Offers submitted after the established term shall not be taken into consideration.

Incomplete offers may be completed within eight days from the reception of the notification, otherwise the offer shall not be taken into consideration, for which the bidders shall be informed.

The permit for providing public services shall be issued as a decision within 30 days of the end of the public competition.

The unsatisfied party shall have a right to complaint upon the decision of paragraph 7 of this Article,

The unsatisfied party shall have the right to file an appeal against the decision referred to in paragraph 7 of this Article to the State Commission for Decision-making in Administrative Procedure and Second Instance Labor Procedure.

## **Article 66**

### **Contracts**

The entities who have obtained permit for providing public services in the area of plant health shall conclude contracts with the Ministry of agriculture, forestry and water economy.

The contract of paragraph 1 of this Article shall be concluded in written form and shall contain data on:

- service providers and expert persons providing the service;
- services in the area of plant health;
- region where the services providers must provide public services in the area of plant health;
- way and requirements for performing the services determined by the contract;
- rights, obligations and responsibilities of the service provider;
- time and way of performing the services;
- beginning and validity of the permit;
- financing resources;
- control of the services performance;
- termination of the validity of the permit;
- causes for termination of the contract;
- period for termination of the contract and other.

## VII. PUBLIC AUTHORISATIONS

### Article 67

#### Public authorisations

(1)The Ministry of agriculture, forestry and water economy shall give a clear authorisation of legal and natural entities meeting the requirements regarding the expert staff, spatial and technical capacities for tasks defined in Article 72 items 3, 4, 5, 6 and 9 of this Law. Regarding the expert staff they must have employed at least one person with at least high education in the area of agricultural sciences - plant protection or specialisation in the area of plant protection and for the area of forestry and must have employed at least one person with at least high education in the area of forest sciences or with specialisation in the area of plant protection, with work experience of at least three years. Tasks in the area of plant health in the forestry defined in Article 72 items 3, 4, 5, 6 and 9 of this law shall be performed by persons determined by this Law and regulations applying for forests protection, as public authorisation.

(2)Closer requirements of paragraph 1 of this Article regarding premises and equipment shall be regulated by the Minister of agriculture, forestry and water economy.

(3)The Minister of agriculture, forestry and water economy shall give public authorisation with a decision for performing the tasks of paragraph 1 of this Article on the basis of open competition.

(4)The decision referred to in paragraph (3) of this Article shall be issued within 30 days of the completion of the public competition.

(5)The unsatisfied party shall have a right to complaint upon the decision of paragraph 3 of this Article within 30 days from the reception of the decision to the State Commission for Decision-making in Administrative Procedure and Second Instance Employment Procedure. ~~Second Instance Commission for administrative matters in the area of agriculture, forestry and water economy and veterinary of the Government of the Republic of Macedonia.~~

(6)Holders of public authorisations shall be responsible to the Ministry of agriculture, forestry and water economy – Phytosanitary directorate for performing the tasks for which the public authorisations have been granted.

(7)The authorisations shall be seized if the holder of the public authorisation will not longer meet the requirements regulated by this Law.

(8)Funds for the realisation of the public authorisations shall be provided from the Programme for plant protection.

## VIII. EXPERTS COUNCIL FOR PLANT HEALTH

### Article 68

#### Experts council for plant health

The Minister of agriculture, forestry and water economy shall establish an Experts Council for plant health, as an expert advisory body in the area of plant protection, composed of experts in the area of plant health in agriculture, forestry, science and education.

Tasks of the Experts Council for plant health shall be:

- giving advices for establishing measures for prevention of entry and spreading of harmful organisms and their eradication;
- proposing scientific and educational activities in the area of plant health;
- monitoring of the development and systematic issues in the area of plant health;
- proposing priority evaluations of the risk of harmful organisms;
- proposing development plans for plant health and

- cooperation and elaboration upon drafting laws and other regulations;

The composition, number of members and method of work of the Experts Council shall be regulated by the Minister of agriculture, forestry and water economy.

## **IX. COMPETENCIES OF THE STATE BODIES**

### **Article 69**

#### **Competencies of the Minister of agriculture, forestry and water economy**

The Minister of agriculture, forestry and water economy may issue an order for undertaking the following measures for the purposes of the implementation of this Law:

- to order a prohibition of the production of certain species, varieties and clones of plants in certain area;
- to regulate measures and way of implementation of EU and international standards;
- to limit or prohibit the trade with certain plant species;
- to order compulsory cooperation among the owners upon the eradication of harmful organisms and use of the equipment for that purpose and
- to order implementation of other measures necessary for implementation of the law;

### **Article 70**

#### **Phytopsanitary directorate**

The Phytopsanitary directorate is competent body for performing activities regarding the plant health in accordance with this law, responsible for coordination and exchange of information among state authority organs and bodies and for informing the European Union and decides in first instance in administrative procedure for issues in the area of plant health. The Phytopsanitary directorate shall be also responsible for implementation of the international conventions, agreements and contracts in the area of plant health, which the Republic of Macedonia has ratified.

