



This is an unofficial translation and consolidation!

The Law of Ukraine:

Regarding the changes in the Ukrainian Law
"On plant quarantine"

The Verkhovna Rada of Ukraine enacts:

To make alterations in the Ukrainian Law "On plant quarantine"

(Registers of the Verkhovna Rada of Ukraine,
3348-XII 1993, N 34, pg. 352;
N 367/97 BP 1997, N 35, pg. 220;
N 783-XIV 1999, N 34, pg. 274;
N 662-IV 2003, N 27, p. 209;
N 674-IV 2003, N 28, pg. 212; (new version of the law)
N 1804-IV 2004, N 38, p. 468;
N 2600-IV 2005, N 25, p. 335;
N 3369-IV 2006, N 19-20, p. 167; (new version of the law)
N 2817-VI 2010, N 25, p. 192;
N 2973-VI 2011, N 33, p. 326,
N 5462-VI 2012, N 6-7, p. 80;
N 406-VII , N 20-21, p. 712;
N 1193-VII 2014, N 23, p. 873,
N 222-VIII 2015, N 617-VIII 2015,
N 867-VIII 2015),
N 2501-VIII 10/07/2018, N 39, p. 286
N 2530-VIII 06/09/2018, N 41, p. 320
N 440-IX 14.01.2020, N 2173-IX 01/04/2022,
N 2246-IX 12/05/2022)

stated in this version:

THE LAW OF UKRAINE

On plant quarantine

in the version of N 3369-IV 2006, N 19-20, p. 167 and subsequent amendments

This Law asserts organizational and financial-economic backgrounds of plant quarantine, the authority of governing institutions, and their governmental personnel, rights and an obligation of legal and natural persons, aimed at the prevention of introducing and distributing non-existent regulated harmful organisms on the territory of Ukraine, and forms a part of legislation of Ukraine regarding plants' life and health protection.

Section I GENERAL PROVISIONS

Article 1. Definition of terms

In this Law underlying terms are used in the following meaning:

risk analysis – a process of assessment of biological, ecological and economic data for the purpose of defining the necessity of controlling the regulation of harmful organisms and necessary phytosanitary measures;

antagonist - organism (usually a pathogen), which doesn't harm the plant and can be used for biological control;

arbitration sample ...; [N 2501-VIII of 10/07/2018]

biological control – a method to control regulated harmful organisms using biologically control agents or their natural enemies, antagonists and rivals, which are self-replicating;

biological control agent – is a natural enemy, antagonist, rival or any other self-replicating microscopic biotic entity used for dealing with regulated harmful organisms;

consignment – a certain number of regulated objects (or objects subject to the legal regime of regulated objects), which are being transferred from one country to another or within Ukraine and for which there is one international phytosanitary or quarantine certificate issued (the consignment may consist of one or more lots); (N 617-VIII 2015)

single sample – sample taken during one sampling from a lot or a certain part of a lot; [N 2501-VIII of 10/07/2018]

visual check - physical check of regulated objects with the naked eye with a magnifying glass, binocular or microscope to detect harmful organisms without phytosanitary testing (analysis); [N 2501-VIII of 10/07/2018]

official phytosanitary laboratory... [N 2501-VIII of 10/07/2018]

state supervision – an activity of the central executive body that implements the state policy in the field of plant quarantine that is made periodically, with a purpose of ensuring that the personnel of phytosanitary measures follow the process of production, saving, transporting, utilizing, including exporting and importing of regulated objects, established by the legislation;

additional declaration – a statement that accompanies an international phytosanitary certificate that is demanded by the importing country, where additional information is mentioned regarding the phytosanitary condition of the regulated objects;

economic threshold of damage – a level of expenditures for performing phytosanitary measures;

interested partners – Ukrainian personnel, which are members of international organizations or subjects of treaties, that regulate phytosanitary measures;

transferring – infiltration of the regulated harmful organism, that leads to its implantation;

infestation – a regulated harmful organism living in a regulated object that is a threat for plants;

disinfection – treatment method (physical, chemical or biological) including fumigation aimed at eliminating harmful organisms; [N 2501-VIII of 10/07/2018]

zone – an officially defined country, the territory of the country or the territory of several countries;

zone, free of regulated harmful organisms – a zone, where the absence of the regulated harmful organism is scientifically confirmed and this condition is officially maintained during a certain defined period of time;

a zone with the insignificant amount of the regulated harmful organisms – a zone which is defined by the central executive body that implements the state policy in the field of plant quarantine, where the regulated harmful organism is present in an amount, that exceeds the economic threshold of damage, and is under their supervision, control and/or destruction;

sample – part of a random sample taken from the regulated object to subject it to phytosanitary testing (analysis); [N 2501-VIII of 10/07/2018]

sample document... [N 2501-VIII of 10/07/2018]

inspection – a visual check of the regulated objects for identify the presence of the regulated harmful organisms and/or compliance with phytosanitary provisions; [N 2501-VIII of 10/07/2018]

quarantine – keeping of regulated objects in certain places for monitoring or further inspection, testing and/or treatment;

[N 867-VIII 2015]

quarantine zone – a territory, where quarantine system is established as a result of the detection of the quarantine organism;

quarantine supervision – supervision of the import consignment after the completion of the customs register/arrangement and/or removing/exporting from the quarantine zone to the destination station;

quarantine organism – a harmful organism, which in the case of spreading or limited distribution on the Ukrainian territory can inflict significant damage to the plants and plant;

plant quarantine– a system of measures, aimed to prevent the introduction and/or spread of regulated harmful organisms or to ensure their control (containment);

quarantine system – a special legal structure, that foresees a system of phytosanitary measures, which are carried out in the quarantine zone with the aim to contain and eliminate quarantine organisms;

quarantine certificate – a document, issued by the central executive body that implements the state policy in the field of plant quarantine and certifies the phytosanitary state of the regulated objects, that have been exported and/or imported into the quarantine zone, transported throughout the Ukrainian territory;

Laboratory... [N 2501-VIII of 10/07/2018]

elimination – destruction of the regulated harmful organisms in accordance with the requirements of the phytosanitary measures;

containment – implementation of phytosanitary measures with the aim to prevent the spreading of the regulated harmful organism;

monitoring – an official ongoing process to check the phytosanitary state or the status of harmful organisms;

supervision – the process of collecting and recording data on the presence or absence of a regulated pest in the defined area using survey, monitoring or other procedures;
[N 2501-VIII of 10/07/2018]

emergency circumstances – circumstances, when the presence of a quarantine organism in the country of origin or transit has been confirmed or is suspected, that can cause irreparable damage to the health of plants susceptible to this organism throughout the territory of Ukraine or in a part of Ukraine in the case of imports of regulated objects susceptible to this organism that may carry the quarantine organism;

a proper level of the phytosanitary protection – the level of protection, defined for the performance of the phytosanitary measures;

seeds - seed material not intended for consumption and processing;

notification of the incompliance with phytosanitary provisions... [N 2501-VIII of 10/07/2018]

combined sample... [N 2501-VIII of 10/07/2018]

object – the place of growing, production, storage and processing plants and vegetable products;

regulated objects – any plant, product of plant origin, storage place, packaging, means of transport, containers, soil and any other organism, object or material, which are able to carry or distribute regulated harmful organisms and intended either for import, export or re-export and also for the purpose of controlling the movement within the territory of the Ukraine;
[N 617-VIII 2015]

examination – visual check of regulated objects during which samples and/or arbitration samples are taken;
[N 2501-VIII of 10/07/2018]

person – legal and/or a natural person;

treatment – official procedure for the destruction, inactivation or exclusion of harmful organisms, or their sterilization or neutralization;
[N 2501-VIII of 10/07/2018]

survey – an official procedure conducted over a defined period to determine the characteristics of a pest population or the presence or absence of pests within a certain area;
[N 2501-VIII of 10/07/2018]

phytosanitary risk assessment – assessment of the likelihood, biological, ecological and/or economic consequences of the introduction or spread of regulated harmful organisms;

lot - a number of units of a regulated object, identifiable by its homogeneity of composition, origin etc., forming part of a consignment;
[N 2501-VIII of 10/07/2018]

notification concerning the risk – an exchange of information concerning the risk of the occurrence or spread of regulated harmful organisms;

repeated phytosanitary (arbitration) testing – a phytosanitary testing which is conducted on the demand of a person, who appeals the results of the previous phytosanitary testing;

check – any activities to define the phytosanitary state of the regulated objects;
[N 2501-VIII of 10/07/2018]

point of plant quarantine – a specially equipped place, where the phytosanitary state of an regulated object is determined;

regulated zone – a zone, where phytosanitary measures are performed with the purpose of prevention of the transferring and/or distribution of the quarantine organisms during import or export of the regulated object;

regulated non-quarantined harmful organism – is not a quarantined harmful organism, the presence of which in the seed or planted material exists an unacceptable economic influence on the expected use of these plants and is as a result subjected to regulation;

regulated harmful organism – a quarantine organism or regulated non-quarantine harmful;

risk – a possibility of the presence and reliable scale of consequences of an unfavourable event during a certain period of time;

plants – plants and their parts, including seed parts of living plants, fruit, vegetables, potatoes, potato bulbs, bulbs, onions, roots, cut flowers, branches with springs and leaves, cut trees, crops of plant tissues, except those, to which the method of freezing or heat treatment are being used;

safe packaging... [N 2501-VIII of 10/07/2018]

