



LAW OF UKRAINE

On State Regulation of the Plant Protection Sphere

This Law defines the legal and organizational framework for the implementation of measures aimed at determining the phytosanitary risk and ensuring an appropriate level of phytosanitary protection, limiting and preventing the spread of pests during the circulation of plants, plant products, and other articles, handling of plant protection products, as well as state control and other official measures in the field of plant protection to verify compliance with plant protection legislation.

Section I. GENERAL PROVISIONS

Article 1. Definition of Terms

1. In this Law, the terms shall be used in the following meanings:

1) biological control agent shall mean a natural enemy, antagonist, or competitor, or other organism, used for pest control;

2) acclimatization shall mean the ability of a pest to adapt in the foreseeable future within a certain territory after its introduction into it;

3) phytosanitary risk analysis shall mean the process of evaluating biological, environmental, and economic data to determine whether an organism belongs to pests, the feasibility of its regulation, and the definition of phytosanitary measures to be taken to combat it;

4) biological method of plant protection shall mean a method of protecting plants from pests with the help of biological control agents and/or their products;

5) buffer zone shall mean a zone surrounding a zone or bordering a zone that has officially defined boundaries for the implementation of phytosanitary measures, established to minimize the likelihood of spreading of a pest inside or outside such zone, and, if necessary, to apply phytosanitary measures or other measures to combat pests;

6) cargo shall mean a certain amount of commodities imported (shipped) to the customs territory of Ukraine, exported (sent) outside the customs territory of Ukraine, or transported through its territory by one type of vehicle (sea, river, rail, road, or air), originating from one country or its separate territory and accompanied by one phytosanitary certificate or phytosanitary certificate for re-export, or other document, if required by law, other than plants, plant products, or other articles belonging to the same type, class, or description. Cargo can consist of one or more consignments;

7) designated pests shall mean quarantine pests and pests that are absent in Ukraine and may meet the criteria for acquiring the status of a quarantine pest, the import (shipment) of which into the customs territory of Ukraine is accompanied by a permit for the import (shipment) into the customs territory of Ukraine of certain types of pests or plants, plant products, and other articles provided for by this Law;

8) pest-free production site shall mean a separate area of the production facility (place of production) where the absence of a specific pest is confirmed by scientific data and/or laboratory

tests, and where this condition is maintained under the control of the competent authority for a specified period of time;

9) production facility (place of production) shall mean a set of buildings or structures or land plots (parts thereof) where plants and/or plant products are grown and/or produced and/or processed (refined);

10) laboratory test report shall mean a document in paper or electronic form issued by an authorized laboratory based on the results of a laboratory test;

11) sampling shall mean the process of taking samples from plants, plant products, or other articles, pests, plant protection products to form samples for further laboratory testing or for physical inspection;

12) visual inspection shall mean an inspection with an unaided eye, using a magnifying glass, a binocular, a microscope, or other optical magnifying devices without laboratory testing;

13) application of plant protection products from the air shall mean the application of plant protection products from an aircraft (aviation method);

14) wood packaging material shall mean wood or wood products (except paper) used to support, protect, or transport commodities (including wood for fasteners);

15) state control over compliance with plant protection legislation (hereinafter referred to as “state control”) shall mean a set of measures taken by officials of the competent authority within the powers provided for by law to ensure compliance with the requirements of plant protection legislation, as well as to eliminate the consequences of non-compliance with plant protection legislation and to bring to justice for violation of plant protection legislation;

16) state phytosanitary inspector shall mean an individual who works in the system of the competent authority, meets the qualification requirements established by this Law, and whose official duties include the implementation of state control measures and other official measures in accordance with law;

17) remote agreement shall mean an agreement concluded without the simultaneous physical presence of the parties thereto, using only means of remote communication, including electronic communication, before and during its conclusion;

18) distributor shall mean a market operator that places plant protection products on the market, including wholesalers, retailers, and suppliers;

19) diagnostics shall mean the process of detecting and identifying a pest;

20) additional declaration shall mean information on the phytosanitary condition of the cargo with plants, plant products, and other articles, which is to be included in the phytosanitary certificate, phytosanitary certificate for re-export, or other additional information provided for by the International Standard for Phytosanitary Measures No. 12;

21) documentary inspection shall mean a form of state control carried out at the state border of Ukraine with respect to the cargo imported (shipped) into the customs territory of Ukraine, which consists in checking the documents required to accompany the cargo and/or required when crossing the state border of Ukraine in accordance with law;

22) economic threshold of harmfulness shall mean the population density of a pest at which plant protection measures are economically feasible;

23) electronic copy shall mean a visual representation in electronic form of a paper document obtained by scanning (photographing), the conformity of which to the original is certified by the electronic signature of the person submitting such document;

24) general phytosanitary document for importation shall mean a document of the established form consisting of two parts: in the first part the professional operator indicates (declares) information about the cargo, in the second part the state phytosanitary inspector indicates information on the results of state control of such cargo;

25) infestation/contamination shall mean the presence of a pest in plants and/or plant products and/or other articles and/or production facilities (places of production);

26) plant protection products shall mean products in the form in which they are supplied to users, consisting of or containing active substances, antidotes, or synergists and intended for:

protection of plants or plant products from pests or prevention of the effect of such organisms on them, except when the main purpose of the product is disinfection other than protection of plants or plant products;

impact on plant life processes, in particular on their growth, in addition to nutrients;

canning of plant products to the extent that they are not subject to legislation on safety and certain food quality performance indicators;

destruction of undesirable plants or plant parts, except algae, unless the products are used on soil or in water for plant protection;

controlling or preventing undesirable growth of plants other than algae, unless the products are used on soil or in water for plant protection;

27) detention shall mean a procedure that provides that commodities subject to state control have not been moved and/or subjected to external interference before the state phytosanitary inspector makes a decision on their purpose;

28) plant protection shall mean a system of measures aimed at reducing crop losses and preventing deterioration of plants and plant products, as well as preventing the introduction and/or spread of pests and regulating their numbers;

29) plant protection measures shall mean measures taken by a professional user or a non-professional user to protect plants and plant products;

30) pest-free zone (hereinafter referred to as the “free zone”) shall mean the territory where the absence of the relevant pest is established by the competent authority on the basis of scientific data and, if necessary, maintained by it or under its control for a specified period of time;

31) isolated detention facility shall mean any place, except for the quarantine station, where pests, plants, plant products, or other articles are kept in isolation;

32) inspection shall mean visual inspection of plants, plant products, or other articles in order to determine the presence of pests or to verify compliance with the requirements of phytosanitary measures;

33) integrated plant protection system shall mean a set of plant protection methods determined on the basis of studying all existing methods, with preference given to the use of biological methods that prevent the development of pest populations and promote the use of plant protection products, other forms of intervention at an economically and environmentally feasible level, reduce or minimize risks to human life and health, animals, plants, and the environment;

34) “Phytosanitary Inspection System” automated information system (hereinafter referred to as the “information and communication system of the competent authority”) shall mean an information and communication system designed for the integrated use of mechanisms and tools for the collection, management, storage, processing, and automated exchange of data, information, and documents related to state control measures and other official measures in the field of plant protection;

35) other articles shall mean any materials or articles, other than plants and plant products, capable of harboring or spreading pests, including soil or other plant growing-medium;

36) other official measures in the field of plant protection (hereinafter referred to as “other official measures”) shall mean activities other than state control, which are carried out by the competent authority or authorized persons under its control and include measures to check the presence of pests, prevent or contain the spread of pests, localize and/or destroy, including liquidation, as well as the issuance of documents in accordance with this Law;

37) quarantine shall mean keeping plants, plant products, or other articles, harmful or beneficial organisms under closed conditions for the purposes of inspection, laboratory testing, processing, observation, or scientific tests;

38) quarantine (demarcated) zone shall mean an area in which a quarantine pest is present and in respect of which control measures are being taken;

39) quarantine station shall mean a place for keeping pests, plants, plant products, or other articles under quarantine, which is granted the appropriate status based on the decision of the competent authority;

40) quarantine pest shall mean a pest that is absent or stenotopic in the relevant territory, the introduction and widespread spread of which in such territory will have negative economic, environmental, and social consequences and for which there are feasible and effective measures to prevent its introduction and spread;

41) end consumer (user) shall mean a person who has purchased plants, plant products, or other articles for personal needs and acts for purposes other than trade, business, or professional activities;

42) traceability code shall mean an alphabetic, numeric, or alphanumeric code that identifies a cargo, consignment, or commodity unit for traceability purposes, including codes indicating consignment, group, series, date of production, and/or professional operator’s documents;

43) competent authority shall mean the central executive body that implements the state policy on plant protection and performs the functions of the national plant protection organization of Ukraine as defined by the [International Plant Protection Convention](#);

44) competent authority of a foreign state shall mean a state authority authorized to perform the functions of a national plant protection organization as defined by the [International Plant Protection Convention](#);

45) consultant shall mean any individual who has been trained in accordance with this Law and has the right to advise third parties on plant protection and safe use of plant protection products in the course of his/her professional activity or provides consultations as a separate service;

46) country of origin shall mean the country in which the plants were grown, including those from which the plant products originate, or the country in which the first infestation of other articles with pests could have occurred;

47) eradication shall mean the application of phytosanitary measures or plant protection measures to destroy the population of a pest in a certain territory;

48) localization shall mean the application of phytosanitary measures or plant protection measures to prevent the spread of a pest;

49) International Standard for Phytosanitary Measures (hereinafter referred to as “ISPM”) shall mean an international standard developed and adopted in accordance with the [International Plant Protection Convention](#);

50) pest-free place of production shall mean a production facility (place of production) or a part thereof, where the absence of the relevant pest is established by the competent authority on the basis of scientific data and, if necessary, is maintained under the control of the competent authority for a specified period of time;

51) good plant protection practice shall mean a set of requirements according to which the use of plant protection products for the protection of plants or plant products from pests is carried out in accordance with the regulations for their use, ensuring the effectiveness of plant protection products by using their minimum required amount and taking into account soil and climatic, weather conditions, and the possibility of controlling pests using non-chemical methods of plant protection;

52) appropriate level of phytosanitary protection shall mean the level of protection against phytosanitary risks, which is considered sufficient for the protection of plants in the territory of the state;

53) non-professional user shall mean a person who uses or plans to use plant protection products and who is not a professional user;

54) non-chemical methods of plant protection shall mean methods that involve the use of means that are alternative to chemical plant protection products to combat pests and are based on the general principles of the integrated plant protection system, in particular physical, mechanical, or biological methods of plant protection against pests;

55) notification of non-compliance with phytosanitary measures shall mean informing the competent authority of a foreign state of serious cases of non-compliance of cargo with phytosanitary measures of the importing state in accordance with ISPM No. 13;

56) circulation of plants, plant products, and other articles shall mean production (cultivation), harvesting, processing, movement (transportation), storage, use, or sale of plants, plant products, and other articles;

57) equipment for the use of plant protection products shall mean any devices specially designed for the use of plant protection products, including equipment necessary for the effective operation of such devices (nozzles, manometers, filters, sieves, devices for cleaning containers, etc.);

58) treatment shall mean a procedure for the destruction, inactivation, removal of pests, and/or deprivation of their ability to grow, develop, or reproduce;

59) inspection shall mean a procedure carried out within a specified period of time to determine the presence or absence of pests, the area of distribution, or characteristics of the pest population in a certain pest-free territory, place of production, or production site;

60) market operator shall mean an individual, individual entrepreneur, or legal entity engaged in activities in the field of plant protection;

61) particularly dangerous pest shall mean a pest that is capable of rapidly increasing the population and adversely affecting agricultural and/or forest crops, plants, plant products, and other articles, which may lead to significant negative economic, environmental, or social consequences;

62) official measures shall mean measures of state control and other official measures carried out by the competent authority or persons authorized in accordance with this Law;

63) consignment shall mean a set of units of plants, plant products, or other articles, plant protection products, which is determined by the homogeneity of its composition, origin and is part of the cargo;

64) plant passport shall mean a document issued in the cases established by this Law for plants, plant products, or other articles when they are transported through the territory of Ukraine and certifying their compliance with the requirements of phytosanitary measures;

65) conformity check shall mean a form of state control carried out in respect of cargo imported (shipped) into the customs territory of Ukraine, which consists in a visual inspection of cargo to determine the conformity of its contents and marking with the information specified in the documents accompanying the cargo;

66) vegetation period shall mean the period during which active development and growth of a plant takes place;

67) handling of plant protection products shall mean placement on the market, storage, use, application, and transportation of plant protection products;

68) risk indicator shall mean the result of a calculation method used to assess the risks posed by plant protection products to human life and health, animals, plants, and the environment;

69) planting (sowing) shall mean the introduction of plants into the environment for growing, including their transplantation, grafting, or similar actions aimed at ensuring further growth, reproduction, or propagation;

70) official of the competent authority shall mean the Chief State Phytosanitary Inspector of Ukraine, chief state phytosanitary inspectors in the Autonomous Republic of Crimea, regions, cities of Kyiv and Sevastopol, their deputies, and state phytosanitary inspectors who are authorized by law to exercise powers in the field of plant protection;

71) plant products shall mean unprocessed material of plant origin, as well as products of its processing, which by their nature or nature of processing may pose a risk of introduction or spread of quarantine pests.