### **Article 71**

#### **Competencies of the Director of the Phytopsanitary Directorate**

If there is a risk for the plant health in the country in accordance with Article 12, paragraph 3 of this Law, until the adoption of a by-law, in order to prevent the entry and spreading of harmful organisms in the Republic of Macedonia and their eradication, ~~the Director~~ of the Phytopsanitary directorate may:

- determine the borders of the regulated zones;
- limit or prohibit the movement of certain types of plants on the territory of the Republic of Macedonia and
- limit or prohibit the import and transit of certain plants through the territory of the Republic of Macedonia.

### **Article 72**

#### **Obligations and tasks of the Phytopsanitary directorate**

Besides the obligations determined by other provisions of this Law, the Phytopsanitary directorate shall be responsible for performing the following tasks and obligations:

- 1) cooperation upon the formulation and implementation of the phytopsanitary policy in the area of plant health;
- 2) drafting legal regulation and performing management and administrative tasks in the area of plant health and supervision over their implementation;
- 3) monitoring, forecast, determination of measures for protection against harmful organisms;

- 4) analysis and evaluation of the health status of plants in order to define the emergence and spreading of harmful organisms in the country and abroad;
- 5) preparation of evaluations of the risk if there is a risk for emergence or detection of new harmful organisms, providing technical instructions and measures;
- 6) elaboration of technical databases upon the establishment of infected areas, areas under threat of attack, specially regulated areas and protected zones;
- 7) keeping registers, records and lists determined by this Law;
- 8) adopting programs referring to the preventive measures against entry and spreading of harmful organisms, as well as taking care for the implementation of the programmes;
- 9) implementation of measures for prevention, eradication and extermination of harmful organisms;
- 10) provision of phytosanitary measures;
- 11) expert control of the performance of the tasks by the authorised persons in accordance with this Law;
- 12) notification for emergence, sudden emergences and spreading of harmful organisms in the country and abroad;
- 13) drafting reports, analysis, information and other material for the official bodies, organs and international organizations to which the Republic of Macedonia is obliged to submit reports in accordance with the regulations and on the basis of the international contracts;
- 14) informing the countries exporters on the stopped consignments not meeting the phytosanitary requirements;
- 15) cooperation upon the drafting of international contracts, conventions and agreements concluded by the Government of the Republic of Macedonia in the area of plant health, as well as taking care for their implementation;
- 16) taking care for informing the public and those interested in issues in the area of plant protection and issue of publications;
- 17) taking care for the implementation of uniform procedures in accordance with the regulations and international requirements;
- 18) maintenance of the information system in the area of plant health;
- 19) providing expert and technical training of the employed in the Phytosanitary directorate;
- 20) cooperation with other official bodies, organs and organisations in the country, as well as abroad in their area of competence;
- 21) representation of the Republic of Macedonia in international bodies, organs and organisations in the area of plant health and
- 22) performing other tasks related to the plant health and determined by law.

**Article 73**  
**Phytosanitary inspection**

The phytosanitary inspection shall be performed by the State agriculture inspectorate through phytosanitary inspectors.

Phytosanitary inspector shall cooperate with other inspection organs, institutions and other organisations and with experts for agriculture and forestry in the Republic of Macedonia and abroad.

**Article 74**  
**Tasks and authorisations of a phytosanitary inspector**

Any phytosanitary inspector shall be authorised to:

- 1) access to plants, plant products and other objects at any time and at any place where they can be circulating, producing, processing, storing, selling or using in any way, as well as in customers premises and during import, export, reexport and transit.
- ~~2) Authorisations of paragraph 1 from this Article referring to the forest plants, forest nurseries and forest reproduction material shall be performed by the forestry and hunting inspection, except for the import from other countries, transport, transit and export, pursuant to the Law on forests~~
- 2) perform phytosanitary inspection of plants, plant products and other objects at any time and place where they can be circulating, producing, processing, storing, selling or using in any way, as well as in customers premises and during import, export, reexport and transit.
- 3) perform supervision of harmful organisms, thus collecting and recording data related to the presence of or absence of harmful organisms.
- 4) verify phytosanitary documentation of natural persons and legal entities.
- 5) take samples of plants, plant products and other objects without compensation for their value in order to perform laboratory analysis.
- 6) confirm whether producers, processors, importers and distributors of proscribed species and types of plants are entered into adequate register.
- 7) monitor the meeting of the conditions necessary for plant passports issuing.
- 8) perform inspection supervision over the fulfilling of the obligations of persons responsible for the health of plants according to the register, in accordance to the present Law.
- 9) perform inspection supervision related to whether public institutions, natural persons and legal entities having authorisation for providing of public services in accordance to the present Law, fulfil the proscribed conditions.
- 10) perform inspection supervision over the fulfilling of the tasks of entities providing public services.
- 11) perform inspection supervision over the issuing of plants passport;
- 12) issue phytosanitary certificates for export and reexport;
- 13) perform inspection supervision of registers and proscribed records;
- 14) perform phytosanitary inspection of import, cultivation and usage of organisms intended for biological protection of plants;
- 15) perform inspection supervision over the import of plant protection products;
- 16) perform inspection supervision over the implementation of measures in accordance to the present Law;
- 17) perform inspection supervision over the implementation of measures in accordance to the present Law; and
- 18) fulfil other tasks related to plants health.

Authorisations of paragraph 1 from this Article referring to the forest plants, forest nurseries and forest reproduction material shall be performed by the forestry and hunting inspection, except for the import from other countries, transport, transit and export, pursuant to the Law on forests.

## **Article 75**

### **Measures of the phytosanitary inspector**

In accordance to the present Law and by-laws adopted on the basis of this Law, and upon phytosanitary inspection, each phytosanitary inspector shall be authorised to:

- 1) ban the import of harmful organisms listed in the lists proscribed by the present Law, as well as the import of other special harmful organisms;
- 2) ban the import and the circulation of plants, plant products and other objects that do not fulfil the existing conditions in accordance to the present Law;
- 3) for given period, ban cultivation of the proscribed species in the place of production.
- 4) order adequate treatment of consignments upon import, export and circulation of plants, plant products and other objects, if he/she determines that they have been affected by such proscribed harmful organism;
- 5) order elimination, only if part of the consignment has been affected by harmful organisms, or there is a risk of spreading of harmful organisms;
- 6) order not to transfer the consignment to the importer, transporter or the persons importing or transporting plants, plant products and other objects until the phytosanitary inspection has been effectuated or until there are results from the researches or official tests;
- 7) order destruction of consignments upon import or circulation of plants, plant products and other objects, if there is no risk of spreading of harmful organisms or if the conditions made in accordance to the present Law have not been fulfilled.
- 8) authorise circulation of plants, plant products and other objects (except for seeds and seedling material) in case of infection with harmful organisms in areas where there is no risk of spreading of harmful organism or to the place of industrial processing under their control;
- 9) ban temporarily, completely or partially the activities of producers or processors, as well as the issuing of plant passports until the confirmation of the elimination of harmful organisms.
- 10) ban the issuing of plant passports in cases when the conditions for issuing of passport have not been satisfied.
- 11) suggest erasing from the register to the Phytosanitary directorate, if he/she establishes that the persons responsible for the health of plants do not fulfil the obligations proscribed in accordance to the register;
- 12) in a case of repeated violation, suggest to the Phytosanitary directorate to seizure the permit for passport issuing.
- 13) suggest seizure of the permit or the authorisation in the case when the proscribed conditions have not been fulfilled;
- 14) ban the import, cultivation and the usage of organisms for biological protection of plants, in a case when the conditions proscribed by the present Law have not been satisfied.
- 15) ban the import, domestic sale and production of products related to plants health.
- 16) in determined time limitation, order application of measures for correction of irregularities and lacks in accordance to the present Law, as well as by-laws adopted on the basis of this Law
- 17) order implementation of necessary preventive measures and activities against import, emergence and spreading of harmful organism, for which they have been authorised by law and other by-laws.
- 18) impose mandatory fine in situ, in cases proscribed by the present Law.

- 19) initiate procedure due to violation of the provisions of the present Law or file criminal charge for perpetuated criminal offence, and
- 20) order implementation of other measures in accordance to the present Law.

The phytosanitary inspector shall adopt solution for the matters mentioned in the Paragraph 1.

The party, which is not satisfied with the decision of the phytosanitary inspector, can lodge an appeal to the State Commission for second instance decision in the field of inspection supervision and misdemeanor procedure ~~the Minister of agriculture, forestry and water economy~~ within 15 days following the date of receipt of the decision. The appeal does not cause prolongation of the decision.

#### **Article 76**

##### **Conditions for the phytosanitary inspector**

The phytosanitary inspector can be person who has finished at least higher education in the area of agricultural sciences (plant production) or in the area of forest sciences.