random sample... [N 2501-VIII of 10/07/2018]

list A1 – list of quarantined organisms, which are absent in the countries – members of the European and Mediterranean organization of plant protection (EOPP);

list A2 – list of quarantine organisms, present at least in one EPPO member state, but not widespread, that are under official control (localized); [N 2501-VIII of 10/07/2018]

status of the harmful organism (in a zone) - recognizing by the central executive body that implements the state policy in the field of plant quarantine of the presence or absence of the harmful organism in the zone at the present time, including necessary data concerning its geographical distribution, on the basis of expert opinion, that is based on current and previous reports regarding the harmful organism and other information;

risk management – a process of determining which measures shall be taken with the purpose of diminishing the risk level (risk level reducing);

phytosanitary testing (analysis) – check of regulated objects in the laboratory for the presence and identification or absence of regulated harmful organisms; [N 2501-VIII of 10/07/2018]

phytosanitary laboratory - a laboratory of any form of ownership approved to carry out phytosanitary tests (analysis); [N 2501-VIII of 10/07/2018]

phytosanitary certificate – A paper document or its electronic equivalent, consistent with the model certificates approved by the International Plant Protection Convention, attesting that a consignment with regulated objects meets the phytosanitary requirements of the importing country; [N 2246-IX 12/05/2022]

phytosanitary certificate for re-export – a paper document or its electronic equivalent consistent with the model certificate approved by the International Plant Protection Convention, attesting that the imported consignment with regulated objects meets the phytosanitary requirements of the importing country; [N 2246-IX 12/05/2022]

phytosanitary state – the presence or absence of the regulated harmful organisms in the regulated objects;

phytosanitary provisions – legislation or official procedure aimed at preventing the emergence and spread of quarantine organisms or to limit adverse economic effects of regulated non-quarantine organisms; [N 5462-VI/2012], [N 2501-VIII of 10/07/2018]

phytosanitary rules – rules established by normative-legal deeds for transferring and/or distribution of the quarantined organisms and prevention and restriction of the economic influence of the regulated non-quarantine organisms, including procedures of the phytosanitary certification;

phytosanitary procedure – a method for the application phytosanitary provisions, including inspection, examination, phytosanitary testing (analysis), supervision or control measures for the disinfection of regulated objects; [N 2501-VIII of 10/07/2018]

fumigation...; [N 2501-VIII of 10/07/2018]

harmful organism – any kind, strain or biotype of plants, animals, pathogenic agents that are harmful to plants or products of the vegetable origin including insects, fungi, bacteria, viruses, eelworms and weeds.

The term "real conflict of interest" is used in the meaning according to the law of Ukraine "On the Prevention of Corruption". [N 2501-VIII of 10/07/2018]

The term "certification auditor (agronomist-inspector)" is used in this Law in the meaning according to the Law of Ukraine "On Seeds and Planting Material". [N 2246-IX 12/05/2022]

Article 2. Legislation concerning plant quarantine

Legislation concerning plant quarantine is based on the Constitution of Ukraine (254к/96-BP) and consists of this Law, the International Plant Protection Convention and other normative-legal deeds, which are accepted in accordance with them.

[N 2530-VII of 06/09/2018]

Section II

STATE ADMINISTRATION IN THE FIELD OF PLANT QUARANTINE

Article 3. Institutions which perform state management in the area of plant quarantine

State management in the field of plant quarantine is performed by the Cabinet of Ministers of Ukraine, central executive body that ensures the formation of state policy in the field of plant quarantine, the central executive body that implements the state policy in the field of plant quarantine.

Article 4. Authority of the Cabinet of Ministers of Ukraine regarding plant quarantine

Among the authorities of the Cabinet of Ministers of Ukraine regarding plant quarantine are:

to support the performance of the state policy regarding plant quarantine;

development and realization of the proper national programs;

direction and coordination of the central executive body that implements the state policy in the field of plant quarantine;

agreement of international treaties on behalf of the Government of Ukraine, including agreements concerning the declaration of uniformity of certain phytosanitary measures;

introduction and elimination of the quarantine system in the order established by this Law;

establishment of a list of paid services and their amount with respect to the central executive body that implements the state policy in the field of plant quarantine;

approval of the list of regulated objects, order of issue of ~~the quarantine permit~~, quarantine certificate, phytosanitary certificate, phytosanitary certificate for the re-export and period of their validity; [N 867-VIII 2015]

performance of other authorities in the field of plant quarantine according to the Constitution (254к/96-BP) and Laws of Ukraine.

Article 5. The tasks of the central executive body that ensures the formation of state policy in the field of plant quarantine

The tasks of the central executive body that ensures the formation of state policy in the field of plant quarantine are:

determine priorities, strategies and management mechanisms in the field of plant quarantine;

implement legal support in the field of plant quarantine;

establish according to law procedures for import, export and use of plants and plant products, also in agreement with plant health services of other countries according to international treaties of Ukraine;

approve of the list of the regulated harmful organisms;

submit proposals to the Cabinet of Ministers of Ukraine on introduction or cancellation of a quarantine system;

performance of other tasks assigned to by Ukrainian law. [N 617-VIII 2015]

Article 6. Tasks of the central executive body that implements the state policy in the field of plant quarantine

[N 5462-VI/2012]

Tasks of the central executive body that implements the state policy in the field of plant quarantine are:

protection of the territory of Ukraine from transferring of the regulated harmful organisms;

discovery, containment and elimination of the regulated harmful organisms;

prevention of the penetration of the regulated harmful organisms into the zones free of such regulated harmful organisms on the territory of Ukraine;

awareness of the state control for execution of the quarantine system and holding activities on plant quarantine during their growing, storage, exporting and importing, transportation, storage, processing, utilizing and usage of the regulated objects;

registration of the personnel who perform the economic activities related to the production and circulation of the regulated objects.

~~deleted~~ [N 5462-VI/2012]

~~deleted~~ [N 5462-VI/2012]

Article 7. Authorities of the Main state inspection concerning plant quarantine of Ukraine

The authorities of the central executive body that implements the state policy in the field of plant quarantine entail:

~~deleted~~ [5462-VI/2012]

studying (researching) of the species structure, biology and ecology of the regulated harmful organisms, development of the prognosis of their distribution with a purpose of prevention of the transferring and/or their distribution;

development of projects and normative-legal acts in the field of plant quarantine;

managing of the databases and informing the community and interested partners concerning the exposure, presence, distribution, containment and in the case of the necessity of elimination of the regulated harmful organisms;

... [N 2530-VII of 06/09/2018]

... [N 2530-VII of 06/09/2018]

the inspection and phytosanitary testing of the regulated objects in cases established by Law; [N 2501-VIII of 10/07/2018]

performance of the state control after implementation of the phytosanitary measures;

~~delivery of the quarantine permits in accordance with the law;~~

[N 867-VIII 2015]

the coordination of the monitoring, discovery and identification of the regulated harmful organisms in Ukraine;

preparation of the list of the regulated harmful organisms;

preparation of the list of the regulated objects;

realization of control after the use of biological control agent;

presenting proposals to the Cabinet of the Ministers of Ukraine on the introduction or elimination of a quarantine system; [N 5462-VI/2012]

detailing the scientific-research regarding plant quarantine;

be in charge of after the administration of the fumigation (disinfestations) by the personnel of the regulated objects, which are moving through the state border of Ukraine and/or borders of the quarantine zones;

deleted [N 5462-VI/2012]

representative office of Ukraine in the international organizations according to the order established by the law;

control of the special research conducted jointly with national organizations on quarantine and plant protection of other countries according to the evaluation of the correspondence or non-correspondence of the regulated objects to the phytosanitary rules;

provide information to interested partners on phytosanitary prohibitions or restrictions as well as provide information according to the procedure on the exchange of information of the central executive body that implements the state customs policy on the existence of current import prohibitions of regulated objects to the Ukraine specifying countries of export or zones of countries of origin from where the import of regulated objects is prohibited and/or with respect to which the import of regulated objects coming from those territories is prohibited, and publication on the official website of import prohibitions for regulated objects with respect to a country, zone of origin, periods of time and reasons within three days after taking a decision on such a prohibition;

[440-IX/2020]

[N 867-VIII 2015]

determination of and individually defined percentage of the consignment, which are subject to the selective phytosanitary border control on the basis of a risk analysis according to Article 17 of the present Law; [N 617-VIII 2015]

The establishment of the national register according to the present Law;

[N 2501-VIII of 10/07/2018]

answering questions in relation to phytosanitary measures;

free publication on its official website of information on new or revised phytosanitary measures and phytosanitary measures of countries of destination, outcomes of pest risk analyses, decisions on the introduction or cancellation of quarantine systems, including the list of regions which introduced a quarantine system, and the list of regulated pests, the lists A1 and A2 of harmful organisms of the EPPO within one working day from the date of receipt of the information, unless otherwise provided by this Act. [N 617-VIII 2015]

[deleted by N 222-VIII)

...; [N 2501-VIII of 10/07/2018]

~~Article 8. Authority of state inspections from plant quarantine of the Autonomous Republic Crimea, regions, cities of Kiev and Sevastopol~~

~~deleted [N 5462-VI/2012]~~

Article 9. Government personnel who perform state control of plant quarantine

Organization and implementation of the state control rely on the Central state plant health inspector of Ukraine, main state plant health inspector of the Autonomous Republic of Crimea, their deputies and state plant health inspectors.