Wood is considered a plant product if it meets one of the following criteria:

retains its natural rounded surface, with or without bark, or part thereof;

its natural rounded surface has not been preserved by sawing, cutting, or splitting;

has in the form of chips, particles, sawdust, wood waste, dunnage, or debris and is not glued, heat treated, or pressurized to produce pellets, briquettes, plywood, or particleboard;

is used or intended to be used as a packaging material, whether or not it is used to transport commodities;

72) introduction shall mean the movement of a pest to a certain territory where it was previously absent or stenotopic, which leads to its acclimatization;

73) traceability in the field of plant protection shall mean the ability to identify and trace plants, plant products, other articles, or plant protection products at all stages of circulation of plants, plant products, other articles, or handling of plant protection products;

74) professional user shall mean a market operator who uses plant protection products in the course of his/her professional activities, including an operator of an unmanned aircraft, an operator of equipment for the use of plant protection products, an employer, and a self-employed person;

75) professional operator shall mean an individual, individual entrepreneur, or legal entity that carries out activities related to one or more measures concerning plants, plant products, or other articles, in particular, regarding their:

planting (sowing);

selection;

production, including cultivation, reproduction, and maintenance;

importation (shipment) into the customs territory of Ukraine, transportation through the territory of Ukraine, and exportation (shipment) outside the customs territory of Ukraine;

placement on the market;

storage, warehousing, shipment, and processing;

76) regulations for the use of plant protection products shall mean a set of requirements for the use of a formulation of a plant protection product determined during its state registration;

77) regulated non-quarantine pest shall mean a pest whose presence in seeds or planting material has a negative economic impact on their intended use;

78) regulated pest shall mean a quarantine pest or a regulated non-quarantine pest in respect of which official measures are taken;

79) reference laboratory shall mean an accredited laboratory, which, in accordance with the requirements of this Law, is authorized to perform the functions specified by this Law;

80) placement on the market shall mean any possession of plant protection products for the purpose of sale, including an offer for sale or any other form of transfer of ownership for a fee and/or in any other form, including sale, distribution, and/or other forms of transfer of ownership, except for returning to the previous owner.

For the purposes of this Law, the release of plant protection products for free circulation in Ukraine shall also be considered to be placement on the market;

81) plants shall mean living plants and their living parts, including:

seeds (in the botanical sense);

fruits (in the botanical sense);

vegetables;

tubers, corms, bulbs, rhizomes, roots, root shoots, stolons;

shoots, stems, creeping shoots;

cut flowers; branches (with or without leaves);

cut trees with foliage;

leaves;

plant tissue cultures, including cell cultures, germplasm, meristems, hybrid clones, and micropropagated material;

live flower pollen and spores;

buds, eyes, cuttings, scions, rootstocks;

82) observation shall mean the process of collecting and recording data on the presence or absence of a pest over a certain period of time, which is carried out through inspection and/or phytosanitary monitoring;

83) degree of infestation shall mean the proportion or number of units in a sample, consignment, field, or other defined population in which the pest is present;

84) economic operator shall mean legal entities regardless of their organizational and legal form and form of ownership and individual entrepreneurs;

85) commodity shall mean any plants, plant products, or other articles, plant protection products covered by the scope of this Law;

86) commodity unit shall mean the smallest commercial or other used unit of commodities that is used at the relevant stage of its sale and which may constitute part of the consignment or the entire consignment;

87) authorized laboratory shall mean a laboratory of any form of ownership, which, in accordance with this Law, is authorized to conduct laboratory tests for the purposes of state control and/or other official measures;

88) phytosanitary risk management shall mean the assessment and selection of options to reduce the risk of introduction and spread of quarantine pests, and in the case of regulated non-quarantine pests — assessment and selection of options to reduce the risk that a regulated pest contained in seeds or planting material will cause negative economic consequences;

89) counterfeit plant protection product shall mean a plant protection product produced in violation of the requirements established by law or with the unlawful use of a trademark for goods and services, or by copying the form, packaging, external design, or direct reproduction of the product of another manufacturer without its permission;

90) physical inspection shall mean a form of state control carried out in relation to the cargo imported (shipped) to the customs territory of Ukraine, which consists in checking the commodities and may include inspection of vehicles, marking, temperature, sampling for laboratory testing or diagnostics, or other inspection to confirm compliance with the requirements specified by the plant protection legislation;

91) phytosanitary procedure shall mean a method of applying phytosanitary measures to regulated pests, including inspection, laboratory testing, observation, or treatment;

92) phytosanitary measure shall mean any regulations or measures aimed at preventing the entry and/or spread of quarantine pests and/or limiting the negative economic impact of regulated non-quarantine pests;

93) phytosanitary monitoring shall mean another official measure that involves an ongoing process of checking the phytosanitary condition;

94) phytosanitary forecast shall mean a scientifically based prediction of the probability of occurrence, spread, and development of pests, as well as quantitative indicators of the intensity of development and harmfulness of pests;

95) phytosanitary risk shall mean the probability of introduction and spread of a pest in a certain territory and the scale of potential economic consequences associated with it, and for seeds or planting material — the probability that a pest will have economically unacceptable consequences for their use;

96) phytosanitary certificate shall mean a document in paper or electronic form that corresponds to the model approved by the [International Plant Protection Convention](#) and certifies that the cargo with plants, plant products, or other articles meets the phytosanitary requirements of the importing state;

97) phytosanitary certificate for re-export shall mean a document in paper or electronic form that corresponds to the model approved by the [International Plant Protection Convention](#) and certifies that the imported cargo with plants, plant products, or other articles meets the phytosanitary requirements of the importing country;

98) phytosanitary condition shall mean the presence or absence of pests in plants, plant products, or other articles;

99) pest shall mean any species, strain, or biotype of a pathogenic agent, animal, or plant injurious to plants or plant products or that may cause significant negative economic, environmental, or social consequences.

2. Other terms used in this Law shall have the following meanings:

the term “transit of cargoes” shall have the meaning given in the Law of Ukraine “On Transit of Cargoes”;

the terms “aircraft,” “unmanned aircraft,” “operator” shall have the meanings given in the Air Code of Ukraine;

the terms “accredited laboratory,” “audit,” “validation” have the meanings given in the Law of Ukraine “On State Control over Compliance with Legislation on Food Products, Feed, Animal By-Products, Veterinary Medicine, and Animal Welfare”;

the terms “seeds” and “planting material” shall have the meanings given in the Law of Ukraine “On Seeds and Planting Material”;

the term “processing of information in the system” shall have the meaning given in the Law of Ukraine “On Protection of Information in Information and Communication Systems”;

the terms “administrative act,” “procedural action,” “procedural decision” shall have the meanings given in the Law of Ukraine “On Administrative Procedure”;

the term “processing of personal data” shall have the meaning given in the Law of Ukraine “On Personal Data Protection.”

Article 2. Scope of the Law

1. This Law shall apply to the field of plant protection, namely to social relations arising in the course of circulation of plants, plant products, other articles, as well as handling of plant protection products, implementation of state control measures, and other official measures to verify compliance with the requirements of legislation on:

- 1) circulation of plants, plant products, and other articles;
- 2) handling of plant protection products;
- 3) implementation of phytosanitary measures and procedures, plant protection measures;
- 4) importation (shipment) into the customs territory of Ukraine, transportation through the territory of Ukraine, and exportation outside the customs territory of Ukraine of plants, plant products, and other articles, plant protection products.

2. This Law shall not apply to public relations regarding:

- 1) production of plant protection products, state registration of plant protection products;
- 2) handling of prohibited and unsuitable plant protection products, plant protection product waste, and their packaging.

Article 3. Plant Protection Legislation

1. The plant protection legislation shall consist of the Constitution of Ukraine, this Law, the Customs Code of Ukraine, the Law of Ukraine “On Pesticides and Agrochemicals,” and regulations issued in accordance therewith, as well as the International Plant Protection Convention and ISPM developed in accordance therewith, and other international treaties of Ukraine.

2. If an international treaty of Ukraine establishes norms other than those provided for by this Law, the norms of the international treaty of Ukraine shall apply. Plant protection legislation shall apply subject to the provisions of the Law of Ukraine “On Sanctions.”

3. The relations regarding the adoption, entry into force, administrative appeal, execution, termination of administrative acts in the field of plant protection shall be regulated by the [Law of Ukraine](#) “On Administrative Procedure,” taking into account the peculiarities determined by this Law.

The decision to refuse to issue administrative acts in the field of plant protection shall be made subject to ensuring the right of a person to participate in administrative proceedings in accordance with the [Law of Ukraine](#) “On Administrative Procedure.”

The decision to revoke and invalidate administrative acts in the field of plant protection shall be made after ensuring the right of a person to participate in administrative proceedings as provided for by the [Law of Ukraine](#) “On Administrative Procedure.”

Decisions, actions, and inaction of officials responsible for exercising powers in the field of plant protection may be appealed in administrative procedure in accordance with the [Law of Ukraine](#) “On Administrative Procedure” and/or to an administrative court.

Article 4. General Requirements for Sampling and Methods of Laboratory Testing

1. Sampling and transportation (shipment) of samples to the authorized laboratories for the purposes of state control and other official measures shall be carried out in accordance with the procedure and in accordance with the methods approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

2. Sampling for the purposes of state control and other official measures shall be carried out during:

1) scheduled selection — in accordance with the annual state control plan and/or the annual state monitoring plan in the field of plant protection;

2) unscheduled sampling — if during the implementation of state control and other official measures, there is a reasonable suspicion of non-compliance with the requirements established by the plant protection legislation, or other grounds for sampling established by this Law.

3. Sampling for laboratory testing for the purposes of state control and other official measures shall be carried out by the state phytosanitary inspector or, in cases specified by this Law, by a specialist of the authorized laboratory, a professional operator authorized to issue a plant passport.

4. When taking samples for laboratory testing, one sample shall be formed. At the request of the market operator, who is the owner of the cargo or commodity or the owner or user of production facilities (places of production), two equivalent samples may be formed, one of which shall be transferred to the market operator and the other shall be sent for laboratory testing. The sample transferred to the market operator (hereinafter referred to as the “second sample”) may be used for other laboratory testing in cases provided for by this Law on the basis of the second expert opinion.

5. The sample shall be taken, packed in a safe bag, or sealed and marked in a manner that ensures its legal force (legal value), scientific validity, and technical suitability for laboratory testing, and a sampling report shall be drawn up in two copies, each signed by the person who took the sample. The requirements for safe packages and the form of the sampling report shall be approved by the Cabinet of Ministers of Ukraine.

6. For the purposes of state control and other official measures, methods (techniques) for conducting laboratory tests shall be used, which are determined by the following criteria:

- 1) correctness (truthfulness and accuracy);
- 2) applicability (concentration matrix and interval);
- 3) detection limit;

4) measurement limit;

5) accuracy;

6) repeatability;

7) reproducibility;

8) recovery;

9) selectivity;

10) sensitivity;

11) linearity;

12) measurement uncertainty;

13) other criteria that may be determined as mandatory by the central executive body that ensures the formation and implementation of state policy on technical regulation, standardization, metrology, and metrological activities.