#### **Article 77**

##### **Documents for identification of phytosanitary inspector**

Any phytosanitary inspector should have identification documents for identifying upon phytosanitary inspections and a uniform.

Identification documents are the identification card and the emblem issued and withdrawn by the Minister of agriculture, forestry and water economy.

The form and content of the form for identification card and the emblem mentioned in Paragraph 2 of this Article and the uniform shall be regulated by the Minister of agriculture, forestry and water economy.

#### **Article 78**

##### **State phytosanitary laboratory**

The State phytosanitary laboratory shall be established within the Ministry of agriculture, forestry and water economy, having the status of a Bureau.

DHL conducts specialized laboratory tests on plants, plant products and other laboratory objects and objects in order to diagnose and determine harmful organisms, mycotoxins, examination of the physico-chemical properties of phytopharmaceuticals, analysis of active substance, synergists, synergists, antifungals. basic substances and additives used in the food industry and food production for animals, residues of pesticides in primary agricultural products and their processing, biogenic amines and organic acids, food and feed of plant origin, primary agricultural products and their processing in conventional and organic production, analysis of seed and plant material , analysis of GMOs in plants and plant products and more.

DHL charges a fee for performing the activities referred to in paragraph 2 of this Article for the needs of ministries, bodies within ministries, autonomous state administration bodies, certification bodies and private operators in the Republic of Macedonia.

The amount of the compensation referred to in paragraph 3 of this Article shall be determined by the Government of the Republic of Macedonia, on a proposal from the Minister of Agriculture, Forestry and Water Economy, on the basis of the actual costs incurred for the laboratory analyzes and tests.

The funds earned from the compensation referred to in paragraph 2 of this Article shall be revenue of the Budget of the Republic of Macedonia

~~This Laboratory shall be competent for specialised laboratory tests of plants, plant products and other objects in order to diagnose and determine harmful organisms, biological examinations, examination of physical and chemical properties of products for plant protection, analysis of active substance and~~



~~analysis of seeds and seedling material.~~

~~Besides matters stated in paragraph 1 of this Article, the State phytosanitary laboratory shall also perform activities regulated by the programme of Article 5, paragraph 6 of this Law.~~

~~This State phytosanitary laboratory shall be managed by a director, appointed and dismissed by the Government of the Republic of Macedonia following a proposal of the Minister of agriculture, forestry and water economy.~~

#### **Article 78-a**

DHL bases its work, particularly on laboratory analysis, on standard ISO, OIV, ISTA, CIPAC and EPPO standard operating protocols in the field.

#### **Article 78-b**

The DHL is headed by a Director, who is appointed and dismissed by the Government of the Republic of Macedonia on the proposal of the Minister of Agriculture, Forestry and Water Economy.

A public announcement for the appointment of a director shall be published in at least three daily newspapers published throughout the Republic of Macedonia, one of which shall be published in the language spoken by at least 20% of the citizens who speak an official language other than Macedonian.

The following persons may be appointed as the Director of the State Phytosanitary Laboratory:

- 1) is a citizen of the Republic of Macedonia;
- 2) at the time of his / her appointment with a final court verdict, no penalty or misdemeanor sanction for prohibition to perform a profession, activity or duty has been pronounced;
- 3) has acquired at least 240 ECTS credits or completed VII / 1 degree;
- 4) has at least five years of work experience;
- 5) possess one of the following internationally recognized certificates of active English proficiency not older than five years: **6**
  - TOEFEL - at least 74 points,
  - IELTS - at least 6 points,
  - ILEC (Cambridge English: Legal) - at least B2 (B2) level,
  - FCE (Cambridge English: First) - passed,
  - BULATS - at least 60 points or
  - APTIS - at least B2 level (B2).

#### **Article 78-c**

The funds for financing DHL are provided from the Budget of the Republic of Macedonia.

DHL can generate its own revenues, donations, and other sources determined by this or other law.

### **X. SUPERVISION**

#### **Article 79 Supervision**

The Ministry of agriculture, forestry and water economy shall supervise the implementation of the present Law and the regulations adopted based on this Law.

The Ministry of agriculture, forestry and water economy - The Phytosanitary directorate shall supervise the implementation of the public authorisations determined in the present Law.

The inspection supervision over the implementation of this Law and the enforcement of the measures arising from this Law shall be performed by the State agriculture inspectorate by phytosanitary inspectors..

Inspection supervision in the Phytosanitary directorate shall be performed by phytosanitary inspectors.

Certain matters upon performing phytosanitary inspection regarding the implementation of this Law and the provisions adopted based on this Law may be also performed by persons authorised by the Minister of agriculture, forestry and water economy.