Officials, who have been granted tasks of state plant inspectors, are subject to the Law of Ukraine "About the state service" (3723-12).

For the government personnel, which were given the authority of the state plant health inspectors, length of the state service is being enrolled from the day of entry in force of the Law of Ukraine "On Plant Quarantine".

The state plant health inspectors are provided with uniforms from the State Budget of Ukraine.

Samples of uniforms, insignia and terms of wear, providing the order established by the Cabinet of Ministers of Ukraine.

[N 5462-VI/2012]

Article 10. Rights and obligations of the government personnel, who perform state control and supervision

~~deleted~~ [N 5462-VI/2012]

The Main state plant health inspectors within the limits of their authority has a right:

to conduct phytosanitary procedures on the regulated objects;

...; [N 2530-VII of 06/09/2018], [N 5462-VI/2012], [N 617-VIII 2015]

Article 11. Guarantees of the activities of Government Institutions, which perform the state control and supervision

... [N 5462-VI/2012]

A decision of state plant health inspector regarding the prohibition of growing, exporting and importing, transportation (including exporting and importing, transit), storage, utilizing or usage of the regulated objects, are accepted within the limits of his authority, are obligatory for implementation.

Offenses of the government person, who performs the state control of plant quarantine, and also pressures, threatens violence and other activities, which prevent the performance, duties and obligations and authorities, accordance to the law.

Article 12. Rights and duties of persons in the field of plant quarantine

[N 2501-VIII of 10/07/2018]

Personnel, who perform economic activity, related to the production, processing, storage, transporting and trade of the plants and plants products, have a right to receive the information concerning phytosanitary state on the certain territory from the central executive body that implements the state policy in the field of plant quarantine.

Personnel, who suffer from the harm as a result of the establishment of the quarantine system or connected with the performance of the activities regarding the elimination of the quarantine organisms, are being compensated in accordance to the law.

Personnel property which is being used with the purpose of prevention of the distribution and elimination of the quarantine organisms have a right for the compensation of their damage in accordance with the law and in order and sizes approved by the Cabinet of the Ministers of Ukraine.

Personnel who perform economic activity, connected with the production, processing, storage, transportation, trade of the plants and plant products, are obligated:

to follow the phytosanitary rules and perform phytosanitary measures;

to perform legal orders of the central executive body that implements the state policy in the field of plant quarantine regarding the holding of the certain quarantine activities;

[N 867-VIII 2015]

to submit certain information according to this Law for registration with the central authority implementing state policy in the field of plant quarantine, if it is required according to Article 27 of this Law;

[N 617-VIII 2015]

to submit on the demand of the specialists of the central executive body that implements the state policy in the field of plant quarantine information concerning the regulated objects;

to perform a systematic monitoring of the land, which belong to them on the rights of the ownership or usage, and also powers (objects) on which a production and/or circulation of the plants, products of plant origin with a purpose of discovery of the regulated harmful organisms are performed;

to give unimpeded access to state plant health inspector inspectors in cases laid down by the Law to the regulated objects on any stage of the production, processing or circulation for inspections, check of documents and sampling of regulated objects to identify their phytosanitary state according to this Law

[N 5462-VI/2012], [N 867-VIII 2015];

to be instrumental in the support of the quarantine measures in the quarantined and neighbouring zones in case of exposure of the quarantine organisms;

to keep all the phytosanitary certificates, quarantine certificates ~~and quarantine permits~~ during one year starting from the day of their delivery. [N 867-VIII 2015]

Phytosanitary provisions are mandatory to be implemented by state authorities and individuals. [N 2501-VIII of 10/07/2018]

Personnel and institutions of the state government are obliged to support state plant health inspectors in the performance of their authorities.

Article 13. Phytosanitary tests

Phytosanitary tests of regulated objects are carried out to find and/or identify regulated harmful organisms. Phytosanitary tests are carried out in quarantine laboratories of the central executive body that implements the state policy in the field of plant quarantine of Ukraine according to the international standards, instructions and recommendations.

[N 5462-VI/2012]

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[N 5462-VI/2012]

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[N 5462-VI/2012]

The performances of the second phytosanitary testing test are being approved by the central executive body that ensures the formation of state policy in the field of plant quarantine.

Section II-1.

PHYTOSANITARY TEST

Article 13. Sampling and Phytosanitary testing (analysis)...

Article 13-1. Authorization to carry out checks and phytosanitary testing (analysis)...

Article 13-2. Repeated phytosanitary (arbitration) random sample testing (analysis)

...

[N 2501-VIII of 10/07/2018]

Article 13-3. Register of approved laboratories...

Article 13-4. Register of issued phytosanitary certificates... [N 2501-VIII of 10/07/2018]

Section III

DEVELOPMENT AND APPLICATION OF THE PHYTOSANITARY PROVISIONS

Article 14. Purposes of phytosanitary provisions

Institutions that perform state management regarding plant quarantine use the necessary phytosanitary provisions with a purpose of:

protection of life and health of the plants on the territory of Ukraine against the risks as a result of the transferring and/or distribution of the regulated harmful organisms in Ukraine or to reduce these risks;

prevention or restriction of any harm as a result of the transferring and/or distribution of the regulated harmful organisms.

Article 15. Proper level of the phytosanitary protection

The central executive body that ensures the formation of state policy in the field of plant quarantine determines the proper level of the phytosanitary protection.

The proper level of the phytosanitary protection defined is based on:

confirmed presence of the regulated harmful organisms in Ukraine;
forecasting of the evaluation of the economic expenses for the agricultural and/or wood production, connected with the transferring or further distribution of the regulated harmful organisms in Ukraine;
defining the acceptable level of risk for the neighbouring countries and interested partners;
international standards, instructions and recommendations;
minimizing the negative influences of the phytosanitary provisions on the international and domestic trade.

Article 16. Development, revision, introduction of the changes and acceptance of the phytosanitary provisions

Phytosanitary provisions are being developed and/or are being reviewed by the central executive body that implements the state policy in the field of plant quarantine and accepted by the proper institutions of the state power according to their authorities.

Development and review of the phytosanitary measures are being held on the basis of:

scientific principles, certain processes and methods of production;
correspondence to the methods of the inspections, selection of the samples and holding of the phytosanitary testing;
a decision of the distribution of the regulated harmful organisms, presence of the zones, where the regulated harmful organisms are not present, or zones with the insignificant quantity of them;
ecological conditions and conditions of the natural environment;
treatment methods;
international standards in the field of quarantine and protection of plants;
the results of the risk analysis, which was held by the method, developed by the international organizations;
information, received from the international organizations, which is used by the interested partners.

During the development and performance of the phytosanitary measures regarding the imported regulated objects it is necessary to take into the consideration the status of the regulated harmful organisms in Ukraine comparing them with the status of the regulated harmful organism in the country of their origin.

It is forbidden to discriminate against any interested partners, who import regulated objects to Ukraine from countries, where the status of the regulated harmful organism is the same as in Ukraine. [N 617-VIII 2015]

Phytosanitary provisions, which are applied in other country, are considered equal to those that are used in Ukraine, if this country proves on the basis of scientific information that these activities correspond to or exceed the level of the plant protection currently being performed in Ukraine. [N 617-VIII 2015]

Phytosanitary provisions, including phytosanitary rules, are subject to review and updating to the extent of receiving new and substantial scientifically important information/commentaries from interested partners.

Phytosanitary provisions are reviewed within six months after their acceptance or last revision.

All phytosanitary provisions accepted after urgent circumstances will be reviewed and renewed not later than six months after the date of their assumption or last review, with a purpose of providing that these activities reached, but did not exceed an appropriate level of the phytosanitary protection.

Surveillance, inspection, phytosanitary testing (analysis), repeated phytosanitary (arbitration) testing, selective control over the inspection and phytosanitary testing (analyzes) shall be carried out in accordance with the procedure established by the central executive authority, which ensures the formation of state policy in the field of quarantine of plants. Supervision, inspection, monitoring, disinfection of objects of regulation, as well as the issuance of certificates provided for by this Law, shall be carried out in accordance with the procedure established by the Cabinet of Ministers of Ukraine

Article 17. Performing an risk analysis and risk management

The results of the risk analysis on the objects of regulation will be in written form and must contain the following information:

the purpose of performing the analysis;

facts concerning the discovery of the regulated harmful organisms and means of penetration (transmitters, type of transmission), rooting and distribution;

sources of information;

conclusions regarding the evaluation of phytosanitary risk, including the verification of the harm and its consequences that can be caused to plants;

various forms of risk management and reasons why the alternative choices are being declined.

The results of the risk analysis shall published on the official website of the central authority implementing state policy in the field of plant quarantine within three working days from the date of approval of the conclusions. [N 617-VIII 2015]

The risk analysis is performed by the central executive body that implements the state policy in the field of plant quarantine.

Management of the risk consists in reducing the risk for plants' life and health in accordance to the proper level of phytosanitary protection, which is set in Ukraine.

During the observation of the alternative choices of diminishing the risk of transferring of quarantine organisms certain phytosanitary activities shouldn't limit trade more than it is necessary for achieving the proper level of phytosanitary protection, taking into consideration the technical and economic viability of the suggested alternative activities.

Article 18. Determination of the efficiency of the foreign national organization of plant protection

Determination of the efficiency of the foreign national organization of the plant protection is based on the objective criteria, established by the Secretary of the International plant protection convention.