7. Methods (techniques) for conducting laboratory tests for the purposes of state control and other official measures shall be approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

8. In the absence of an approved method (methodology) for conducting laboratory tests, authorized laboratories may use methods (methodologies) for conducting laboratory tests that:

1) comply with international or national standards, methods (techniques), instructions, and recommendations;

2) have been developed, validated, and recommended by reference laboratories or developed and validated based on the results of inter-laboratory testing.

Article 5. General Requirements for Laboratory Testing

1. Laboratory testing shall be carried out by authorized laboratories in accordance with the procedure established by the Cabinet of Ministers of Ukraine regarding:

1) pests, plants, plant products, and other articles;

2) plant protection products;

3) residual amounts of plant protection products in plants, plant products, and other articles.

2. Based on the results of the laboratory test, a laboratory test report shall be formed.

3. The results of a laboratory test may be appealed by the market operator, who is the owner of the cargo or commodities, during the validity period of the laboratory test report in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

4. The market operator shall have the right to appeal the results of the laboratory test based on the second expert opinion by:

1) documentary review of the primary analysis, laboratory test, or diagnosis;

2) other analysis, laboratory testing, or diagnostics by another authorized laboratory.

5. The competent authority shall be obliged to provide the market operator with the right to obtain a second expert opinion in respect of commodities for which sampling, analysis, laboratory testing, or diagnostics are carried out in the course of state control. The second expert opinion shall be obtained at the expense of the market operator.

The right to obtain a second expert opinion shall consist in a documentary review, at the request of the market operator, of the results of sampling, analysis, laboratory testing, or diagnostics by another expert of the appropriate qualification. The requirements for experts who may provide a second expert opinion shall be approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

6. Where appropriate and technically feasible, taking into account, in particular, the degree of risk and the amount of material available, the competent authority shall, at the request of the market operator, ensure that a second sample is taken to exercise the right to obtain a second expert opinion and review the results of sampling, analysis, laboratory testing, or diagnostics. Should it not be possible to ensure such selection, the competent authority shall be obliged to inform the market operator thereof.

The right to obtain a second expert opinion shall not apply to cases of re-assessment of the presence of quarantine pests in plants, plant products, or other articles.

7. In the event of a dispute between the competent authority and the market operator regarding the results of sampling, analysis, laboratory testing, or diagnostics based on the second expert opinion, the market operator shall have the right to demand that another authorized laboratory conduct a documentary review of the initial analysis, laboratory testing, or diagnostics at its own expense, and, if necessary, conduct another analysis, laboratory testing, or diagnostics.

8. The exercise by the market operator of the right to obtain a second expert opinion shall not deprive the competent authority of the right to take urgent measures, as defined by law, to eliminate or limit risks in case of a threat to human life and health, animals, plants, or the environment.

Article 6. Phytosanitary Procedures

1. Plants, plant products, or other articles that are capable of harboring, transmitting, or spreading regulated pests shall be subject to phytosanitary procedures in order to establish their phytosanitary status.

2. Phytosanitary procedures shall be carried out in relation to pests, plants, plant products, and other articles and include inspection, laboratory testing, observation, treatment. The procedure for conducting phytosanitary procedures and forms of documents to be drawn up as a result of their conduct shall be approved by the Cabinet of Ministers of Ukraine.

3. Plants, plant products, or other articles transported from the quarantine (demarcated) zone, cargoes with plants, plant products, or other articles transported across the state border of Ukraine, as well as other articles — in cases specified by this Law — shall be subject to inspection. Inspection in the cases provided for by this Law shall be carried out by the state phytosanitary inspector or professional operator.

During the inspection, the following shall be carried out:

1) visual inspection to determine the presence of regulated pests for Ukraine or regulated pests for the importing country;

2) inspection and establishment of the phytosanitary condition of plants, plant products, or other articles to determine their compliance with the phytosanitary measures of Ukraine or the phytosanitary measures of the importing country;

3) determining the need for other phytosanitary procedures.

4. Laboratory testing of pests, plants, plant products, and other articles shall be carried out by an authorized laboratory in accordance with national and/or international standards, instructions, and recommendations in order to detect and/or identify pests by examining in laboratory conditions samples of pests, plants, plant products, and other articles selected in accordance with the requirements of plant protection legislation. At the request of the importing state, such laboratory

testing may be carried out in accordance with the standards or methods, instructions, and recommendations specified by such state.

Laboratory testing of pests, plants, plant products, and other articles shall include:

- 1) analysis of the phytosanitary condition of plants, plant products, or other articles in order to detect pests;
- 2) determining the types of pests, their condition, stage of development, and quantity;
- 3) forming and storing a part of the sample in which the pest is detected, if necessary.

The authorized laboratory shall issue a laboratory test report based on the results of the laboratory testing of pests, plants, plant products, and other articles. Based on such report, the state phytosanitary inspector shall establish the phytosanitary status of the entire consignment, cargo, or production facility (place of production).

If the authorized laboratory receives a sample where the integrity of the packaging is compromised, the authorized laboratory shall indicate this information in the laboratory test report. In this case, the laboratory test report shall certify the phytosanitary condition of this sample only.

The laboratory test report shall be provided within 24 hours upon the receipt of a sample of a pest, plant, plant product, other article to the authorized laboratory, except in cases established by this Law.

If it is necessary to conduct a complex analysis (mycological, bacteriological, virological, helminthological), the period for submitting a laboratory test report may be extended, but not more than 30 days from the date of receipt of the sample by the authorized laboratory, provided that such time is provided for by the methodology for determining the pest.

The laboratory test report shall be the basis for making a decision on the application of phytosanitary measures, including the issuance or refusal to issue certificates or other documents provided for by this Law, and, if necessary, for issuing an order on the application of phytosanitary measures to prevent the spread of quarantine pests.

5. Observation shall be carried out to establish the phytosanitary status of territories by conducting an inspection and/or phytosanitary monitoring of lands, perennial and forest plantations, trees, shrubs, vegetation of closed soil, plant products, or other articles, including packaging materials, vehicles, agricultural machinery and equipment, production facilities (places of production), for the presence of regulated pests, as well as the detection of pests that are absent in Ukraine but may meet the criteria for acquiring the status of a quarantine pest, taking into account information on the presence of the relevant pest.

Observation shall be carried out by the competent authority represented by the state phytosanitary inspector. Other persons who have appropriate qualifications in the field of plant protection may be involved in the observation in accordance with the procedure established by the Cabinet of Ministers of Ukraine. The decision on the necessity to involve such persons shall be made by the chief state phytosanitary inspector in the Autonomous Republic of Crimea, the city of Kyiv or Sevastopol, the region where the observation is carried out.

Observation shall be carried out at intervals established by the competent authority, taking into account:

- 1) phenological phase (period) of plant vegetation;
- 2) biology of regulated pests;
- 3) phytosanitary risk;
- 4) requirements of phytosanitary measures of the importing country.

Based on the results of observation and establishment of the phytosanitary condition:

a state phytosanitary inspector shall draw up a report on the observation results;

a specialist (if involved in the observation) shall draw up a certificate of the observation results.

Phytosanitary monitoring shall be carried out in accordance with the annual plan of phytosanitary monitoring of plants, plant products, or other articles, production facilities (places of production) for the presence of regulated pests, which shall be approved by the competent authority.

When forming the results of phytosanitary monitoring, the competent authority shall use the information obtained from the inspection results.

The inspection shall be carried out at the request of the market operator or in accordance with the annual plan of phytosanitary monitoring of plants, plant products, or other articles, production facilities (places of production) for the presence of regulated pests.

The competent authority shall develop and approve for a period of five to seven years multi-year observation programs for the presence of regulated pests, as well as for the detection of pests that are not present in Ukraine but may meet the criteria for acquiring the status of a quarantine pest, including:

the purpose of observation;

the scope of observation relating to the relevant territory, the period of time during which it is carried out, and the list of pests, plants, plant products, or other articles subject to observation;

observation methodology, including a description of procedures for visual inspection, sampling, and laboratory testing, with technical justification;

timing, frequency, and number of planned visual inspections, sampling, and laboratory testing;

methods of collecting and publishing the information received.

6. Plants, plant products, or other articles infested with pests shall be subject to treatment in cases specified by the plant protection legislation. At the request of the person or the importing state, processing may be carried out in respect of any plants, plant products, or other articles.

Vehicles and places of storage of plants, plant products, or other articles may be subject to treatment.

If it is impossible to carry out treatment, plants, plant products, or other articles infested with regulated pests shall be subject to treatment:

1) technical processing;

2) destruction;

3) return of the cargo (in case of importation (shipment) to the customs territory of Ukraine) or change of the country of destination, taking into account the requirements of phytosanitary measures of the relevant state.

Treatment with plant protection products shall only be carried out by a professional user.

Article 7. State Registers in the Field of Plant Protection

1. The competent authority shall ensure the maintenance of state registers in the field of plant protection by including, excluding, and updating information on market operators, which are subject to state registration in the field of plant protection in accordance with this Law.

2. The competent authority shall ensure the electronic maintenance and shall be the holder of:

1) the State Register of Professional Operators;

2) the State Register of Persons Authorized to Carry out Activities in the Field of Plant Protection in Relation to the Handling of Plant Protection Products;

3) the State Register of Laboratories in the Field of Plant Protection.

The procedure for maintaining state registers in the field of plant protection shall be approved by the Cabinet of Ministers of Ukraine.

3. The information entered by the competent authority into the state registers in the field of plant protection must be confirmed by a qualified electronic signature of an official of the competent authority in accordance with the requirements of the [Law of Ukraine](#) “On Electronic Identification and Electronic Trust Services.”

4. The competent authority shall provide unimpeded, round-the-clock, and free access to the information contained in the state registers in the field of plant protection on its official website.

5. Information from state registers in the field of plant protection:

1) shall have the status of official information of the competent authority;

2) shall not require any additional confirmation from the competent authority;

3) may be used by market operators, state authorities, authorities of the Autonomous Republic of Crimea, and local self-government bodies to obtain public information upon their request.

6. Expenses related to the creation, technical support, maintenance of software of the state registers in the field of plant protection, formation, and maintenance of the said registers shall be financed at the expense of the State Budget of Ukraine and other sources not prohibited by law.

7. The software of the state registers in the field of plant protection developed to order and/or purchased by the holder of such registers, information of the state registers in the field of plant protection shall be the subject of state property rights.

8. Market operators, state authorities, authorities of the Autonomous Republic of Crimea, and local self-government bodies shall have the right to access the data of the state registers in the field of plant protection by searching, reviewing, and receiving the requested public information.

9. Access to the information of the state registers in the field of plant protection (except for personal data) shall be provided by:

1) publication of information from the state registers in the field of plant protection on the official website of the competent open data authority;

2) access through the user’s personal account to the relevant state register in the field of plant protection.

10. Access to the information of the state registers in the field of plant protection shall be provided in accordance with the requirements of the legislation on personal data protection and in accordance with the [Law of Ukraine](#) “On Access to Public Information.”

Article 8. State Registration in the Field of Plant Protection

1. The following market operators shall be subject to state registration in the field of plant protection:

1) professional operators authorized in accordance with this Law; professional operators whose activities are related to the circulation of plants, plant products, and other articles, the movement of which must be accompanied by a phytosanitary certificate and/or plant passport — by inclusion in the State Register of Professional Operators;

2) professional users, distributors, and consultants; economic operators authorized under this Law to conduct training on the safe handling of plant protection products; economic operators

authorized under this Law to carry out technical inspection of equipment for the use of plant protection products — by including in the State Register of Persons Authorized to Carry out Activities in the Field of Plant Protection in Relation to the Handling of Plant Protection Products;

3) authorized laboratories and reference laboratories — by being included in the State Register of Plant Protection Laboratories.

2. The state registration in the field of plant protection shall be carried out free of charge on the basis of the decision of the competent authority by including information about the market operator subject to state registration in the field of plant protection in the relevant state register in the field of plant protection in terms of the authorization granted in accordance with this Law. The procedure for state registration in the field of plant protection shall be established by the Cabinet of Ministers of Ukraine.