**Article 79-a**  
**Education procedure**

If, during the inspection, the phytosanitary inspector of the State Agriculture Inspectorate finds that the irregularity referred to in Article 82 of this Law has been committed for the first time, he shall be obliged to compile a report in which he will establish the irregularity with indication for elimination of the irregularity identified within the deadline 15 days and simultaneously submitting an invitation to conduct education of the person or entity where the irregularity in the inspection supervision has been established.

The form and content of the invitation for education, as well as the manner of conducting the education shall be prescribed by the Minister of Agriculture, Forestry and Water Economy.

The education is organized and implemented by the State Agriculture Inspectorate, within no more than eight days from the day of the inspection supervision.

Education can be carried out for more than one set of identical or identical irregularities for one or more subjects.

If the person or entity to whom the education is administered fails to appear at the scheduled time, the education shall be deemed to have been rendered.

If the person or entity being educated responds to the scheduled education and completes it, it shall be deemed to have been educated in relation to the identified irregularity.

If the phytosanitary inspector determines that the irregularities referred to in paragraph 1 of this Article have been removed in the course of the control supervision, he / she shall adopt a conclusion stopping the inspection procedure.

If the phytosanitary inspector determines that the irregularities referred to in paragraph 1 of this Article have not been removed in the course of the control supervision, he / she shall submit a request for initiation of a misdemeanor procedure to the Misdemeanor Commission.

The State Agriculture Inspectorate shall keep records of the education provided in a manner prescribed by the Minister of Agriculture, Forestry and Water Economy.

**Article 79-b**

Ministry of Agriculture, Forestry and Water Economy - The State Agriculture Inspectorate prepares quarterly reports and publishes them on the website of the Ministry for Unified Quarterly Review.

**XI. Offenses**

**Article 79-c**

A misdemeanor procedure shall be conducted and a misdemeanor sanction shall be imposed by a competent court for the misdemeanors provided for in Article 80 of this Law, and a misdemeanor commission consisting of three members, of at least one member, shall be misdemeanor-sanctioned and misdemeanor sanctioned. Bachelor of Laws, passed the bar exam in the Ministry of Agriculture, Forestry and Water Economy.

Prior to filing a request for initiation of a misdemeanor procedure for the misdemeanors provided for in this Law, the phytosanitary inspector shall conduct a settlement procedure and issue a misdemeanor payment order.

The Phytosanitary Inspector shall be obliged to keep records of the issued misdemeanor payment orders and the outcome of the proceedings.

The following data shall be collected, processed and kept in the records referred to in paragraph 3 of this Article: name and surname, ie name of the perpetrator of the misdemeanor, domicile or residence, seat, type of misdemeanor, number of misdemeanor payment order issued and the outcome of the procedure.

The personal data referred to in paragraph 4 of this Article shall be kept for five years from the date of entry in the records.

The decision of the Misdemeanor Commission referred to in paragraph 1 of this Article may be appealed to the State Commission for second instance decision in the field of inspection supervision and misdemeanor procedure.

The form and content of the misdemeanor payment order shall be prescribed by the Minister of Agriculture, Forestry and Water Economy.

### **Article 80**

A fine in amount of 10 000 euros in denars counter value shall be imposed to the legal entity for a misdemeanour, if:

- 1) does not inform the phytosanitary inspector and/or the Phytosanitary directorate without any delay regarding the new and unexpected emergence of harmful organisms included in the List I, part A and List II, part A of the Article 7 Paragraph 2 of item 1 of the present Law (Article 5, Paragraph 3).
- 2) does not immediately inform the phytosanitary inspector and/or public services provider that informs the Phytosanitary directorate regarding the new and unexpected emergence of harmful organism included in the List I, part A and List II, part A and does not take the measures determined by the Phytosanitary directorate related to the prevention of the spreading of harmful organisms and their suppression (Article 6, Paragraph 2).
- 3) has not immediately inform the Phytosanitary directorate on the emergence of harmful organisms stated in List I, part A and List II, part A on the territory of the Republic of Macedonia or harmful organisms stated in List I, part B and List II, part B in certain protected zones or on the emergence of symptoms at plants, plant products or other objects and/or on a doubt for existence of harmful organisms stated in List I, part A, List II, part A, List I, part B or List II, part B (Article 9, paragraph 1)
- 4) does not protect plants, plant products or other objects and does not prevent contact with other plants, plant products or other objects in a way determined by the the Phytosanitary directorate (Article 9, Paragraph 2).
- 5) gives and publishes data on the emergence of newly discovered organisms from List I, part A and List II, part A in the Republic of Macedonia without an approval of the Phytosanitary directorate (Article 11, Paragraph 3).
- 6) enters or spreads harmful organisms in opposition to the provisions of the Article 14 of the present Law.
- 7) imports and puts into circulation plants, plant products and other objects in opposition to the provisions of the Article 15 of the present Law.
- 8) the person fails to perform the obligations referred to in Article 21 paragraph 1 indents 4 and 5