Determination of the efficiency of the foreign national organization of plant protection periodically acknowledges invalid phytosanitary certificates, which certify the absence of the regulated harmful organisms in the load with the regulated objects, that are being imported

and were issued by the, authorized public servant of the foreign national plant protection organization for the consignment with the regulated objects, that have been imported but were defined as invalid as a result of the phytosanitary testing of the samples of this load.

All observed factors and corresponding conclusions made during the evaluation of the efficiency of the foreign national plant protection organization are being documented and given to the foreign national plant protection organization by its inquiry. In case a foreign country inquiries concerning the conducting (holding) of the consultations and commentaries regarding the evaluation of its efficiency, the consultations begin, and the results and explanations are analyzed for the purpose of the presence of the motive of the revision of the evaluation of the efficiency of the foreign national plant protection organization.

Article 19. Notification concerning the performance of the phytosanitary measures

For the notification concerning the performance of the phytosanitary measures the central executive body that implements the state policy in the field of plant quarantine:

within a three day period after the completion of the development of the phytosanitary measures an appropriate notification in periodicals and on the official website of the central authority implementing state policy in the field of plant quarantine shall be placed ;
[N 617-VIII 2015]

inform the Treatment Center of the requirements concerning phytosanitary measures of the countries – members of the World Trade Organization (further Treatment Center of inquiries), which brings them to the countries – members of this organization with a purpose to reduce the influence on the export possibilities of the interested partners.

Reports shall be published not later than 60 days after the actualization of the phytosanitary activity. Notification is in a format and follows the requirements corresponding to the international organizations or international treaties. In the notification the regulated objects are mentioned, that are concerned by and/or are influenced by the phytosanitary activity, with a short summary and explanation regarding the actualized activity.

Upon the written request of the personnel or interested partners, the central executive body that implements the state policy in the field of plant quarantine gives information regarding the phytosanitary measures stating the necessary principles that are essentially different from the international standards.

The central executive body that implements the state policy in the field of plant quarantine examines written commentaries regarding the emergency phytosanitary activity, received from the interested partners and personnel, and by their written requirement discusses such commentaries and takes into consideration the results of their discussions during the consideration of the query concerning changes regarding the emergency phytosanitary activity.

In the case of emergency circumstances materializing and, as a result of the accomplishment of the phytosanitary activity, the notifications will be published in the official printed editions of the state institutions and on the official website of the central authority implementing state policy in the field of plant quarantine.
[N 617-VIII 2015]

The Main central executive body that implements the state policy in the field of plant quarantine defines the influence by the emergency phytosanitary activity on the export possibilities of the interested partners.

Article 20. Documentation of phytosanitary activities

The central executive body that implements the state policy in the field of plant quarantine within 10 calendar days will respond to all questions and requirements connected with phytosanitary measures including: [N 5462-VI/2012]

- accepted or offered phytosanitary requirements;
- procedures of control, inspection and acceptance;
- procedures of the evaluation of the phytosanitary risk, factors which are taken into the consideration, and methods of the defining of the proper level of the phytosanitary protection;
- membership and participation of Ukraine in the proper international organizations or proper international treaties regarding phytosanitary measures and texts of such activities.

The Cabinet of Ministers of Ukraine determines the size of the fee that will be received from the interested partners and personal for granting of information.

Article 21. Publication and performing of the phytosanitary measures

Phytosanitary measures will be published within three days in the official printed editions after being accepted by the proper institutions of the state authority and on the official website of the central authority implementing state policy in the field of plant quarantine.

[N 617-VIII 2015]

Phytosanitary measures shall not be performed until 6 months have expired after their publication, except for emergency phytosanitary measures.

Article 22. Principles of the application/use of the phytosanitary measures

The central executive body that implements the state policy in the field of plant quarantine during the performance of the phytosanitary measures takes into consideration:

- extents, necessary for reaching the goal, mentioned in the **Article 15** of this Law;
- prohibition of the covert restriction for international trade;
- avoiding the arbitrary establishment or discrimination of international trade.

Article 23. Treaties regarding the equivalence of phytosanitary measures

The central executive body that implements the state policy in the field of plant quarantine on request of the interested partners conducts consultations concerning the acknowledgement of the equivalency of the phytosanitary provisions with a view to further concluding agreements regarding such equivalency in accordance to the law. [N 2501-VIII of 10/07/2018]

Article 24. Principles of verification procedures, inspection and acceptance

deleted [N 2501-VIII of 10/07/2018]

Section IV DISCOVERY, MONITORING AND CONTROL OF REGULATED HARMFUL ORGANISMS

Article 25. Establishment of a list of the regulated harmful organisms

The central executive body that implements the state policy in the field of plant quarantine prepares the list of the regulated harmful organisms, which includes:

- quarantine organisms, absent in Ukraine (list 1);

quarantine organisms, not widespread in Ukraine (list 2);

regulated non-quarantined harmful organisms.

The list of the regulated harmful organisms is being defined on the basis of the list of the harmful organisms, which are brought to the lists of A1 and A2 by the European and Mediterranean organization of the plant protection and/or lists of other appropriate international organizations, if on the basis of the evaluation of the phytosanitary risk a high level of danger of the transferring or distribution of these harmful organisms for the plants on the territory of Ukraine is defined.

The level presence of the regulated non-quarantine harmful organisms' presence, which sets the infestation, is defined for each kind of seed and plant material.

The list of the regulated harmful organisms is approved by the central executive body that ensures the formation of state policy in the field of plant quarantine and being published in the official printed editions of the institutions of the state power and on the official website of the central authority implementing state policy in the field of plant quarantine. [N 617-VIII 2015]

The list of the regulated harmful organisms is being renewed when necessary in accordance with the status of harmful organisms in Ukraine and changes in the list A-1 and A-2 of the European and Mediterranean organization of the plant protection and being approved in a term, that doesn't exceed 30 days, and is published in the official printed editions of the institutions of the state power and on the official website of the central authority implementing state policy in the field of plant quarantine. [N 617-VIII 2015]

Article 26. Definition of the list of regulated objects

The Cabinet of Ministers approves the list of the regulated objects proposed by the central authority implementing state policy in the field of plant quarantine:

for the purpose of import, export and re-export;

for the purpose of controlling the movement within the territory of the Ukraine.

[N 617-VIII 2015]

The list of regulated objects for the purpose of controlling the movement within the territory of the Ukraine is established in accordance with international standards, instructions and recommendations on the basis of pest risk analyses according to the provisions of Article 17 of the present Law. [N 617-VIII 2015]

The list of regulated objects for the purpose of import, export and re-export sets:

regulated objects for import from certain countries of export or zones of countries of the origin, from which the import is prohibited as a result of the status of the regulated harmful organisms in the territory, where the regulated objects are coming from;

regulated objects for export and re-export to certain countries of import requiring accompanying phytosanitary documents.

[N 617-VIII 2015]

Alterations to the list of regulated objects are made in accordance with the change of status of the regulated harmful organisms in the foreign country and/or the Ukraine, new scientific information, notifications of the countries of import and international standards.

[N 617-VIII 2015]

Plants, products of plant origin, storage places, packaging, means of transport, containers, soil and any other organism, object or material, which are able to carry or distribute regulated harmful organisms not in the list of regulated objects for the purpose of import, export, re-export and the control of the movement within the territory of the Ukraine are subject to the legal regime of regulated objects laid down in the present Law on application of a person carrying out the movement of a consignment with those objects.

[N 617-VIII 2015]

Article 27. Registration of the personnel, who perform economic activity, connected with the production and circulation of the regulated objects

Registration with the central executive body that implements the state policy in the field of plant quarantine has to be done by individuals which: [\[N 5462-VI/2012\]](#)

- perform economic activity of the circulation of the regulated objects in the quarantine and regulated zones;
- produce seed and plant material;
- perform biological controls using biological control agent;
- perform economic activity with the production and marking of the wooden packing material;
- perform the storage and processing of corn.

Registration is carried out within in 10 working days on the basis of an application submitted by a person carrying out business activities related to the production and marketing of regulated objects according to the law in the form established by the central authority implementing state policy in the field of plant quarantine. [\[N 617-VIII 2015\]](#)

Persons, who are registered with the central executive body that implements the state policy in the field of plant quarantine, are given a registration number. [\[N 5462-VI/2012\]](#)

The fee for the registration is not taken.

The order of the registration of individuals is established by the central executive body that ensures the formation of state policy in the field of plant quarantine.

Article 28. The system of early warning concerning the quarantine of organisms

The personnel who perform the inspection of plants that grow on the lands of the agricultural designation, in the nurseries, gardens, forests, open soil, green houses and other places, including places for storage, processing and transport equipment for the transportation of the regulated objects.

In the case of the suspicion of the infestation of the regulated objects by the regulated harmful organisms a person should inform the state plant health inspector within 24 hours.

The state plant health inspector performs phytosanitary procedures with the purpose of verifying the suspicion of the presence of the regulated harmful organism. In the case of confirmation of this suspicion, the state plant health inspector determines the phytosanitary measures, directed for the prevention of the distribution, containment and/or elimination of the regulated harmful organisms, which should be performed by the personnel.