3. A market operator shall not be subject to state registration in the field of plant protection as a professional operator if:

1) it supplies exclusively and directly to end consumers (users) an insignificant amount of plants, plant products, or other articles under any agreement other than a distance agreement;

2) it supplies exclusively and directly to end consumers (users) an insignificant amount of seeds, except for seeds that must be accompanied by a phytosanitary certificate;

3) its professional activity in relation to plants, plant products, or other articles is limited to their transportation to another professional operator;

4) its professional activity relates exclusively to the transportation of any objects using wood packaging material.

Volumes of plants, plant products, or other articles that are considered insignificant for the purposes of this Law shall be approved by the Cabinet of Ministers of Ukraine.

4. The competent authority shall be obliged to make a decision on revocation of the state registration in the field of plant protection in case of:

1) failure of the market operator subject to state registration in the field of plant protection to take measures to eliminate the identified inconsistencies with the requirements of this Law within a reasonable period of time established by the competent authority;

2) application of the market operator for its exclusion from the relevant state register in connection with the termination of its activities as a market operator subject to state registration in the field of plant protection;

3) termination of a legal entity, termination of entrepreneurial activity of an individual entrepreneur, death of an individual.

If a market operator provides deliberately false information that led to state registration in the field of plant protection, the competent authority shall decide to invalidate such state registration.

5. The decision on revocation or invalidation of the state registration in the field of plant protection shall be the grounds for the exclusion of a person from the relevant state register.

Section II. POWERS OF EXECUTIVE AUTHORITIES IN THE FIELD OF PLANT PROTECTION

Article 9. System of Executive Authorities in the Field of Plant Protection

1. The system of executive authorities in the field of plant protection shall consist of:

1) the Cabinet of Ministers of Ukraine;

2) the central executive body that ensures the formation and implementation of the state policy on plant protection;

3) the competent authority.

2. Other executive authorities, authorities of the Autonomous Republic of Crimea, and local self-government bodies shall exercise powers in the field of plant protection within the limits provided for by this Law.

Article 10. Powers of the Cabinet of Ministers of Ukraine

1. The powers of the Cabinet of Ministers of Ukraine in the field of plant protection shall include:

1) ensuring the implementation of the state policy on plant protection;

2) determining the main development directions of the state policy on plant protection;

3) directing and coordinating the work of central executive bodies in the field of plant protection;

4) approval of regulations in accordance with this Law;

5) setting the amount of paid services in the field of plant protection in accordance with this Law;

6) organization of international cooperation in the field of plant protection;

7) exercising other powers in the field of plant protection in accordance with this Law.

Article 11. Powers of the Central Executive Body That Ensures the Formation and Implementation of the State Policy on Plant Protection

1. The powers of the central executive body that ensures the formation and implementation of the state policy on plant protection shall include:

1) ensuring the formation and implementation of the state policy on plant protection;

2) implementation of regulatory and legal support in the field of plant protection, including approval of procedures and other regulations within its powers in accordance with this Law;

3) participation in international cooperation on plant protection issues;

4) exercising other powers in the field of plant protection in accordance with this Law.

Article 12. Powers of the Competent Authority

1. The powers of the competent authority in the field of plant protection shall include:

1) implementation of the state policy on plant protection;

2) organizing and carrying out state control, including at the state border of Ukraine, and other official measures;

3) development and implementation:

long-term state control plan, annual reporting to the Cabinet of Ministers of Ukraine on the status of its implementation;

annual state control plan and annual state monitoring plan in the field of plant protection;

national, regional, and interstate targeted plant protection programs;

4) ensuring:

the maintenance of state registers in the field of plant protection, as well as ensuring their openness and general accessibility;

the protection of personal data of a person who has reported a violation of plant protection legislation;

the legality and efficiency of its structural units, territorial bodies, and their officials;

the authorization of persons in the field of plant protection in accordance with this Law, revocation, and invalidation of such authorization;

the consideration and resolution of cases, as well as performing procedural actions and/or making procedural decisions in accordance with this Law, taking into account the [Law of Ukraine “On Administrative Procedure”](#);

5) establishing in the annual state control plan the frequency of state control, audit, sampling, and laboratory testing in the field of plant protection;

6) determining, in accordance with the procedure established by the legislation, the frequency of documentary inspections, conformity checks, physical inspections, laboratory testing of cargoes imported (shipped) to the customs territory of Ukraine in accordance with [Section VIII](#) of this Law;

7) taking measures within its powers to:

prevent the spread of, localize, and eradicate pests;

eliminate violations of this Law, as well as bring the perpetrators to justice in accordance with the law;

8) involvement of law enforcement agencies in the implementation of state control measures within the powers granted to them by law (if necessary);

9) participation in international cooperation on plant protection issues;

10) exercising other powers in the field of plant protection in accordance with this Law.

Article 13. System of the Competent Authority

1. The competent authority system shall consist of the competent authority and its territorial bodies.

2. The territorial bodies of the competent authority shall exercise the powers of the competent authority within the respective administrative and territorial units.

3. The head of the competent authority shall perform the powers of the Chief State Phytosanitary Inspector of Ukraine, provided that he/she meets the requirements established by this Law for a state phytosanitary inspector. In case of inconsistency with the said requirements, he/she shall entrust the powers of the Chief State Phytosanitary Inspector of Ukraine to his/her deputy or head of the structural subdivision of the competent authority who meets the requirements established by this Law for a state phytosanitary inspector.

4. The head of the competent authority shall entrust the exercise of powers to:

1) the Deputy Chief State Phytosanitary Inspector of Ukraine — to his/her deputy or the head of the structural subdivision of the competent authority who meets the requirements established by this Law for a state phytosanitary inspector;

2) the Chief State Phytosanitary Inspector in the Autonomous Republic of Crimea, region, city of Kyiv or Sevastopol — to the head of the relevant territorial authority, his/her deputy, or the head of the structural subdivision of the territorial authority who meets the requirements established by this Law for a state phytosanitary inspector;

3) the Deputy Chief State Phytosanitary Inspector in the Autonomous Republic of Crimea, region, city of Kyiv or Sevastopol — Deputy Head of the respective territorial authority or head of the structural subdivision of the territorial authority who meets the requirements established by this Law for a state phytosanitary inspector.

Article 14. Officials of the Competent Authority

1. Officials of the competent authority and its territorial bodies shall be civil servants and subject to the [Law of Ukraine](#) “On Civil Service.”

2. An official of the competent authority may be a person who has obtained at least the first (bachelor’s) level of higher education majoring in “Agronomy” or “Plant Protection and Quarantine” or an equivalent major, except as provided for by law.

3. Persons who have at least three years of experience in civil service positions of [category “A”](#) or [“B”](#) or in positions not lower than heads of structural units in local self-government bodies, or in management positions in the field of plant protection, may be the Chief State Phytosanitary Inspector of Ukraine, his/her deputies, chief state phytosanitary inspectors in the Autonomous Republic of Crimea, regions, cities of Kyiv and Sevastopol, their deputies.

4. Officials of the competent authority shall be obliged to regularly improve their professional competence in accordance with the procedure established in accordance with the Laws of Ukraine [“On Civil Service”](#) and [“On Professional Development of Employees.”](#)

5. Damage caused to an individual, individual entrepreneur, or legal entity by unlawful decisions, actions, or inaction of an official of the competent authority shall be compensated at the expense of the state budget funds provided for financing the competent authority, regardless of the fault of such official.

Article 15. Powers of Officials of the Competent Authority

1. Officials of the competent authority, in accordance with their powers, shall have the right to:

1) unimpeded access to the places of state control, other official events, including places of circulation of plants, plant products, or other articles, as well as places related to the handling of plant protection products, during the implementation of state control measures, in order to verify compliance with plant protection legislation by market operators;

2) take samples of plants, plant products, other articles, and plant protection products in order to verify their compliance with plant protection legislation;

3) receive from the central executive bodies, authorities of the Autonomous Republic of Crimea, local self-government bodies, local executive authorities, and market operators information and documents (copies thereof) on plant protection issues necessary for the exercise of their powers in accordance with this Law, except for information contained in state registers and/or at the disposal of the competent authority;

4) collect information to confirm compliance with the requirements of plant protection legislation;

5) issue binding orders on the application of phytosanitary measures and/or orders to eliminate violations of plant protection legislation;

6) impose administrative penalties and apply commercial sanctions in accordance with law;

7) detain cargo in cases provided for by law;

8) prohibit the import (shipment) into the customs territory of Ukraine and transit of cargoes with plants, plant products, and other articles that do not meet the requirements of phytosanitary measures;

9) prohibit the import (shipment) into the customs territory of Ukraine or placement on the market of plant protection products that do not meet the requirements of the plant protection legislation, as well as counterfeit plant protection products;

10) organize and conduct training on the safe handling of plant protection products, as well as issue a certificate of training in the safe handling of plant protection products;

11) make decisions on the application of phytosanitary measures in case of emergency circumstances in the field of plant protection.

2. Officials of the competent authority shall be obliged to, in accordance with their powers:

1) comply with the requirements of plant protection legislation;

2) exercise their powers under the law objectively and impartially;

3) take measures to protect the territory of Ukraine from the introduction and spread of regulated pests in Ukraine;

4) take measures to prevent the entry of regulated pests into free zones;

5) promote the implementation of an integrated plant protection system and plant protection methods that are safe for human life and health, animals, plants, and the environment;

6) undergo training for state control and other official measures, including in accordance with training programs approved by the competent authority, the requirements for which are established by the central executive body that ensures the formation and implementation of the state policy on plant protection;

7) make decisions on other official measures based on the results of laboratory testing;

8) issue documents within their powers;

9) monitor the development and spread of pests, predict the development and spread of pests;

10) carry out phytosanitary procedures in cases stipulated by this Law;

11) adhere to the rules of ethical behavior in relations with market operators, refrain from unreasonable conclusions regarding the consistency or inconsistency of market operators with the requirements of plant protection legislation, as well as from unlawfully and unjustifiably bringing market operators to liability and applying measures of responding thereto;

12) maintain confidentiality and not disclose restricted information obtained in the course of state control measures and other official measures, except in cases provided for by law;

13) present identity documents confirming the authority to carry out state control measures and other official measures, as well as execute and submit documents related to the implementation of state control measures;

14) exercise other powers in accordance with this Law.

Section III: PLANT PROTECTION ENTITIES

Article 16. Rights and Obligations of Market Operators

1. Market operators shall have the right to:

1) compensate for losses incurred as a result of violation of phytosanitary measures by other persons in accordance with the procedure established by law;

2) compensation of expenses related to the use of property owned or used by them in order to prevent the spread and eradication of quarantine organisms and especially dangerous pests, in the manner and amounts approved by the Cabinet of Ministers of Ukraine;

3) check the availability of an identity document and confirmation of authority from state phytosanitary inspectors and other officials who carry out state control measures and other official measures, and a document that is the grounds for carrying out state control measures and other official measures;

4) during sampling, obtain a second sample for another laboratory test based on a second expert opinion;

5) receive a copy of an order, instruction, decision, act, or other document drawn up as a result of a state control measure or other official event;

6) prevent state phytosanitary inspectors from carrying out state control measures if there are such grounds:

state control shall be carried out in violation of the requirements for its frequency established by the annual state control plan, and in the absence of grounds for unscheduled state control measures;

the state phytosanitary inspector has failed to provide copies of the documents required by this Law, or the provided documents fail to meet the requirements of the plant protection legislation;

7) appeal administratively or in court against any decision of the competent authority and/or its officials, authorized persons in the field of plant protection;

8) receive complete and accurate information from the competent authority in accordance with the procedure established by law:

introduction, infestation, spread, development of pests, and their harmfulness;

phytosanitary condition;

results of pest risk analysis and assessment, diagnostic results;

quarantine (demarcated) zones are established;

other phytosanitary measures.

2. The right to appeal shall not deprive the competent authority of the right to take urgent measures determined by law to eliminate or limit risks to human life and health, animals, plants, or the environment.