of this Law-

- 9) import or move into harmful organisms listed in List I, Part A, List II, Part A, List I, Part B and List II, Part B and plants, plant products and other objects and articles listed in List III, Part A, List III, Part B, List IV, part A and List IV, part B without fulfilling the conditions referred to in Article 16 paragraph 1 indents 1, 2, 3 and 4 of this Law;
- 10) imports consignments for which the Phytosanitary inspection has the authorisation, through locations that have not been determined as locations for entering in the Republic of Macedonia (Article 23, Paragraph 1)
- 11) imports consignment from the List V, part B without phytosanitary certificate (Article 24, Paragraphs 3 and 4).
- 12) does not inform the phytosanitary inspector on the arrival of consignments, which are imported or reloaded upon the transport (Article 29, Paragraph 1).
- 13) does not implement the measures for importing consignments imposed by the phytosanitary inspector (Article 29, Paragraph 3).
- 14) does not implement the measures for exporting consignments imposed by the phytosanitary inspector (Article 35, Paragraph 3).
- 15) the consignment has not been packed in a way which provides inexistence of a risk of spreading of harmful organisms, and if the consignment is divided, combined with other shipments or repacked in the customs area in the Republic of Macedonia (Article 36, Paragraph 2).
- 16) puts into circulation plants, plant products and other objects listed in the List V, part A, section I without plant passports attached on them or on their packaging or on the mean of transportation as accompanying document (Article 37, Paragraph 1).
- 17) puts into circulation, or in within the protected zone, plants, plant products and other objects listed in the List V, part A, section II without plant passports valid for that zone attached on them or on their packaging or on the mean of transportation as accompanying document (Article 38, Paragraph 1).
- 18) issue a plant passport (Article 37, paragraph 2);
- 19) issues a plant passport without authorization from the Phytosanitary Directorate (Article 41 paragraph 2);
- 20) issues a plant passport for the rest of plants, plant products and other objects if they are suspected of being attacked by harmful organisms from List I part A, List I part B, List II part A or List II part B and if there is a risk of their spreading (Article 45);
- 21) does not fulfil the obligations listed in the Article 48, Paragraph 1, indents 1, 2, 3, 4 and 5 of the present Law.
- 22) Does not provide an access of the phytosanitary inspector to plants, plant products and other objects in any phase of the production or processing or on the market, as well as if it does not provide performance of the phytosanitary inspection, including the verification of the documents (Article 49, Paragraph 3).
- 23) enters, cultivates and uses indigenous species of organisms for the biological protection of plants in a protected area and in the open air without fulfilling the requirements concerning professional and technical capacity (Article 51, paragraph 2);
- 24) For the purpose of biological protection of plants in protected area and in open space uses exotic species of organisms that have not been included in the List or imports and uses them with no approval from the Phytosanitary directorate (Article 52, Paragraph 2).
- 25) uses the data contrary to the purposes for which it is provided or if it modifies or unauthorizedly

changes the data to other persons (Article 54, paragraph 4);

- 26) puts into circulation seeds, seedlings material and propagating material originating from sown fields and plantations that have not been subjected to obligatory health control and have not been issued certification for the statute of the health condition of the sown fields and plantations (Article 84, Paragraph 4).
- 27) Puts into circulation seedling material and propagating material for which the producer, processor or distributor has not been issued certificate to (Article 85, Paragraph 3)
- 28) Does not provide declaration for the phytosanitary inspector and with no authorisation from the Phytosanitary directorate and puts into circulation seedling material and propagation material of perennial plants that could contain harmful organisms mentioned in the List I, part A and List II, part A (Article 86, Paragraphs 2 and 3)

For the actions referred to in paragraph (1) of this Article, in addition to the fine of the legal entity, a special misdemeanor measure shall be imposed for confiscation and destruction of the plant material.

Besides the fine for the misdemeanours listed in the Paragraph 1 of the present Article, any legal entity shall be subjected to protection measure of prohibition of working in period from one year ~~six months~~ to three years.

A fine in the amount of 30% of the measured fine for the legal entity shall also be imposed on the responsible person in the legal entity for the misdemeanors referred to in paragraph (1) of this Article.

The individual person shall be fined with Denar equivalent of Euro 1,000 to 1,500 for the misdemeanor referred to in paragraph 1 of this Article.

In addition to the fine referred to in paragraph (5) of this Article, the individual person shall also be subject to a special misdemeanor measure for confiscation and destruction of the plant material.