Article 29. Control of the movements of regulated objects in the territory of Ukraine [N 2501-VIII of 10/07/2018]

Regulated objects in the list of regulated objects for controlling the movement within the territory of the Ukraine are moved throughout the territory of Ukraine having a quarantine certificate in the cases of export of regulated objects from quarantine zones that are capable of spreading a quarantine organism for which a quarantine regime has been introduced;

[N 2246-IX 12/05/2022]

A quarantine certificate may also be issued for plants, products of plant origin, storage places, packaging, means of transport, containers, soil and any other organism, object or material, which are able to carry or spread regulated harmful organisms not in the list of regulated objects for the purpose of controlling the movement within the territory of the Ukraine on application of a person carrying out the movement of a consignment with those objects.

[N 617-VIII 2015, N 2246-IX 12/05/2022]

The state plant health inspector is obliged to issue a quarantine certificate to the applicant or to decide to refuse to issue it on the basis of an application of the owner of the consignment or his authorized person for the issuance of a phytosanitary certificate and the result of a phytosanitary testing (analysis). The state plant health inspector is obliged to issue a quarantine certificate to the applicant or to refuse to issue it within 8 working hours after receiving the result of the phytosanitary testing (analysis). The conclusion of the phytosanitary testing (analysis) is provided on the basis of a test for the presence of harmful organisms within 24 hours after the finishing the loading of the vehicle. Beginning and end of the loading of the vehicle is recorded by sending a written notice to the phytosanitary laboratory, which, at the choice of the owner of the consignment or the person authorized by him, will carry out a phytosanitary testing (analysis). The message should contain information about the vehicle, consignment, scheduled time and date of start and end of loading. In the case of a complex analysis, depending on the type of organism detected, the conclusion on the results of the phytosanitary testing (analysis) is provided within 30 days from the date of submission of the sample of the regulated object to the testing.

[N 617-VIII 2015], [N 2501-VIII of 10/07/2018]

The decision concerning the refusal of issuing the quarantine certificate is given in the written form.

Reasons for making the decision concerning the refusal in issuing the quarantine certificate are:

- inconsistency of the regulated objects to the demands of the phytosanitary measures;
- the discovery of infestation of the regulated objects by the regulated harmful organisms;
- the absence of the person's registration, foreseen by Article 27 of this Law;
- inconsistency of the present regulated objects, informed by the person for transferring over the territory of Ukraine;
- non-performance of orders of the state plant health inspector concerning the application of phytosanitary measures;
- missing payment for issuing the quarantine certificate.

The only reasons for the cancellation of the quarantine certificate are:

[N 617-VIII 2015]

a person violating the requirements of the phytosanitary measures, which are defined in the quarantine certificate;

report of a person concerning the loss of the quarantine certificate;

the damage of the quarantine certificate, that doesn't allow the definition of the phytosanitary state of the regulated objects;

forgery of the quarantine certificate.

The order of registration of quarantine certificates is defined by the Cabinet of Ministers of Ukraine.

The fee for receiving the quarantine certificate is set by the Cabinet of Ministers of Ukraine.

A person, who submitted all the necessary documents to the state plant health inspector and issued a payment and didn't receive the decision concerning the permission or refusal on the issuance of a quarantine certificate in due time, has a right to move the regulated objects according to the application.

deleted [N 617-VIII 2015]

Regulated objects may be moved within the territory of the Ukraine without a quarantine certificate when they are moved within and outside the borders of:

a zone free from regulated harmful organisms;

a place of production or production site free from regulated harmful organisms.

[N 617-VIII 2015, N 2246-IX 12/05/2022]

The decision concerning the refusal in issuing the quarantine certificate can be appealed to the central executive body that implements the state policy in the field of plant quarantine or to the court.

An application for appealing against the decision to refuse to issue a quarantine certificate has to be handed to the central executive body that implements the state policy in the field of plant quarantine within a period not exceeding 10 days following the receipt of the decision. The application has to be examined within two working days after its submission.

[N 617-VIII 2015]

Concerning the results of the testing, the declarant will be informed in written form.

Article 30. Inspection of the regulated objects

Regulated objects are subject to inspection to check their phytosanitary status.

[N 2501-VIII of 10/07/2018]

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[N 2530-VII of 06/09/2018]

If during an inspection the threat of distribution of the regulated harmful organisms is discovered, the state plant health inspector gives the person an order concerning performance of certain phytosanitary procedures.

The central executive body that implements the state policy in the field of plant quarantine determines the methods of inspection, checks including sampling and conducting phytosanitary testing (analysis).

[N 2501-VIII of 10/07/2018]

Article 31. Places of production or productions areas free of the regulated harmful organisms

The places of production or production areas, free of the regulated harmful organisms, are areas, where on the basis of the inspection the absence of the regulated harmful organisms is officially defined and if there is a necessity that their absence is officially supported during a certain period.

The places of producing or producing areas, free of the regulated harmful organisms, is defined on the person's demand, who deals with the producing of the regulated objects.

The central executive body that implements the state policy in the field of plant quarantine and individuals producing regulated objects, perform procedures to establish and/or maintain the status of the place of the production or production area free from regulated harmful organisms. [\[N 5462-VI/2012\]](#)

The order of official establishment and/or supporting of the status of the place of the production or the production area, free of the regulated harmful organisms, deprived of such status, its renewing and other conditions of the official defining of the place of production or production area is established by the central executive body that ensures the formation of state policy in the field of plant quarantine.

The Cabinet of the Ministry of Ukraine defines the size of the payments for granting services, mentioned in this issue, according to the current legislation.

Article 32. Biological control of harmful organisms

Biological control agents, which can be used with a purpose of the biological control of the regulated harmful organisms, and also demands to the objects and equipment, which are used by the personnel who perform the biological controls, are defined by the central executive body that ensures the formation of state policy in the field of plant quarantine.

The use of biological control agents can be considered as phytosanitary measures with containment and elimination of the quarantine organisms, which are performed under the control of the central executive body that implements the state policy in the field of plant quarantine.

The central executive body that implements the state policy in the field of plant quarantine registers the importing and usage of biological control agents.

Article 33. The order of establishment and cancellation of the quarantine system in Ukraine

... [\[2817-VI/2010\]](#), [\[N 5462-VI/2012\]](#), [617-VIII/2015\]](#)

The quarantine system will be in place within 24 hours from the time of the detection of the quarantine organism.

An institution that makes decisions concerning the establishment or cancellation of the quarantine system, publishes the decision in the Official Journal on the official website of the central authority implementing state policy in the field of plant quarantine. A decision on the introduction or cancellation of a quarantine system enters into force on the day after its publication in the Official Journal and on the official website of the central authority implementing state policy in the field of plant quarantine.

[\[2817-VI/2010\]](#), [617-VIII/2015\]](#)

In the decision concerning the establishment of the quarantine system, the following issues should be mentioned:

circumstances that caused the establishment of the quarantine system, including the identification of the specific quarantine organism;

[2817-VI/2010]

the boundaries of the quarantine zone, where the quarantine system is being established;

[2817-VI/2010 , [617-VIII/2015](#)]

time during which the quarantine system is established.

phytosanitary measures that are performed in the quarantine zone, and the institutions that perform them.

[2817-VI/2010]

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[N [5462-VI/2012](#)]

...

[2817-VI/2010]

Article 34. Phytosanitary measures in the quarantine zones

[617-VIII/2015](#)

On the basis and in the order set by the law, in the quarantine zones, such special activities are performed:

[617-VIII/2015](#)

inspection and phytosanitary testing of the regulated objects;

performing control for the containment and elimination of the quarantine organisms by personnel;

prohibition of the transferring from the quarantine zones, regulated objects infested by the quarantine organisms;

[617-VIII/2015](#)

fumigation of the regulated objects when they are moved from a quarantine zone to a zone free from regulated harmful organisms;

[617-VIII/2015](#)

technical processing of the regulated objects, infested by the quarantine organisms.

Plants, products of vegetable origin and other regulated objects, infested by the quarantine organisms, which are impossible to disinfect or relegate with technical processing, are being subjected to elimination in the order set by the law.

Local state administrations, proprietors (representative institutions) of sea and river ports and (harbors), railway stations, airports (air fields), post offices, bus stations, custom service employees and points of entry via highways at the national boundaries of Ukraine, shall give assistance to the state plant health inspector in the performing of the quarantine activities.

Compensation for damages which result because of illegal activities of the institutions and public servants which provide the quarantine activities will be carried out in accordance to the law.

Section V INTERNATIONAL TRADE

Article 35. Prohibition or restriction of import

The import of regulated objects is prohibited if they:

are infested by the regulated harmful organisms;

can cause transferring of the quarantine organisms on the territory of Ukraine;

can increase the population of local regulated harmful organisms to a level which doesn't correspond to the level of the phytosanitary protection.

The import of biocontrol organisms for scientific research or biological control and harmful organisms imported for scientific purposes, is allowed according to the procedure laid down by the Cabinet of Ministers of the Ukraine. [N 867-VIII 2015]

Article 36. Requirements concerning foreign and transit consignments

Imported and transit consignments containing regulated objects shall adhere to the following requirements:

be free of the quarantine organisms;

be accompanied by the original phytosanitary certificate or phytosanitary certificate for re-export; [N 2246-IX 12/05/2022]

~~be accompanied by quarantine permits;~~ [N 867-VIII 2015]

not to have originated from an object or area of production or be transported through an area where the quarantine system is being extended, that is confirmed by the foreign national plant protection organization of the country – exporter or transit.

In case if foreign or transit consignments with regulated objects was delivered or stored, repacked or separated in another country, except the original phytosanitary certificate for the re-export it is followed by the original international phytosanitary certificate from the country of origin or its notarized copy.