3. Market operators shall be obliged to:

1) comply with the legal requirements of state phytosanitary inspectors;

2) submit to the competent authority the data and information required by the plant protection legislation for state registration in the field of plant protection, if such state registration is mandatory under this Law;

3) keep documents and records and submit information and/or reports in the field of plant protection to the competent authority, if it is provided for by this Law;

4) compensate for damages in accordance with the procedure established by law;

5) comply with other requirements of the plant protection legislation;

6) provide the state phytosanitary inspector with unimpeded access to the extent necessary for the implementation of relevant state control measures and other official measures:

production facilities (places of production), places of storage and sale of plant protection products used by the market operator;

automated information management systems that contain information related to the field of plant protection, exclusively in terms of issues contained in the state control report;

documents and any other information regarding plants, plant products, or other articles, production facilities (places of production), plant protection products owned by the market operator or pests, plants, plant products, other articles, vehicles, and equipment.

4. Market operators shall have other rights and obligations in the field of plant protection determined by this Law.

5. Market operators shall be prohibited from carrying out relevant economic activities in the field of plant protection without state registration in the field of plant protection, if such state registration is required by this Law.

Article 17. Rights and Obligations of Professional Operators

1. Professional operators shall have all the rights of market operators, as well as the right to:

1) import (ship) plants, plant products, or other articles to the customs territory of Ukraine, move through the territory of Ukraine, and export them from the customs territory of Ukraine;

2) carry out postal shipments of plants, plant products, or other articles;

3) carry out activities related to the relevant plants, plant products, or other articles in quarantine (demarcated) zones, pest-free places of production, or pest-free production sites or free zones;

4) produce, including growing, propagating, and storing plants, plant products, and other articles;

5) be authorized to issue a plant passport, apply a marking sign to wood packaging material;

6) carry out activities for which they are authorized in accordance with this Law.

2. Professional operators shall be obliged to:

1) submit to the competent authority and, annually, if necessary, update the data and information specified by the plant protection legislation (except for those contained in state registers and/or held by state authorities) required for state registration in the field of plant protection, if such state registration is mandatory under this Law;

2) notify the competent authority within one day in case of detection or suspicion of infestation with regulated pests of plants, plant products, or other articles;

3) systematically inspect production facilities (places of production) owned or used by them, including leased, where plants, plant products, or other articles are circulated, in order to detect pests, including regulated pests;

4) comply with other requirements of the plant protection legislation.

3. Professional operators authorized to issue a plant passport shall, in addition to the duties provided for in [part 2](#) of this Article, be obliged to:

1) keep for three years information on the identification and implementation of internal control of the relevant points of its production process, as well as critical points related to the movement of plants, plant products, and other articles;

2) ensure that its personnel involved in the issuance of the plant passport have special knowledge in the field of plant protection related to the inspection of plants, plant products, or other articles for the presence of pests.

Article 18. Rights and Obligations of Professional Users, Distributors, and Consultants

1. Professional users shall have all the rights of market operators, as well as the right to:

- 1) use registered and legally authorized plant protection products;
- 2) receive information from the competent authority on the phytosanitary status and recommended plant protection measures;
- 3) receive information from manufacturers and distributors on the use of plant protection products that have passed state registration in accordance with the requirements of the [Law of Ukraine](#) “On Pesticides and Agrochemicals” and are authorized for use in Ukraine, the risk to human life and health, animals, plants, or the environment, as well as information on safety precautions when handling plant protection products.

2. Professional users shall be obliged to:

- 1) submit the data and information required for state registration in the field of plant protection, as defined by the plant protection legislation, if such state registration is mandatory under this Law;
- 2) have a certificate of training in the safe handling of plant protection products;
- 3) implement plant protection measures in a timely manner;
- 4) comply with the Rules for Handling Plant Protection Products, general principles of the integrated plant protection system, requirements of good plant protection practice, regulations for the use of plant protection products placed on the label of the plant protection product, and recommendations of the plant protection product manufacturer;
- 5) take measures to inform and protect persons who may be adversely affected by airborne transport (movement) of plant protection products, including when they are applied from the air;
- 6) keep records of plant protection products and/or implementation of plant protection measures, store information in accordance with this Law;
- 7) carry out regular technical inspection of equipment for the use of plant protection products in accordance with the law.

3. Distributors shall have all the rights of market operators, as well as the right to:

- 1) place on the market plant protection products registered and authorized for use in accordance with law;
- 2) import (ship) plant protection products into the customs territory of Ukraine in accordance with legislation;
- 3) receive information from manufacturers and other distributors on regulations for the use of plant protection products, risks to human life and health, animals, plants, or the environment, as well as on safety precautions when handling plant protection products.

4. Distributors shall be obliged to:

- 1) submit the data and information required for state registration in the field of plant protection, as defined by the plant protection legislation, if such state registration is mandatory under this Law;
- 2) store and/or sell plant protection products in the places of their storage and/or sale in accordance with the information submitted for state registration in the field of plant protection contained in the State Register of Persons Authorized to Carry out Activities in the Field of Plant Protection in Relation to the Handling of Plant Protection Products;
- 3) provide access to the cargoes with plant protection products imported (shipped) to the customs territory of Ukraine for state control and other official measures;

4) store and/or sell plant protection products separately from other commodities whose properties may be affected or which may affect the properties of plant protection products;

5) store plant protection products: separately from plant protection products that have expired, whose packaging is damaged, whose sale and/or use is prohibited, as well as those that are unsuitable for sale and/or use for other reasons; in accordance with the conditions specified on the label and in the information contained in the marking of plant protection products;

6) comply with the requirements for traceability of plant protection products;

7) submit information on plant protection products to the competent authority to the extent required by the plant protection legislation;

8) have at least one consultant on staff;

9) have a certificate of training in the safe handling of plant protection products;

10) comply with the Rules for Handling Plant Protection Products.

5. Consultants shall have the right to:

1) receive information from the competent authority on the phytosanitary status and recommended plant protection measures;

2) provide advice to professional and non-professional users on the use of plant protection products, as well as on safety and risk prevention when handling plant protection products.

6. Consultants shall be obliged to:

1) have a certificate of training in the safe handling of plant protection products;

2) during the sale of plant protection products, provide professional and/or non-professional users with information on the use of plant protection products, as well as on safety and risk prevention when handling plant protection products.

Article 19. Authorized Persons in the Field of Plant Protection

1. The competent authority shall have the right to authorize the following persons to carry out other official measures in the field of plant protection:

1) professional operators — to issue a plant passport (indicating the list of plants, plant products, other articles in respect of which the professional operator is authorized to issue a plant passport); to apply a marking sign to wood packaging material;

2) economic operators — to carry out training on the safe handling of plant protection products; carry out technical inspection of equipment for the use of plant protection products;

3) accredited laboratories — to conduct laboratory testing in the field of plant protection (including sampling by specialists of such laboratories in cases provided for by the plant protection legislation) for the purposes of state control and/or other official measures;

4) authorized laboratories — to perform the functions of a reference laboratory as defined by this Law.

2. A professional operator shall be authorized to issue a plant passport, provided that he or she:

1) has special knowledge in the field of plant protection related to the inspection of plants and plant products for the presence of pests (if the professional operator is an individual), or is employed or has civil law relations with a person who has such special knowledge;

2) can ensure compliance with traceability requirements in the field of plant protection.

Possession of special knowledge in the field of plant protection related to the inspection of plants and plant products for the presence of pests shall be confirmed by a diploma of higher education in the specialty “Agronomy” or “Plant Protection and Quarantine” or a document (certificate) certifying the completion of appropriate training in accordance with the procedure and requirements approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

3. A professional operator shall be authorized to affix the marking sign to the wood packaging material, provided that he/she:

1) has special knowledge of the processing of wood packaging material (if the professional operator is an individual) or is employed or has civil law relations with a person who has such special knowledge;

2) has the appropriate equipment necessary for processing.

Possession of special knowledge in the processing of wood packaging material shall be confirmed by a diploma of higher education in the specialty “Agronomy” or “Plant Protection and Quarantine” or a document (certificate) certifying the completion of appropriate training in accordance with the procedure and requirements approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

4. The economic operator shall be authorized to conduct training on the safe handling of plant protection products, provided that it has a sufficient level of material and technical support for training and appropriate personnel.

5. The economic operator shall be authorized to carry out technical inspection of equipment for the application of plant protection products, provided that:

1) one of its statutory activities is to organize and carry out technical inspection of equipment for the use of plant protection products;

2) it is accredited to carry out technical inspection of agricultural machinery, including equipment used for the application of plant protection products, in accordance with ISO/IEC 17025, DSTU ISO 17025, or other standards that have been replaced by them;

3) it has the appropriate equipment, tools, facilities, and other technical means necessary to carry out technical inspection of equipment for the application of plant protection products.

6. The competent authority shall have no right to authorize:

1) implementation of state control measures;

2) drawing up reports on violations of plant protection legislation and imposing fines;

3) issuance of orders to eliminate violations of plant protection legislation, as well as checking the status of their implementation;

4) introduction of any restrictions or prohibitions on the circulation of plants, plant products, other articles, and handling of plant protection products;

5) issuance of phytosanitary certificates and phytosanitary certificates for re-export;

6) taking measures to handle cargoes with plants, plant products, other articles, and plant protection products imported (shipped) into the customs territory of Ukraine that do not comply with the plant protection legislation.

7. The authorization in the field of plant protection and revocation of such authorization shall be carried out by the competent authority in accordance with the procedure established by the Cabinet of Ministers of Ukraine. The plant protection authorization shall be invalidated in accordance with the [Law of Ukraine](#) “On Administrative Procedure.”

8. The decision on authorization or denial of authorization shall be made by the competent authority in accordance with this Law within 30 days from the date of submission of the application for authorization by the person. Based on the decision on authorization, the competent authority shall enter information on:

1) professional operators authorized to issue a plant passport, professional operators authorized to apply a marking sign to wood packaging material — to the State Register of Professional Operators;

2) economic operators authorized to conduct training on the safe handling of plant protection products, economic operators authorized to carry out technical inspection of equipment for the use of plant protection products — to the State Register of Persons Authorized to Carry out Activities in the Field of Plant Protection in Relation to the Handling of Plant Protection Products;

3) authorized laboratories, reference laboratories — to the State Register of Plant Protection Laboratories.

If an authorized person knowingly provides false information that led to his/her authorization in the field of plant protection, the competent authority shall decide to invalidate such authorization.

The decision to invalidate the authorization shall be the grounds for excluding the person from the relevant state register.

9. The competent authority shall conduct an inspection of authorized persons if there are grounds for such inspection determined by the Cabinet of Ministers of Ukraine, but at least once a year. If the inspection reveals that the authorized person fails to meet the requirements under which he or she is authorized and/or that he or she has failed to fulfill or has improperly fulfilled the authorization granted to him or her, the competent authority shall provide written recommendations for eliminating the identified discrepancy, indicating a reasonable period for its elimination.

10. The authorization in the field of plant protection shall be revoked by the decision of the competent authority in case of:

1) failure to eliminate within the time limit established by the competent authority the identified non-compliance of the authorized person with the requirements under which he/she is authorized and/or the fact of non-fulfillment or improper fulfillment of the authorization granted to him/her;

2) termination of a legal entity, termination of entrepreneurial activity of an individual entrepreneur, death of an individual;

3) submission by the authorized person of an application for revocation of the authorization.

11. The competent authority shall exclude the person from the relevant state register no later than the next business day after the decision to revoke the authorization.

12. Damage caused to an individual, individual entrepreneur, or legal entity by unlawful decisions, actions, or inaction of an authorized person or his/her employee in connection with other official measures shall be compensated by the authorized person regardless of the fault of such person or his/her employee.

13. The authorized person in the field of plant protection shall be obliged to keep confidential and not disclose restricted information, which became known to him/her during the implementation of other official measures for which he/she is authorized, except in cases provided for by law.

14. A person shall have the right to appeal against the decision of the competent authority to refuse the authorization, to revoke the authorization, to invalidate the authorization, taken in accordance with this Law, by filing a complaint with the competent authority. No later than the next day after receipt of the complaint, the competent authority shall send it together with the case file to

the central executive body that ensures the formation and implementation of the state policy on plant protection.