### **Article 81**

A fine in amount of 3.000 euros in denars counter value shall be imposed on the legal entity for a misdemeanour, if:

- 1) the person does not fulfil the obligations listed in the Article 21, Paragraph 1, indents 1, 2, 3, 4, 5, 6, 7 and 8 of the present Law.
- 2) fails to implement the measures prescribed by the phytosanitary inspector for the consignments being imported (Article 29 paragraph 3);
- 3) does not provide phytosanitary inspection of plants, plant products and other objects (Article 40, Paragraphs 1 and 2).
- 4) a consignment is split or composed of several separate consignments that already have a plant passport, and the registered producer, processor and distributor has not been issued a replacement passport for the new consignment (Article 46, paragraph 1);
- 5) the imported consignment with an orderly phytosanitary certificate from List V part A moves to the country without a phytosanitary certificate stating that it is a replacement for a plant passport (Article 47 paragraph 1) and
- 6) the consignment stated in the List V, part A, having a phytosanitary certificate, is divided or is composed of several different shipments, and plant passport has not been issued for the new consignment (Article 47, Paragraph 2).

For the actions referred to in paragraph 1 of this Article, in addition to the fine of the legal entity, a

special misdemeanor measure shall be imposed for confiscation and destruction of the plant material.

In addition to the fine referred to in paragraph 1 of this Article, the legal entity shall also be subject to a misdemeanor sanction - temporary prohibition for performing certain activity for a period of 30 days.

A fine in the amount of 30% of the measured fine for the legal entity shall also be imposed on the responsible person in the legal entity for the misdemeanors referred to in paragraph (1) of this Article. 8

A fine in the amount of 300 to 450 euros in denar counter-value shall be imposed on the natural person for the misdemeanor referred to in paragraph 1 of this Article. 9

In addition to the fine referred to in paragraph 5 of this Article, the individual person shall also be subject to a special misdemeanor measure for confiscation and destruction of the plant material.

### **Article 82**

A fine in the amount of EUR 1,500 in denar counter-value shall be imposed on a legal person for an offense if:

- 1) is not entered in the register of producers, processors, importers and distributors of plants, plant products and other objects and deals with the production, processing, import or distribution of plants, plant products and other objects and items in List V part A and List V part B and manufacturers of certain plants, plant products and other objects and articles not designated in List V part A and the relevant centers of production and delivery (Article 19, paragraphs 1 and 2);
- 2) fails to keep all types of plant passports in accordance with the prescribed deadlines (Article 49 paragraph 1) and
- 3) it fails to keep records, registers and databases related to the information system and if it is not kept up to date (Article 55 paragraph 1).

A fine in the amount of 30% of the measured fine for the legal entity shall also be imposed on the responsible person in the legal entity for the misdemeanors referred to in paragraph (1) of this Article.

A fine in the amount of 150 to 230 euros in denar counter-value shall be imposed on the natural person for the misdemeanor referred to in paragraph 1 of this Article.

### **Article 82-a**

The amount of the fine for the legal entity shall be measured in accordance with the Law on Misdemeanors.

### **Article 82-b**

A fine in the amount of 25 to 50 euros in denar counter-value shall be imposed on a misdemeanor to an authorized official of the Office if he / she does not request the ex officio evidence within the time limit set in Article 19 paragraph 6 of this Law.

Fine in the amount of Euro 25 to 50 in Denar counter-value shall be imposed on the authorized official by the competent public authority for misdemeanor if he fails to submit the required evidence within the time limit set in Article 19 paragraph 7 of this Law.

For the violations referred to in paragraphs 1 and 2 of this Article, a misdemeanor procedure shall be conducted and a misdemeanor sanction shall be imposed by a competent court.

## **XII. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 83**

#### **Phytosanitary directorate and fulfilling tasks**

The Directorate for plants protection shall continue to function as Phytosanitary directorate on the date of entering into force of the present Law.

The employees, equipment, inventory and other objects, archive, documentation, working objects and other objects of the Directorate for plants protection shall be transferred to the Phytosanitary directorate.

### **Article 84**

#### **Certificate for the health condition of sown fields and plantations**

Until the start of the implementation of the provisions of Articles 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 57, Article 74 items 7 и 11 and the Article 75 Paragraph 1 items 9, 10 и 12 of the present Law referring to plant passports, the health control shall be performed over the sown fields intended for production of seeds, seedling material and propagating material during their vegetation period and shall be issued certificate for the statute of the health condition of sown fields and plantations in accordance to the existing regulations.