If the foreign or transit consignments which contain regulated objects was imported into several countries and because of this several phytosanitary certificates for the re-export were assigned, such consignments, except the original or notarized copy of the phytosanitary certificate assigned in the country of origin, should be followed by the original phytosanitary certificate for re-export.

If the country of designation, unlike the country of the re-export, does not demand a phytosanitary certificate of the country of origin for the certain consignment, then this consignment is followed by the original phytosanitary certificate for the re-export.

It is allowed to import without a phytosanitary certificate in postal items, hand luggage and baggage of passengers, crew members of sea, river and aircrafts, vehicles fresh or dried fruits and vegetables (except potatoes) in quantities not exceeding two kilograms of each species. [N 2501-VIII of 10/07/2018]

It is allowed to import regulated objects for the food purposes of crew members of sea, river and aircrafts, automobile and railway vehicles, but they have to be kept within the vehicles. [N 2501-VIII of 10/07/2018]

Phytosanitary procedures regulated objects imported into Ukraine, including inspection and sampling, are carried out in accordance with the regulation on the import of regulated objects into Ukraine. [N 2501-VIII of 10/07/2018]

~~Article 37. Quarantine permit for import or transit~~

~~deleted [N 867-VIII 2015]~~

Article 38. Plant quarantine posts at the centers of pass control at the state border of Ukraine

Phytosanitary control of the imported and transit consignments with regulated objects is being performed by the state plant health inspector in the defined quarantine plant pass stations on the state border of Ukraine (further - border quarantine plant stations).

[N 2973-VI/2011]

At the entry points to the state territory of Ukraine, phytosanitary control of certain regulated objects to be imported to the customs territory of Ukraine (including transit) is carried out by the customs authorities in the form of preliminary documentary check. The list of regulated objects subject to prior documentary check (1031-2011-p) and procedures for carrying out those checks is approved by the Cabinet of Ministers of Ukraine.

[N 2973-VI/2011, N 406-VII/2013, 440-IX/2020]

At the border crossing points of Ukraine phytosanitary control of regulated objects imported into the customs territory of Ukraine (including for the purpose of transit) is carried out by the customs authorities in form of a preliminary documentary check.

[N 2530-VII of 06/09/2018, 440-IX/2020]

After the preliminary documentary check by the customs and fees authorities an official of the appropriate authorized body is called to carry out the phytosanitary check.

[N 2530-VII of 06/09/2018]

Plant quarantine stations at the border are established at the entry point of the state border of Ukraine and are equipped at the expenses of the state budget of Ukraine:

means and facilities for the inspection of vehicles and regulated objects, sampling, carrying out phytosanitary tests and fumigation (disinfestations);

means of communication, including the Internet.

Quarantine plant stations at the borders should have specially appointed and equipped places accordance to the law for the abolishment of the regulated objects, infested by the regulated harmful organisms.

Regulated objects, which are located in the pass station on the state border of Ukraine, where the border quarantine plant stations are absent, will be redirected to the nearest border quarantine plant station.

Article 39. Standard phytosanitary control

Import or transit of consignments with regulated objects in the list of regulated objects for the purpose of import, export, re-export and the control of the movement within the territory of the Ukraine are subject to the standard phytosanitary border control, which is performed by the means of inspection, with a purpose of the ascertainment that:

[617-VIII/2015](#)

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[N 867-VIII 2015]

regulated objects are accompanied by a valid phytosanitary certificate, if required according to the valid phytosanitary measures;

[N 867-VIII 2015]

regulated objects correspond to the documents which accompany it;

missing quarantine organisms and features of damage of a consignment.

Import of the consignment to Ukraine or transit through its territory is permitted by such conditions:

regulated objects are not imported and not admitted from prohibited countries of export or zones of countries of origin; [N 867-VIII 2015]

absence of notification by the competent authority of the country of origin, re-export or transit on emergencies and/or confirmation of an outbreak and spread of quarantine organisms in a particular area or a place of production of the country of origin or transit; [N 867-VIII 2015]

existence of a complete and valid phytosanitary certificate;

absence of quarantine organisms and any signs of being infested by them;

presence of the undamaged/intact seal of the transit consignment, placed by the custom institution of the export country;

previous consignments with similar regulated objects from the country of origin and/or specific object of origin were accompanied by the complete and actual phytosanitary certificates;

consignments meet the phytosanitary requirements. [N 867-VIII 2015]

When a consignment of regulated objects, which has to be accompanied by a phytosanitary certificate, arrives at a plant quarantine point of entry without such a document, it is subject to delay by the state plant health inspector and the procedures according to Article 41 of this Law. [N 867-VIII 2015]

In cases, where the state plant health inspector decides that a phytosanitary certificate accompanying regulated objects is invalid, incomplete or forged or otherwise falsified, or if he comes to the conclusion that the regulated objects in this consignment do not correspond to those that are specified in the phytosanitary certificate, the consignment has to be delayed on the appropriate border quarantine plant station, and the head state plant health inspector or the central executive body that implements the state policy in the field of plant quarantine or his representative should be informed. [N 5462-VI/2012], [N 867-VIII 2015]

The Main state plant health inspector of Ukraine or his representative appointed by the central executive body that implements the state policy in the field of plant quarantine within 24 hours contacts the foreign national plant protection organization of the country of the origin or re-export for a consultation and forms a mutual decision concerning the activities, which should be performed regarding this consignment. [N 5462-VI/2012]

In case a quarantine organism is discovered visually in the consignment, the state plant health inspector informs the owner of the consignment and the central executive body that implements the state policy in the field of plant quarantine within 24 hours about the tact and performs procedures according by Article 41 of this Law.

Standard phytosanitary border control can be performed according to the order set by the central executive body that ensures the formation of state policy in the field of plant quarantine, in specially defined places on the territory of Ukraine on the condition that this consignment is staying under the custom control. [N 5462-VI/2012]

Consignments with regulated objects can be inspected by the state plant health inspector or a representative appointed by central executive body that implements the state policy in the field of plant quarantine at places of loading in the country of origin or re-export on the demand and expenses of the importer. In these cases phytosanitary control is performed by the place of destination of the consignment. [N 5462-VI/2012]

Article 40. Selective phytosanitary control

The central executive body that implements the state policy in the field of plant quarantine on the basis of the data regarding the discovery of the quarantine organisms in the consignments with the regulated objects of any origin, which are being imported, and also on the basis of the other factors, that can have an influence on the life and health of the plants, taking account of the results of risk analyses according to the provisions of Article 17 of the present Law constitutes a specially defined percentage of consignments, which are being subjected to the obligatory broadened phytosanitary control. [617-VIII/2015]

Required advanced phytosanitary border control at the border is carried out according to the procedure of random phytosanitary control approved by the central executive body that ensures the formation of state policy in the field of plant quarantine by the beginning of the next new calendar year. [N 5462-VI/2012]

Specially defined percentage of the consignment with regulated objects by categories is laid down taking account of the results of risk analyses according to the provisions of Article 17 of the present Law according to the order concerning the selective phytosanitary control:

- live plants of any origin;
- products of the plant origin;
- other regulated objects of any origin. [617-VIII/2015]

The central executive authority, implementing the state policy in the field of plant quarantine, applies regularly state control procedures on consignments with regulated objects of any origin on the basis of a risk-oriented approach in the manner established by the central executive body, which ensures the implementation of a state policy in the field of plant quarantine. The list of regulated objects of any origin subject to state control on the basis of a risk-oriented approach is established by the Cabinet of Ministers of Ukraine. [N 2501-VIII of 10/07/2018]

Article 41. Broadened phytosanitary control of the consignments with regulated objects, which are being imported

The reasons for broadening the phytosanitary control of the consignments with the regulated objects which are being imported on the border plant quarantine station are:

- the absence of the ~~quarantine permit and/or~~ phytosanitary certificate, if the regulated objects should be accompanied by such a document; [N 867-VIII 2015]
- counterfeit or falsified phytosanitary certificate that accompanies the regulated objects;
- discrepancy of the regulated objects to the phytosanitary certificate in the consignment;
- visually discovered infestation of the consignment by the regulated harmful organisms or signs indicating their infestation;
- visible signs of consignment damage and/or transport vehicle where the consignment is located.

The decision concerning the consignment detention, for performing the broadened phytosanitary control, is made by the main state plant health inspector if there are any of the above mentioned reasons present.

So, the main **state plant health inspector** informs the owner of the consignment on the reason for the detention and takes the samples from consignment samples according to the procedure

for phytosanitary testing (analysis) by official phytosanitary laboratories.

[N 2501-VIII of 10/07/2018]

Consignments which are subject to the extended phytosanitary control are being isolated during the phytosanitary testing on the border quarantine plant station.

If the results of the phytosanitary testing (analysis) confirm the infestation by the quarantine organism, the owner of the consignment shall be informed.

If the phytosanitary testing (analysis) does not confirm the infestation of the quarantine organism, further custom procedures will be performed.

If the phytosanitary testing (analysis) confirms the infection by the quarantine organism, the owner of the consignment or his authorized person may doubt the results of the previous phytosanitary testing (analysis) and conduct a repeated phytosanitary (arbitration) testing (analysis).

[N 2501-VIII of 10/07/2018]

Article 42. Handling of consignments which were refused importation

After the conformation concerning the infestation by the quarantine organism of the import and transit consignments with regulated objects, the central executive body that implements the state policy in the field of plant quarantine contacts a foreign national plant protection organization of the country of origin or re-export with the purpose of definition of the phytosanitary measures regarding this consignment.