The central executive body that ensures the formation and implementation of the state policy on plant protection shall consider the complaint and make a decision on the complaint in accordance with the [Law of Ukraine](#) “On Administrative Procedure” within a reasonable period of time, which may not exceed 30 days from the date of receipt of the complaint.

Article 20. Authorized Laboratories

1. Laboratory testing of samples for the purpose of state control and other official measures shall be carried out by authorized laboratories, except as provided for by this Law.

2. A laboratory that is a legal entity regardless of the form of ownership and is authorized by the competent authority to conduct laboratory tests by applying one or more methods of laboratory testing may be an authorized laboratory.

3. The laboratory shall be authorized if it simultaneously:

- 1) has the equipment and infrastructure necessary to conduct laboratory tests;
- 2) has a sufficient number of competent personnel to perform its tasks and functions;
- 3) is accredited in accordance with ISO/IEC 17025, DSTU ISO 17025, or other standards that have replaced them.

4. The scope of accreditation of the laboratory may include:

- 1) methods of laboratory testing to be used by the laboratory as an authorized laboratory;
- 2) one or a combination of several methods or groups of methods of laboratory testing;
- 3) improved variants of the methods for which it is accredited, used by the authorized laboratory, or new additional methods based on its own validation (without special evaluation by the national accreditation body of such improved variants of methods or new additional methods).

5. The authorized laboratory shall be obliged to immediately notify the competent authority of the results of laboratory testing in case of detection of regulated pests or counterfeit plant protection products.

6. At the request of the reference laboratory, the authorized laboratories shall participate in inter-laboratory comparative testing or qualification testing for the laboratory tests for which the laboratory is authorized.

7. Authorized laboratories shall be obliged to:

- 1) submit to the competent authority information on the methods used for laboratory testing for the purpose of state control and other official measures;
- 2) indicate the name of the method in the report on a laboratory test conducted for the purpose of state control and other official measures;
- 3) annually submit to the competent authority information on the results of laboratory testing in the form established by the central executive body that ensures the formation and implementation of the state policy on plant protection;
- 4) at the request of the competent authority, provide documents and information necessary to clarify the circumstances that led to the receipt of a notification from the importing state on the inconsistency with phytosanitary measures of a cargo with plants, plant products, or other articles in respect of which the authorized laboratory conducted a laboratory test.

8. The authorization of the laboratory shall be revoked on the basis of the decision of the competent authority in case of:

- 1) receipt of an application for revocation of the authorization from the authorized laboratory;
- 2) failure to eliminate a violation identified by the audit within the established timeframe, in case of liquidation of the authorized laboratory or termination of its accreditation certificate.

9. The competent authority shall audit the authorized laboratories at intervals and in accordance with the procedure established by the Cabinet of Ministers of Ukraine, also in cases where there is a reasonable suspicion that the authorized laboratory has violated the requirements of the plant protection legislation.

10. If the audit reveals that the authorized laboratory fails to meet the requirements established by this Law, the competent authority shall provide written recommendations for the elimination of the identified non-compliance with a deadline for its elimination.

11. The competent authority shall decide to revoke the authorization of the authorized laboratory to perform all or certain functions, if such laboratory fails to take comprehensive and timely measures within the period specified in the written recommendations based on the results of the audit, during which it was revealed that the authorized laboratory:

- 1) fails to meet the requirements for authorized laboratories; or
- 2) fails to comply with the obligations established by this Law to the authorized laboratory; or
- 3) demonstrates unacceptable results in inter-laboratory comparative testing or qualification testing.

Based on the decision provided for in this part, the competent authority shall enter the relevant information into the State Register of Plant Protection Laboratories.

Article 21. Reference Laboratories

1. The competent authority may authorize one or more accredited laboratories as a reference laboratory to perform the functions provided for in this Article.

2. The reference laboratory must:

- 1) meet the requirements established for authorized laboratories;
- 2) perform its functions impartially, not have any conflict of interest that affects the objectivity or impartiality of decision-making or the performance or non-performance of actions in the performance of the reference laboratory functions;
- 3) have a sufficient number of competent personnel to properly perform its tasks and functions;
- 4) own or use the infrastructure, equipment, and facilities necessary to perform the functions of a reference laboratory;
- 5) provide advanced training of its personnel in the knowledge and application of international or national standards, methods, instructions, and recommendations, as well as the use of the most recent national and international scientific developments in the field of testing;
- 6) be equipped in accordance with the relevant biosafety standards.

3. The competent authority shall take the necessary measures to ensure cooperation of reference laboratories with other authorized laboratories, as well as reference laboratories of the European Union member states and other countries of Ukraine's partners in international trade and effective interaction between them.

4. The reference laboratory shall perform the following functions within its competence:

1) coordination of the activities of authorized laboratories in terms of improvement and harmonization of laboratory testing methods and their application;

2) organization of inter-laboratory comparative testing and qualification testing by authorized laboratories, ensuring proper support of such testing, and informing the competent authority of its results;

3) ensuring the exchange of information on laboratory testing between the competent authority and authorized laboratories;

4) if necessary, validation of methods (techniques), reagents, or their consignments, maintaining a list of available reference substances and reagents, a list of manufacturers and suppliers of such reference substances and reagents;

5) conducting training for the staff of authorized laboratories;

6) provision of the competent authority with scientific and technical assistance in diagnosing the centers of the spread of pests, and in case of inconsistency of cargoes with the requirements of phytosanitary measures — by conducting confirmatory diagnostics, determining the characteristics and taxonomic classification of a pest sample;

7) providing the competent authority with scientific and technical assistance in order to implement the long-term state control plan.

5. In case of new risks in the field of plant protection related to plant protection products or the emergence of new pests, the Cabinet of Ministers of Ukraine shall have the right to approve additional requirements for reference laboratories, in addition to those provided for in this Article. Such additional requirements must not contradict the requirements set forth in this Article.

Section IV. PLANT PROTECTION SYSTEM

Article 22. Integrated Plant Protection System

1. The integrated plant protection system shall be based on the use of a set of plant protection methods (chemical, mechanical, biological, agrotechnical, immunological, etc.) that prevent the development of pest populations and promote the use of plant protection products at an economically and environmentally feasible level, reduce or minimize risks to human life and health, animals, plants, and the environment, and do not harm natural biodiversity and natural ecosystems.

2. The central executive body that ensures the formation and implementation of the state policy on plant protection, the competent authority, other central executive bodies, authorities of the Autonomous Republic of Crimea, local self-government bodies, and local executive bodies within their powers determined by law, and research institutions shall promote the implementation of the integrated plant protection system.

3. Professional users, distributors, consultants, and individuals who use plant protection products shall be obliged to take all necessary measures to implement an integrated plant protection system in order to reduce the use of plant protection products.

4. The competent authority shall inform market operators about the phytosanitary condition of crops, perennial plantations, the economic threshold of harmfulness of pests, as well as about the recommended plant protection measures and the optimal time for their implementation by posting such information on its official website or in another way determined by it.

5. The general principles of integrated plant protection shall be as follows:

1) preventing the development of pest populations and/or implementing plant protection measures against pests by combining various measures, at least:

observance of crop rotation, optimal planting (sowing) dates, and sowing (planting) density;

use of pest-resistant plant varieties, certified seeds, and planting material;
 ensuring a balanced use of agrochemicals and optimal water regime;
 soil disinfection, removal of affected plants, plant parts, and plant residues;
 cleaning agricultural machinery and equipment from affected plants, plant parts, and plant residues;

2) monitoring the development and spread of pests through:

inspection and phytosanitary monitoring the development and spread of pests;

forecasting the development and spread of pests;

providing recommendations on the implementation of plant protection measures against pests, taking into account phytosanitary monitoring data on the development and spread of pests;

3) making informed decisions on the need to apply plant protection measures, terms, and methods of their application based on the results of monitoring the development and spread of pests and taking into account soil and climatic, weather conditions, and the economic threshold of pest harmfulness;

4) predominant use of non-chemical methods of plant protection, provided that such methods ensure an appropriate level of protection of plants from pests and preservation of the crop;

5) compliance with regulations on the use of plant protection products;

6) assessing the effectiveness of plant protection measures based on data on their application and the results of monitoring the development and spread of pests.

6. The integrated plant protection system shall be implemented at the expense of the state budget and other sources not prohibited by law.

7. The biological method of plant protection shall involve the implementation of biological control over the spread of pests through the use of biological control agents and/or their products. The requirements for the use of biological control agents that can be used for biological control of the spread of pests and their accounting shall be determined by the central executive body that ensures the formation and implementation of the state policy on plant protection. The competent authority shall keep records of the production and use of biological control agents.

Article 23. Observation and Phytosanitary Forecast of Development and Spread of Pests That Are Not Regulated Pests

1. The competent authority shall monitor and formulate a phytosanitary forecast of the development and spread of pests that are not regulated pests by:

1) systematic inspections of crop development in relation to the stages of development of pests, according to the characteristics of pest populations, as well as conducting route surveys using visual inspection and instrumental methods;

2) determining the range and areas of distribution and the level of harmfulness of pests;

3) detection of pest outbreaks in order to implement plant protection measures and prevent the spread of pests;

4) analysis of the phytosanitary condition of crops, phenological, age, and spatial structures of pest populations and their distribution in order to formulate a phytosanitary forecast of their development;

5) establishing the phytosanitary status of the territory of Ukraine.

2. Information on the phytosanitary condition of crops, perennial plantations, and the economic threshold of harmfulness of pests, as well as on recommended plant protection measures and optimal terms of their implementation, shall be posted by the competent authority on its official website or in another way determined by it.

3. Market operators, whose activities are related to the circulation of plants, plant products, other articles, systematically conduct inspections of their phytosanitary condition and, in case of detection of massive spread of pests that are not regulated pests, shall apply to the competent authority for:

1) inspection by the state phytosanitary inspector of agricultural and other lands, crops, perennial plantations, places of storage and processing of plants, plant products in order to establish their phytosanitary condition; and/or

2) recommendations on the implementation of plant protection measures to localize and/or eradicate pests, as well as on the optimal timing of such measures.

4. The procedure for monitoring and forming a phytosanitary forecast of the development and spread of pests that are not regulated pests shall be approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

5. The National Academy of Sciences of Ukraine, the National Academy of Agrarian Sciences of Ukraine, and other scientific, research institutions and organizations shall assist the competent authority in the scientific support of the plant protection sphere.

6. The competent authority shall have the right to involve institutions and organizations referred to in [part 5](#) of this Article in the formation of a phytosanitary forecast of the development and spread of pests that are not regulated pests.

Article 24. Phytosanitary Risk Analysis and Management

1. The phytosanitary risk analysis shall be carried out by the competent authority in accordance with the procedure approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

2. The pest risk analysis shall be posted on the official website of the competent authority and must contain, in particular, the following information:

1) purpose of the pest risk analysis;

2) identification of regulated pests and pathways (carriers, type of transmission) that facilitate their entry, acclimatization, and spread;

3) sources of information;

4) the results of the pest risk assessment, including the likelihood of harm to plants and potential consequences;

5) identified options for phytosanitary risk management and reasons for rejecting alternative options.

3. Phytosanitary risk management shall consist in reducing the risk to human life and health, animals, plants, and the environment in accordance with the appropriate level of phytosanitary protection established in Ukraine.

4. When considering alternative options for reducing the risk of introduction and acclimatization of regulated pests with plants, plant products, or other articles imported into the customs territory of Ukraine, the specified phytosanitary measures must not restrict international or domestic trade more than necessary to achieve an adequate level of phytosanitary protection, taking into account the technical and economic feasibility of the proposed alternative measures.

Article 25. Phytosanitary Risk Assessment and Determination of the Appropriate Level of Phytosanitary Protection

1. In order to determine the appropriate level of phytosanitary protection, the competent authority shall carry out a phytosanitary risk assessment in accordance with this Article.