Until January 1, 2009 the competent organisations, in accordance to the existing regulations, shall perform obligatory health control and shall issue certificates for the statute of the health condition of sown fields and plantations.

If during the obligatory control of sown fields and plantations, in accordance to this Article there are findings related to harmful organisms included in the List I, part A and List II, part A, the phytosanitary inspector shall order implementation of measures for suppression and eradication.

Producers of seed and propagating material shall be obliged to report the seed production to the Phytosanitary directorate and the authorised legal entity for conducting the mandatory health examination 30 days from the beginning of the seeding season, and for the propagating material not later then 30<sup>th</sup> of April in the current year

The authorised person shall be obliged to conduct examination during the vegetation at least two times a year, if necessary, to determine measures, to issue health certificate of the condition and to submit a report to the Phytosanitary directorate.

The manner, time, criteria for assessment of the health condition, the content and form of the health certificate shall be regulated by the Minister of agriculture, forestry and water economy

In cases when the obligatory control of sown fields or plantations has not been effectuated and there is no certificate for the statute of the health condition of sown fields and plantations, in that case, the seeds, seedling and propagation material originating from these sown fields and plantations, the producer, processor or distributor can not put them into sale.

In case when the provisions of the present Article have not been fulfilled, the phytosanitary inspector shall ban the sale.

### **Article 85**

#### **Certificate for the status of the health condition on domestic market**

Until the implementation of the provisions of this Law referring to the plant passports, the phytosanitary inspector shall issue certificate stated in Article 84, paragraphs 1 and 2 of this law and for the health status of examined consignments with seedling and propagation material moved into the Republic of Macedonia.

The Certificate from the Paragraph 1 of this Article shall be issued if the seedling and propagation materials were subjected to phytosanitary inspection before being moved from the sown fields and

facilities in which they have been produced, processed or packed and there are proofs that they are free from harmful organisms included in the List I, part A and List II, part A, above the authorised percentage.

Sale of seedling material and propagating material for which the producer, processor or distributor has not been issued certificate to, in accordance to the Article 2 of the present Article shall be banned.

In case when the provisions of the present Article have not been fulfilled, the phytosanitary inspector shall ban the sale.

The manner of issuance and the form and content of the certificate stated in paragraph 2 of this Article shall be regulated by the Ministry of agriculture, forestry and water economy.

#### **Article 86** **Monitoring the status of the health condition of an imported seedlings of perennial plants**

By the day of accession of the Republic of Macedonia into the European Union, the status of the health condition of an imported seedlings and propagating material of perennial plants, which might contain harmful organisms from List I, part A and List II, part A, whose presence could not be determined upon phytosanitary inspection upon import, have to be monitored on the place of the end consumers.

The importer of seedlings and propagating material from paragraph 1 of this Article have to submit a declaration with the determined data for the end user to the phytosanitary inspector upon the import.

Upon the monitoring of the status of the health condition on the place of the end user, seedlings and propagating material from paragraph 1 of this Article must not be put into circulation without an approval by the Phytosanitary directorate.

The status of the health condition of an imported seedlings and propagating material in accordance with paragraph 1 of this Article shall be under monitoring by the phytosanitary inspector during its vegetation period.

#### **Article 87** **Terms for issuance of new by-laws**

Related regulations provided in this Law shall be adopted not later than three years from the day when this Law shall enter into force, with the exception of regulations based on Articles 20, 21, and 22 of this Law, which will be adopted within six months from the day of entry into force of this Law.

List from Articles 7 and 8 of this Law shall be published in the “Official Gazette of the Republic of Macedonia” not later than three months from the of entry into force of this Law.

#### **Article 88** **Regulations which shall apply until the adoption of the new ones**

Until the adoption of related regulations, the current regulations shall be applied based on this Law.

#### **Article 89** **Regulations which will cease to apply or will no longer be valid**

Provision of the Law on plant health (“Official Gazette of the Republic of Macedonia” No 25/98 and 6/2000) shall cease to apply on the day of entry into force of this Law,

Article 7, paragraph 1, item 2 from the Law on agricultural inspection (“Official Gazette of the Republic of Macedonia” No 38/2004) shall cease to apply on the day of entry into force of this Law.



## **Article 90**

### **Application of certain provisions from the Law**

Provisions from Articles 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 57, Article 74, items 7 and 11 and Article 75, paragraph 1, items 9, 10 and 12 of this Law, referring to the issuance of plant passports and provisions from Articles 13, 14, 15, 25 and 38 of this Law, referring to establishing a protected zone and movement in it, shall start to apply from 1 January 2009.

## **Article 91**

### **Entry into force of the Law**

This Law shall enter into force on the eighth day of the day of its publication in the "Official Gazette of the Republic of Macedonia".