For consignments infested by the quarantine organisms, transferring of the regulated objects will be allowed if all possible phytosanitary procedures are being used with the owner's agreement and at his expense.

If it is impossible to apply phytosanitary procedures to the consignment that would allow the transfer of the regulated objects, the central executive body that implements the state policy in the field of plant quarantine informs concerning giving this consignment back to the foreign national plant protection organization of the country of origin or re-export and the owner of the consignment.

If the nature of the quarantine organism by which the regulated object is infested, does not allow the performance of the necessary procedures and will lead to the improper level of phytosanitary protection (that is there is a high risk of the transferring of the quarantine organism to Ukraine), a consignment can be destroyed in a safe and secure manner without any consultations with a foreign national plant protection organization of the country of origin or re-export or with the owner of the consignment.

During the phytosanitary procedure the central executive body that implements the state policy in the field of plant quarantine informs the owner of the consignment, foreign national plant protection organization of the country of origin or re-export and in case it is necessary, the country of transit within 24 hours.

Article 43. Detection of the presence of a quarantine organism in the country of export, re-export or transit

Upon confirmation of the detection of an outbreak and spread of a quarantine organism in a particular area or place of production in the country of origin or transit it is not allowed to import from it or transit through it a consignment with regulated objects that may cause an introduction and spread of the quarantine organism., ~~in spite of the presence of the quarantine permit.~~ [N 867-VIII 2015]

The detection of the presence of quarantine organisms and their distribution should be confirmed by the appropriate international organizations or foreign national plant protection organization of the country of origin, re-export or transit.

When receiving these consignments the main state plant health inspector stops them on the border and informs the central executive body that implements the state policy in the field of plant quarantine for using means, foreseen by the Article 41 of this Law.

If there is a risk of transferring the quarantine organism in Ukraine or bringing it by the re-export or transit consignments of Ukraine or through consignments which are moving through the territory of the neighbouring country due to the uncontrolled spread of such quarantine organism within the neighbouring territories, the central executive body that implements the state policy in the field of plant quarantine confirms: [N 2501-VIII of 10/07/2018]

control after the presence of the quarantine organisms on the border territories, if there is a threat to the regulated objects which are sensitive to the existing quarantine organism or can transfer it;

banning or restriction of the import, re-export or transit of the regulated objects connected with a risk of the consignment infestation as a result of its transferring through such territory. [N 2501-VIII of 10/07/2018]

The prohibition or restriction of the import, re-export or transit of regulated objects is introduced for the period **until** the elimination of the reasons that led to the implementation of these phytosanitary measures. [N 2501-VIII of 10/07/2018]

Article 44. Quarantine supervision of the plants which are being imported

deleted [N 1193-VII/2014]

Article 45. Phytosanitary procedures of the consignments at custom control

Regarding consignments with regulated objects at the customs of designation or customs storages phytosanitary procedures are used, provided for in Articles 39-41, 44 of this Law to ensure compliance with phytosanitary measures during storage, packing, unpacking, repacking, processing and treatment of regulated objects at the customs of destination and customs storages. [N 1193-VII/2014]

deleted [N 1193-VII/2014]

During the export of such consignments the phytosanitary certificate for the re-export is issued.

Article 45-1. Use of the “Single-Window” procedure [N 2530-VII of 06/09/2018]

Interaction of the central executive body implementing the state policy in the field of plant quarantine, and state phytosanitary inspectors with the customs authorities, other state bodies, institutions and organizations authorized to exercise licensing or control functions for the transfer of goods, vehicles for commercial use across the customs border of Ukraine, and other interested persons during phytosanitary control of consignments with regulated objects imported into or moved in the customs territory of Ukraine for transit is carried out using the "single window" in accordance with the Customs Code of Ukraine.

[N 2530-VII of 06/09/2018, 440-IX/2020]

Information on the results of the implementation of phytosanitary control in electronic form, certified by an electronic digital signature, shall be submitted by the state phytosanitary inspector to the unified state information information portal "The Single

Window for International Trade" within the timeframes established by Article 319 of the Customs Code of Ukraine. [N 2530-VII of 06/09/2018]

Article 46. Phytosanitary control of the consignments with regulated objects which are being exported, imported or re-exported

[617-VIII/2015]

Regulated objects in the list of regulated objects for the purpose of import, export, re-export are imported, exported or re-exported accompanied by the original phytosanitary certificate or a phytosanitary certificate for re-export issued in electronic or paper form which have the same legal force and/or other documents required by the country of the destination.

[617-VIII/2015, N 2246-IX 12/05/2022]

The originals of the phytosanitary certificate and the phytosanitary certificate for re-export are issued by the state phytosanitary inspector:

in paper form - if required by the phytosanitary measures of the country of destination;

in electronic form - in other cases, including at the request of an individual.

[N 2246-IX 12/05/2022]

A phytosanitary certificate or phytosanitary certificate for re-export is issued by the state plant health inspector not earlier than 14 days from the date of transportation of the regulated objects on the basis of the phytosanitary procedures. A phytosanitary certificate or a phytosanitary certificate for re-export may also be issued for plants, products of plant origin, storage places, packaging, means of transport, containers, soil and any other organism, object or material, which are able to carry or distribute regulated harmful organisms not in the list of regulated objects for the purpose of import, export and re-export on application of a person carrying out the movement of a consignment with those objects. [617-VIII/2015]

The state plant health inspector is obliged to provide the applicant with a phytosanitary certificate or a phytosanitary certificate for re-export and / or other document upon request of the country of destination or to make a decision to refuse to issue it on the basis of an application by the owner of the consignments or his authorized person for the issuance of a phytosanitary certificate, a phytosanitary certificate for re-export, quarantine certificate and results of phytosanitary testing (analysis). The state plant health inspector is obliged to issue to the applicant a phytosanitary certificate or a phytosanitary certificate for re-export or to make a decision to refuse to issue it within 8 working hours after receiving the result of the phytosanitary testing (analysis). The result of the phytosanitary testing (analysis) is provided on the basis of a test for the presence of harmful organisms within 24 hours after the finishing the loading of the vehicle. The beginning and ending of the loading of the vehicle is reported by sending a written notice to the phytosanitary laboratory, which, at the choice of the owner of the consignment or the person authorized by him, will carry out a phytosanitary testing (analysis). The notice should contain information about the vehicle, consignment, scheduled time and date of start and end of loading. In case the importing country or the owner of the consignment or his authorized representative requires a complex testing (mycological, bacteriological, virological, helminthological) for the presence of harmful organisms, the term for sending report on the phytosanitary testing (analysis) may be extended, but shall last not more than 30 days from the date of submission of the sample taken from the regulated object. A phytosanitary certificate or a phytosanitary certificate for re-export may be issued for regulated objects infected by regulated pests, provided that there are no prohibitions in the country of import for the import of such regulated objects. [N 2501-VIII of 10/07/2018]

The decision concerning the refusal to give out the phytosanitary certificate or the phytosanitary certificate for the re-export is given to a person in the written form.

Grounds making a decision concerning the refusal of issuing the phytosanitary certificate or a phytosanitary certificate for the re-export are:

incompliance of the regulated objects with the phytosanitary requirements of the importing country; [N 2501-VIII of 10/07/2018]

deleted [N 2501-VIII of 10/07/2018]

the absence of the person's registration foreseen by the Article 27 of this Law;

discrepancy of the regulated objects present declared by the person for the transferring;

nonperformance of the orders of the state plant health inspector regarding the use of the phytosanitary measures;

non-payment of the fee for issuing the phytosanitary certificate or the phytosanitary certificate for the re-export.

The reasons for cancellation and/or reissue of the phytosanitary certificate or the phytosanitary certificate for the re-export are: [N 2246-IX 12/05/2022]

person's announcement concerning the loss of the phytosanitary certificate or the phytosanitary certificate for the re-export;

change of method of transporting or transport vehicle;

change of address, country of destination or point of import; [N 2246-IX 12/05/2022]

damage of the phytosanitary certificate or the phytosanitary certificate for the re-export that does not allow the determination of the phytosanitary state of the regulated objects.

The order of the registration of the phytosanitary certificate or the phytosanitary certificate for the re-export is being defined by the Cabinet of Ministers of Ukraine.

The payment for issuing the phytosanitary certificate or the phytosanitary certificate for the re-export are being performed in the order established by the Cabinet of Ministers of Ukraine.

The decision concerning the refusal of issuing the phytosanitary certificate or the phytosanitary certificate for the re-export can be appealed to the central executive body that implements the state policy in the field of plant quarantine or to the court.

An application for appealing against the decision to refuse to issue a phytosanitary certificate or a phytosanitary certificate for re-export has to be handed to the central executive body that implements the state policy in the field of plant quarantine within a period not exceeding 10 days following the receipt of the appropriate decision. The application will be examined within two working weeks after its submission.

617-VIII/2015

Concerning the results of the testing the applicant will be informed in writing.

A person who submitted all the necessary documents to the state plant health inspector in the established order and made a payment and did not receive a decision concerning the issuing or refusal of issuing a phytosanitary certificate or a phytosanitary certificate for re-export in due time, has a right to move the regulated objects and to obtain compensation for damage caused due to the failure to obtain such a decision.

617-VIII/2015

The phytosanitary certificate or the phytosanitary certificate for the re-export has to have a serial number and correspond to representative certificates of the international organizations

and if necessary contain an additional declaration determined by the country of the designation.