2. Phytosanitary risk assessment shall be carried out in compliance with the following principles of phytosanitary risk management:

1) necessity (pest risk management measures shall be carried out only to the extent necessary to prevent the entry, acclimatization, and spread of a pest);

2) proportionality (pest risk management measures shall be carried out only within the limits proportional to the risk from the pest and necessary to ensure an adequate level of phytosanitary protection);

3) minimal interference (pest risk management measures shall include the least possible restrictive measures and create minimal obstacles to the international movement of persons, commodities, and vehicles);

4) non-discrimination (phytosanitary risk management measures must not cause discrimination or hidden restrictions, including in international trade. Such measures for foreign countries must not be more stringent than the measures applied to the relevant pest present on the territory of Ukraine, provided that the pest has the same phytosanitary status in the foreign country and identical or equivalent phytosanitary measures apply thereto);

5) technical feasibility (pest risk management measures must be technically sound based on pest risk assessment or on the basis of studying and evaluating available relevant scientific information);

6) feasibility (pest risk management measures must ensure the possibility of achieving their purpose).

3. When conducting a pest risk assessment, the following shall be taken into account:

1) up-to-date scientific information is available on the economic threshold of harmfulness, the ability of pests to introduce, etc.;

2) peculiarities of production processes and production methods;

3) results of state control and other official measures;

4) prevalence of pests;

5) availability of pest-free zones, places of production, or production sites;

6) appropriate environmental and nature protection conditions;

7) presence of quarantine (demarcated) zones.

4. The following factors shall be additionally taken into account when assessing the phytosanitary risk and determining the phytosanitary measures necessary to achieve the appropriate level of phytosanitary protection:

1) potential damage in terms of loss of production or sales as a result of the introduction, acclimatization, or spread of a pest;

2) the cost of pest control or eradication;

3) the ratio of costs and effectiveness of alternative approaches to limiting pest risk.

5. The appropriate level of phytosanitary protection shall be established taking into account:

- 1) confirmed presence of regulated pests in Ukraine;
- 2) economic threshold of harmfulness of the pest;
- 3) level of risk acceptable to neighboring states and interested trading partners;
- 4) international standards, guidelines, recommendations, and/or other international documents of relevant international organizations;
- 5) minimizing the adverse impact of phytosanitary measures on international and domestic trade;
- 6) the need to avoid arbitrary and/or unjustified establishment of different levels of appropriate phytosanitary protection in similar situations, if such differences cause discrimination or hidden restrictions, including in international or domestic trade.

Article 26. Special Plant Protection Regime

1. In case of massive development and spread of particularly dangerous pests, the need for additional measures and/or resources for their localization and eradication in a certain territory, a special plant protection regime shall be introduced. The procedure for introducing and canceling the special plant protection regime and the List of Especially Dangerous Pests shall be approved by the Cabinet of Ministers of Ukraine.

2. In case of mass development and spread of especially dangerous pests, chief state phytosanitary inspectors in the Autonomous Republic of Crimea, region, city of Kyiv or Sevastopol or their deputies, within one day from the moment of detection of mass spread of especially dangerous pests, shall submit a proposal for the introduction of a special plant protection regime to the relevant local government body, authority of the Autonomous Republic of Crimea, local executive body, or the Cabinet of Ministers of Ukraine.

The territory of the special plant protection regime shall be established within a settlement, district, region by the relevant local self-government body or local executive authority, and within several regions — by the Cabinet of Ministers of Ukraine.

3. The authority that made the decision to introduce or cancel the special plant protection regime shall immediately publish such decision on its official website and shall use all available means to inform the state authorities, local self-government bodies, and persons concerned about the content of this decision.

4. During the special plant protection regime, measures shall be taken to localize and eradicate particularly dangerous pests within the settlement, district, region, as well as other measures provided for by the decision to introduce the special plant protection regime.

5. State, municipal, and/or private resources (material, human, scientific, etc.), including resources of enterprises, institutions, organizations regardless of ownership and individuals, may be involved and used to implement measures for localization and eradication of particularly dangerous pests provided for by the decision on the introduction of a special plant protection regime. In this case, the expenses incurred shall be compensated in accordance with the procedure and in the amount approved by the Cabinet of Ministers of Ukraine.

6. The special plant protection regime may be canceled by the body that decided to introduce it before the expiration of the period for which it was introduced, in case of elimination of the circumstances that caused the need for its introduction.

7. In case of the introduction of the special plant protection regime or emergency circumstances in the field of plant protection, the central executive body that ensures the formation and implementation of the state policy on environmental protection may approve, in accordance with the procedure established by the Cabinet of Ministers of Ukraine, the importation into the

customs territory of Ukraine and handling of unregistered plant protection products for a period not exceeding 120 days on the basis of a substantiated request of the central executive body that ensures the formation of the state policy on environmental protection.

Article 27. National Action Plan to Reduce Risks and Adverse Effects of Plant Protection Products for Human Life and Health, Animals, Plants, and the Environment

1. The central executive body that ensures the formation and implementation of the state policy on plant protection, together with other central executive bodies within its competence and taking into account the position of public associations and scientific institutions, shall develop the National Action Plan to Reduce Risks and Adverse Effects of Plant Protection Products for Human Life and Health, Animals, Plants, and the Environment (hereinafter referred to as the “National Action Plan”).

2. The National Action Plan shall be developed by the central executive body that ensures the formation and implementation of the state policy on plant protection for five years and approved by the Cabinet of Ministers of Ukraine. The draft National Action Plan shall be submitted to the Cabinet of Ministers of Ukraine no later than six months before the expiration of the current National Action Plan and approved no later than the expiration of its validity.

3. The National Action Plan shall define the priorities and objectives of the state policy on plant protection and include mechanisms for the implementation of the integrated plant protection system.

4. The main provisions of the National Action Plan must provide for:

1) quantitative goals, objectives, and measures to reduce the risks and effects of the use of plant protection products for human life and health, animals, plants, and the environment, mechanisms for implementing the general principles of the integrated plant protection system for this purpose;

2) indicators for assessing the effectiveness of achieving quantitative goals, fulfilling tasks, and implementing measures;

3) timeframes for achieving quantitative goals, fulfilling tasks, and implementing measures;

4) financial support for the achievement of quantitative goals, fulfillment of tasks, and implementation of measures.

5. The National Action Plan must also contain monitoring tools that allow for the assessment of risk indicators for the management of plant protection products. The methodology for calculating the risk indicators of handling plant protection products shall be approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

6. The central executive body that ensures the formation and implementation of the state policy on plant protection shall annually monitor the implementation of the National Action Plan by tracking and comparing the actual indicators of performance assessment of achievement of quantitative goals, fulfillment of tasks, and implementation of measures with their forecast values.

In order to monitor the implementation of the National Action Plan, the central executive body that ensures the formation and implementation of the state policy on plant protection may involve public associations and scientific institutions, use official statistics, information provided by ministries and other central executive bodies.

7. The results of monitoring the implementation of the National Action Plan shall be published by the central executive body that ensures the formation and implementation of the state policy on plant protection on its official website no later than April 1 of the year following the monitoring year.

Based on the results of monitoring the implementation of the National Action Plan, the central executive body that ensures the formation and implementation of the state policy on plant protection shall submit proposals to the Cabinet of Ministers of Ukraine to make appropriate changes to the National Action Plan (if necessary).

Article 28. Sharing Knowledge on Plant Protection Products and Consequences of Their Use

1. The competent authority shall take measures to summarize information and inform the public, implement information and awareness programs, and ensure public access to accurate and balanced information on plant protection products and the benefits of using non-chemical methods of plant protection as an alternative to chemical plant protection products.

2. The central executive body that ensures the formation and implementation of the state policy on healthcare, which is authorized to monitor information on cases of acute poisoning by plant protection products, as well as the development of chronic poisoning among groups of people regularly exposed to plant protection products, shall provide free access to such information on its official website, except in cases specified by the [Law of Ukraine](#) “On Access to Public Information.”

Section V. PESTS

Article 29. [List of Pests Regulated in Ukraine](#)

1. The central executive body that ensures the formation and implementation of the state policy on plant protection, upon submission of the competent authority, shall approve the [List of Pests Regulated in Ukraine](#), which includes:

- 1) [a list of quarantine pests absent in Ukraine](#) (List A1);
- 2) [a list of quarantine pests that are stenotopic in Ukraine](#) (List A2);
- 3) a list of regulated non-quarantine pests.

2. The List of Pests Regulated in Ukraine shall be formed on the basis of the lists of pests included in the lists A1/A2 of the European and Mediterranean Plant Protection Organization and/or lists of other relevant international organizations, taking into account the criteria set forth in this Law, if the results of the phytosanitary risk assessment establish a high level of probability of introduction and spread of such pests in the territory of Ukraine and the potential economic consequences associated with this.

3. The [List of Pests Regulated in Ukraine](#) shall contain their scientific name in Latin and Ukrainian, and in the absence of the scientific name of the regulated pest in Latin — in English and Ukrainian.

4. The list of regulated non-quarantine pests of the List of Pests Regulated in Ukraine shall additionally include the following information:

- 1) botanical taxon, name of species and/or families of plants, seeds, and/or planting material with which regulated non-quarantine pests may be spread;
- 2) permissible threshold for the presence (degree of infestation) of regulated non-quarantine pests for the relevant plants and categories of seeds and planting material.

5. The [List of Pests Regulated in Ukraine](#) shall be updated as necessary in accordance with the status of pests in Ukraine and amendments to the A1/A2 lists of the European and Mediterranean Plant Protection Organization.

6. The status of pests in Ukraine shall be subject to review by the competent authority in the following cases:

- 1) in case of changes in the requirements of phytosanitary measures, prohibitions, or restrictions on regulated pests;
- 2) based on the results of pest risk assessment;
- 3) in case of changes to the classification (name) of regulated pests;
- 4) in case of changes to the A1/A2 lists of the European and Mediterranean Plant Protection Organization.

If, based on the results of the phytosanitary risk assessment, a regulated pest fails to meet the criteria for acquiring the status of a quarantine pest or a regulated non-quarantine pest, such a pest shall be subject to exclusion from the relevant sheet of the [List of Pests Regulated in Ukraine](#).

If the results of the phytosanitary risk assessment establish that the pest meets the criteria for acquiring the status of a quarantine pest or a regulated non-quarantine pest, such a pest shall be recognized as a regulated pest and shall be subject to inclusion in the relevant sheet of the [List of Pests Regulated in Ukraine](#).

7. The [List of Pests Regulated in Ukraine](#) shall be published on the official website of the competent authority.

Article 30. Quarantine Pest

1. A pest shall acquire the status of a quarantine pest if it meets the following criteria:

- 1) it has been identified;
- 2) it is not available or is stenotopic in Ukraine;
- 3) it is capable of introducing, acclimatizing, and spreading in the territory (part of the territory) of Ukraine where it was previously absent;
- 4) its introduction, acclimatization, and spread will have adverse economic, environmental, or social consequences on the territory (part of the territory) of Ukraine;
- 5) phytosanitary measures to prevent the introduction, acclimatization, spread, or reduction of the risks and consequences of the spread of a pest within the relevant territory are generally known and effective.

2. Pests shall acquire the status of quarantine pests based on the results of phytosanitary risk assessment and shall be included in the List of Pests Regulated in Ukraine as defined in [clauses 1 and 2](#) of part 1 of Article 29 of this Law.

3. Importation (shipment) to the customs territory of Ukraine, transportation within Ukraine, keeping, or reproduction of quarantine pests shall be prohibited, except as provided for by this Law.

4. If there is a reasonable suspicion or information about the presence of a quarantine pest on the territory of Ukraine, the state phytosanitary inspector shall immediately issue an order to apply phytosanitary measures aimed at eliminating the risk of spread of such quarantine pest, including laboratory testing of pests, plants, plant products, and other articles, until its presence or absence is confirmed.

In case of confirmation of the presence on the territory of Ukraine of a pest not included in the list [A1](#) provided for in [part 1](#) of Article 29 of this Law, which meets at least one criterion provided for in [part 1](#) of this Article, the competent authority shall immediately conduct a phytosanitary risk assessment.

In case of confirmation of compliance of the pest with the criterion provided for in [part 1](#) of this Article, the state phytosanitary inspector shall issue an order on the application of phytosanitary

measures aimed at eliminating the risk of spread of such pest, which shall be similar to the measures applied to quarantine pests in accordance with this Law.