The validity of the phytosanitary certificate on the territory of Ukraine is 14 days from the date of its issue. [N 2501-VIII of 10/07/2018]

Phytosanitary procedures may be carried out in accordance with international treaties of Ukraine in accordance with the procedure agreed with national plant protection organizations of importing countries. [N 2501-VIII of 10/07/2018]

Section VI

RESPONSIBILITY FOR VIOLATION OF LEGISLATION CONCERNING PLANT QUARANTINE

Article 47. Responsibility for violation of legislation concerning plant quarantine

Persons found guilty of violating legislation concerning plant quarantine bear responsibility pursuant to law.

Persons responsible for violating legislation in the field of plant quarantine are guilty in case of:

distribution of quarantine organisms;

violation of the requirements of the phytosanitary measures;

nonperformance of the order of the state plant health inspector regarding the performance of the certain quarantine activities;

nonperformance of the registration according to the Article 27 of this Law;

nondisclosure to the state plant health inspector concerning the discovery of the regulated harmful organisms;

transferring to the Ukrainian territory, exporting from the quarantine zones of regulated objects which did not pass phytosanitary control and their usage of;

nonperformance of the legal demands of government personnel who perform state control for the legislation concerning plant quarantine

repeated violation of the plant quarantine legislation within 12 months identified by phytosanitary testing (analysis), resulting from at least two notifications of the importing country on non-compliance with the phytosanitary provisions according to the International Standard on Phytosanitary Measures No 13. [N 2501-VIII of 10/07/2018]

By the laws of Ukraine responsibility can be placed and for other infringements regarding plant quarantine.

Section VII

SCIENTIFIC AND FINANCIAL SUPPORT IN THE FIELD OF PLANT QUARANTINE

Article 48. Scientific support of the central executive body that implements the state policy in the field of plant quarantine

Central executive body that implements the state policy in the field of plant quarantine organizes in accordance with law and carries out the scientific support in the field of plant quarantine, through scientific institutions, establishments and organizations.

Article 49. Financing of phytosanitary measures

Financing of phytosanitary measures comes from the state budget of Ukraine, expenditures of personnel and other sources which are not forbidden by the laws of Ukraine.

The comprehensive list of services requiring payment to the central executive body that implements the state policy in the field of plant quarantine is laid down exclusively by this law and includes survey, inspection, checks, phytosanitary testing (analysis), repeated (arbitration) phytosanitary testing (analysis), decontamination, issuance of certificates in accordance with this Law, organization and surveillance on fumigation (decontamination) of regulated objects, updating of information in the Register of approved phytosanitary laboratories. [N 2501-VIII of 10/07/2018]

Payment for the phytosanitary check carried out by state plant health inspectors on goods, vehicles imported into the customs territory of Ukraine and transit through it at points of entry (check points) at the state border of Ukraine at a rate not exceeding the fees for documentary checks for goods and vehicles (containers) shall be included in a single fee in accordance with the Law of Ukraine “On a single fee that is collected at checkpoints across the state border of Ukraine”. [N 2530-VII of 06/09/2018]

Article 50. Financing and logistical support of the central executive body that implements the state policy in the field of plant quarantine

Financing and logistical support of the central executive body that implements the state policy in the field of plant quarantine is coming from the monies of the general and special funds of the State budget of Ukraine.

The sources of the financing of the central executive body that implements the state policy in the field of plant quarantine which come from the special fund of the State budget of Ukraine can be expenses, which are given for the paying of services, defined in Article 49 of this Law.

Chapter VIII

INTERNATIONAL COOPERATION IN THE AREA OF THE PLANT QUARANTINE

Article 51. International agreements

If by the international agreement of Ukraine, consent for the necessity of which is giving by the Verkhovna Rada of Ukraine, other rules are being established, other than those that are foreseen by this Law, the rules of the international agreement are being used.

Article 52. Participations in international organizations

The Main plant health inspector of Ukraine represents Ukraine in the appropriate international organizations and their specialized institutions with a purpose of the protection of Ukrainian interests in the established order, cooperation for the solutions of the common problems and providing of the effective change of the information, methods and technologies, which harmonize phytosanitary measures and provide plant protection and the development of the international trade. [N 5462-VI/2012]

Section IX

FINAL AND TRANSITIONAL PROVISION

1. This Law goes into effect from the day of its publication.

1-1. Temporarily, for the period until the termination or abolition of the state of war or emergency in Ukraine, the Cabinet of Ministers of Ukraine may establish the specifics of the

implementation of phytosanitary control of consignments with regulated objects imported into the customs territory of Ukraine (except for transit).

[N 2173-IX 01/04/2022]

1-2. During martial law and within 90 days from the date of its termination or cancellation:

1) examination and selection of samples for the purposes of phytosanitary examination (analyses) may be carried out by state phytosanitary inspectors, certification auditors (agronomists-inspectors) and specialists of a phytosanitary laboratory included in the List of phytosanitary laboratories provided for in subsection 2 of this clause.

Samples selected by the persons specified in this clause:

may be sent to any phytosanitary laboratory included in the List of phytosanitary laboratories for phytosanitary examination (analyses);

may be used to certify the phytosanitary status of the entire consignment.

The selection of samples is carried out in accordance with the methods of inspection, review, including sample selection, and phytosanitary examination (analyses), approved in accordance with this Law;

2) authorization of laboratories to carry out inspection, sample selection and phytosanitary examination (analyses) is carried out in accordance with this subsection.

A laboratory is authorized to carry out inspection, sampling and phytosanitary examination (analyses) in case of accreditation in accordance with ISO/IEC 17025 standards, DSTU ISO 17025 for carrying out work on determining the phytosanitary status of plants and products of plant origin in the field of application of diagnostic methods of harmful organisms according to one or by several types of analyzes (expertise): entomology, mycology, bacteriology, phytohelminthology, virology, herbology.

For authorization, the laboratory sends in electronic or paper form to the central executive body that implements state policy in the field of plant quarantine:

a copy of the current accreditation certificate;

a statement in an arbitrary form indicating:

information about the types of work that the laboratory intends to carry out, in particular, inspection, sampling, phytosanitary examination (analyses) in particular determining the phytosanitary status of regulated objects in the field of application of methods for diagnosing harmful organisms by one or more types of analyzes (entomology, mycology, bacteriology, phytohelminthology, virology, herbology) and specifying the method of conducting such analyzes;

contact data.

A laboratory authorized to conduct phytosanitary examination (analyses) by one or more types and methods of analyzes is included in the List of phytosanitary laboratories.

The decision on authorization and inclusion of a laboratory in the List of Phytosanitary Laboratories or on refusal of authorization shall be taken by the central executive body implementing state policy in the field of plant quarantine within sixteen working hours from the moment it receives the documents specified in this subsection.

If within sixteen working hours from the moment of receipt of the documents specified in this subsection, a decision on refusal of authorization is not made, the laboratory is subject to mandatory inclusion by the central executive body implementing the state policy in the field

of plant quarantine in the List of phytosanitary laboratories and has the right of inspection, sampling and phytosanitary examination (analyses) as a phytosanitary laboratory included in the List of phytosanitary laboratories.

The results of phytosanitary examinations (analyses) conducted by a phytosanitary laboratory included in the List of Phytosanitary Laboratories are approved by the central executive body that implements state policy in the field of plant quarantine, for the purposes of issuing certificates provided for by this Law.

The exclusive basis for making a decision to refuse an authorization is the absence or inauthenticity of the documents specified in this subsection.

The central executive body, which implements state policy in the field of plant quarantine, maintains the List of Phytosanitary Laboratories, keeps it up-to-date and publishes it on its official website.

The central executive body, which implements state policy in the field of plant quarantine, after including a laboratory in the List of Phytosanitary Laboratories, is obliged to verify the validity of its accreditation certificate submitted for authorization.

Non-compliance and/or lack of a valid accreditation certificate requires the exclusion of a laboratory from the List of Phytosanitary Laboratories.

The following information about the laboratory is included in the List of phytosanitary laboratories:

name and location;

types of work carried out by the laboratory, in particular inspection, sampling, phytosanitary examination (analyses) in particular determining the phytosanitary status of regulated objects in the field of application of methods of diagnosis of harmful organisms according to one or more types of analyzes (entomology, mycology, bacteriology, phytohelminthology, virology, herbology) and specifying the method of conducting such analyses.

The central executive body, which implements state policy in the field of plant quarantine, ensures the exchange of information with phytosanitary laboratories included in the List of phytosanitary laboratories, regarding the issued conclusions of phytosanitary examination (analyses) in paper or electronic form, including by connecting to its information (automated) system or by exchanging e-mails. [N 2246-IX 12/05/2022]

1-3. During martial law, the period of validity of a phytosanitary certificate and a phytosanitary certificate for re-export on the territory of Ukraine is 30 days from the date of its issuance. [N 2246-IX 12/05/2022]

2. The Cabinet of Ministers of Ukraine shall execute within six months from the day the law goes into effect:

to give for consideration propositions regarding the validity of the legislative deeds of Ukraine to the Verkhovna Rada of Ukraine in correspondence with this Law;

to give normatively-legal acts to conform with this Law;

to provide revision and cancellation by the ministries and other central institutions of the executive power and their normative-legal deeds that contradict this Law " .

The President
of Ukraine

Kyiv, 19th January 2006 року

N 3369-IV

V. Yushchenko