5. The order on application of phytosanitary measures aimed at elimination of the risk of spread of a quarantine pest, a pest that meets at least one criterion provided for in [part 1](#) of this Article shall be binding on all persons, state authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies, and local executive authorities.

Article 31. Regulated Non-Quarantine Pest

1. A pest shall acquire the status of a regulated non-quarantine pest if it meets the following criteria:

- 1) it has been identified;
- 2) it was found on the territory of Ukraine;
- 3) it does not belong to quarantine pests;
- 4) it is spread with seeds and/or planting material;
- 5) its presence on/in seeds and/or planting material causes adverse economic consequences when using such seeds and/or planting material;
- 6) there are feasible and effective measures to prevent its presence on/in seeds and/or planting material.

2. Pests that have acquired the status of regulated non-quarantine pests shall be included in the list of regulated non-quarantine pests of the List of Pests Regulated in Ukraine.

3. Importation (shipment) into the customs territory of Ukraine or movement within Ukraine of regulated non-quarantine pests and seeds and/or planting material infested with them, the degree of infestation of which exceeds the permissible threshold for the presence of regulated non-quarantine pests for the respective plants or categories of seeds and/or planting material, shall be prohibited, except for:

- 1) movement of plants intended for planting (sowing) on the territory of Ukraine exclusively between production facilities (places of production) of the respective professional operator;
- 2) movement of plants intended for planting (sowing) through the territory of Ukraine solely for the purpose of their further processing.

Article 32. Permit for Import (Shipment) into the Customs Territory of Ukraine of Certain Types of Pests or Plants, Plant Products, and Other Articles

1. As an exception to the provisions of this Law, certain types of pests or plants, plant products, and other articles intended for scientific or educational purposes, laboratory testing, testing, varietal selection, or breeding (hereinafter referred to as the “relevant actions”) may be imported (shipped) into the customs territory of Ukraine only if accompanied by a permit for import (shipment) into the customs territory of Ukraine of certain types of pests or plants, plant products, and other articles (hereinafter referred to as the “permit for import (shipment) of certain types of pests or plants, plant products, and other articles”).

The relevant actions may be carried out by individuals, individual entrepreneurs, or legal entities, in particular, the competent authority, educational institutions, research institutions, professional operators whose activities are related to scientific or educational purposes, laboratory testing, testing, varietal selection, or breeding.

The import (shipment) permit shall be required in case of import (shipment) of the following specific types of pests or plants, plant products, and other articles into the customs territory of Ukraine:

1) designated pests;

2) plants, plant products, and other articles included in the list provided for in [clause 1](#) of part 1 of Article 72 of this Law;

3) plants, plant products, and other articles that do not meet the special requirements set forth in the list provided for in [clause 2](#) of part 1 of Article 72 of this Law.

2. The import (shipment) permit shall be issued by the competent authority to an individual, individual entrepreneur, or legal entity performing the respective actions on the basis of an application for an import (shipment) permit, the requirements and procedure for submission of which shall be established by the Cabinet of Ministers of Ukraine.

The application for an import (shipment) permit shall also be accompanied by a list of measures aimed at the localization and eradication of certain pests in case of their unintentional release and spread, as well as a copy of the document on payment for obtaining such a permit.

3. The application for an import (shipment) permit must contain the following information:

1) information about an individual, individual entrepreneur, or legal entity responsible for the relevant actions (name (for legal entities), first and last name (for individuals, individual entrepreneurs), as well as address and contact details of such persons);

2) scientific name of the designated pest, references to scientific publications on such pest, names of plants (including the name of a botanical taxon), plant products, other articles;

3) the volume of the designated pests or plants, plant products, other articles (including the number of consignments and the volume of the designated pests or plants, plant products, other articles in each consignment) with the relevant justification;

4) the country of origin and exporting country of the designated pest or plants, plant products, other articles, including information about the sender and supplier (name, address, contact details), and the relevant documentary evidence (documents issued by the competent authority of a foreign country — if the designated pests or plants, plant products, and other articles are imported from a third country);

5) the term for carrying out the relevant actions with the designated pests or plants, plant products, other articles, as well as a brief description of the content and purpose of the relevant actions;

6) conditions of packaging of certain pests or plants, plant products, other articles;

7) information on the quarantine station or isolated detention facility (name, address, description);

8) on further actions with certain pests or certain plant species, products of plant, varietal selection, or reproduction (destruction, creation of a collection, storage);

9) method of destruction or treatment of certain pests or plants, plant products, other articles after completion of the relevant actions (if applicable);

10) other information (if necessary).

4. Within 10 business days following the date of receipt of the application for the import (shipment) permit and the attached documents, the competent authority shall verify the information specified in such application. Based on the results of such an inspection, a report of an inspection of the conditions for obtaining an import (shipment) permit shall be drawn up, which is the basis for making a decision to issue or refuse to issue an import (shipment) permit.

5. The import (shipment) permit shall be a one-time permit and shall remain valid from the date of its issuance until the expiration of the term for performing the relevant actions.

The import (shipment) permit must contain the following information:

- 1) first and last name of the individual, individual entrepreneur, or name of the legal entity that has been granted the import (shipment) permit;
- 2) scientific name of the regulated pest, references to scientific publications on such pest, names of plants (including the name of a botanical taxon), plant products, other articles;
- 3) the volume of regulated pests or plants, plant products, and other articles;
- 4) the place of activity (quarantine station or isolated detention facility) and conditions for keeping regulated pests or plants, plant products, and other articles;
- 5) a list of personnel of the quarantine station or isolated detention facility who will carry out activities with regulated pests or plants, plant products, and other articles;
- 6) mandatory availability of an import (shipment) permit when importing (shipping) into the customs territory of Ukraine, moving through the territory of Ukraine, keeping regulated pests, plants, plant products, and other articles, and performing relevant actions;
- 7) measures aimed at eliminating the risk of acclimatization and spread of relevant pests, taking into account their biology, vectors of spread, the interaction with the environment, the nature of the relevant actions, and other risk factors;
- 8) the term for carrying out appropriate actions with certain pests or plants, plant products, and other articles.

6. When issuing an import (shipment) permit, the competent authority shall have the right to restrict:

- 1) the volume of the designated pests, plants, plant products, other articles to the extent sufficient to carry out appropriate actions with them, taking into account the material and technical means of the place of detention;
- 2) the term for carrying out appropriate actions with certain pests or plants, plant products, and other articles.

7. The decision to issue or refuse to issue an import (shipment) permit shall be made by the competent authority within 30 calendar days from the date of receipt of documents and information provided for in this Article.

8. The grounds for re-issuance of the import (shipment) permit shall be as follows:

- 1) change of information about an individual, individual entrepreneur, or legal entity responsible for the relevant actions;
- 2) change of the point of importation (shipment) into the customs territory of Ukraine of certain pests or plants, plant products, and other articles.

9. The grounds for refusal to issue an import (shipment) permit shall be as follows:

- 1) inconsistency of the declared information for obtaining the import (shipment) permit with the provisions of this Article and/or places or conditions of keeping with the requirements stipulated by [Article 33](#) of this Law and/or other requirements of phytosanitary measures, as indicated in the report of an inspection of conditions for obtaining the import (shipment) permit;
- 2) absence of a place of detention in the List of Quarantine Stations and Isolated Detention Facilities or Temporary Determination by the Competent Authority of the Relevant Isolated Detention Facility;
- 3) lack of appropriate documentary evidence (approval) issued by the competent authority of a foreign state;

4) absence of a payment document or inconsistency with the established fee amount.

It shall be prohibited to refuse to issue an import (shipment) permit on the grounds not provided for in this part.

10. In case the competent authority decides to refuse to issue an import (shipment) permit, the individual, individual entrepreneur, or legal entity responsible for the relevant actions shall be sent (provided) with such a decision to refuse, taking into account the requirements of the [Law of Ukraine](#) “On Administrative Procedure.”

11. The competent authority shall audit consistency with the terms of the import (shipment) permit during activities related to scientific or educational purposes, laboratory testing, testing, varietal selection, or breeding, which involves verification of consistency with the conditions of keeping a regulated pest, plants, plant products, and other articles.

12. The competent authority shall have the right to revoke the import (shipment) permit in case of non-compliance with the requirements for quarantine stations or isolated detention facilities, identified by the competent authority during the audit of consistency with the conditions of the import (shipment) permit, or inconsistency with the conditions specified in the import (shipment) permit. In case of revocation of the import (shipment) permit, certain pests, plants, plant products, and other articles shall be subject to destruction under the control of the state phytosanitary inspector.

13. Issuance, refusal to issue, re-issuance, and revocation of the import (shipment) permit shall be carried out on the grounds and within the terms established by this Law and the [Law of Ukraine](#) “On the Authorization System in the Field of Economic Activity.”

14. The procedure for checking the conditions for obtaining an import (shipment) permit and auditing compliance with the conditions of an import (shipment) permit, as well as the forms of reports based on the results of their conduct, shall be approved by the Cabinet of Ministers of Ukraine.

15. The procedure for issuance, refusal to issue, re-issuance, and revocation of the import (shipment) permit, its form, shall be approved by the Cabinet of Ministers of Ukraine.

16. The amount of the fee for issuing an import (shipment) permit shall be equal to the actual costs of its issuance, the procedure for calculating which shall be established by the Cabinet of Ministers of Ukraine.

17. Re-issuance and revocation of the import (shipment) permit shall be free of charge.

Article 33. Quarantine Stations and Isolated Detention Facilities

1. In case of importation (shipment) into the customs territory of Ukraine of regulated pests, certain types of plants, plant products, and other articles intended for laboratory testing, scientific or educational purposes, testing, varietal selection, or breeding, and application of temporary phytosanitary measures in accordance with [Article 65](#) of this Law, such pests, plants, plant products, and other articles shall be detained:

1) at quarantine stations or in isolated detention facilities included in the List of Quarantine Stations and Isolated Detention Facilities;

2) in the premises of a professional operator or other person temporarily designated by the competent authority as isolated detention facilities, provided that such premises provide an appropriate level of isolation that prevents the spread of pests, plants, plant products, and other articles outside such premises.

2. In order to obtain the status of a quarantine station or isolated detention facility, the place of detention must meet the following requirements:

1) ensuring physical isolation of pests, plants, plant products, or other articles, which makes it impossible to move or remove them without the approval of the competent authority;

2) availability of or access to systems for sterilization, disinfection, or destruction of infested plants, plant products, or other articles, waste, and equipment before their removal from the quarantine station or isolated detention facility;

3) the presence of defined and described tasks for the quarantine station or isolated detention facility, persons responsible for performing such tasks, and the conditions for performing such tasks;

4) availability of a sufficient number of qualified personnel;

5) availability of a contingency plan aimed at preventing any unintentional presence and spread of pests.

3. The place of detention that meets the requirements of [part 2](#) of this Article shall acquire the status of a quarantine station or isolated detention facility from the date of the relevant decision of the competent authority.

The relevant information shall be entered into the List of Quarantine Stations and Isolated Detention Facilities within three calendar days. The competent authority shall ensure that the List of Quarantine Stations and Isolated Detention Facilities is maintained in accordance with the procedure established by the central executive body that ensures the formation and implementation of the state policy on plant protection.

4. The decision on granting the status of quarantine station or isolated detention facility shall be issued by the competent authority for a period of three years on the basis of the market operator's application for granting the status of quarantine station or isolated detention facility and based on [the](#) results of verification of compliance with the requirements of part 2 of this Article.

5. The competent authority shall ensure periodic audits of quarantine stations and isolated detention facilities to verify their compliance with the requirements of [part 2](#) of this article, taking into account ISPM 34.

The frequency of audits of quarantine stations and isolated detention facilities shall be determined depending on the phytosanitary risk associated with their activities.

Based on the audit results, the competent authority may oblige the market operator to take corrective actions to ensure compliance with the requirements of [part 2](#) of this Article and determine a reasonable timeframe for their implementation.

6. Movement of plants, plant products, and other articles infested with regulated pests outside the territory of the quarantine station or isolated detention facility shall be prohibited, except in cases determined by phytosanitary measures.

7. The competent authority shall approve the transfer of plants, plant products, and other articles infested with regulated pests to another quarantine station if the transfer is necessary for scientific purposes or state testing.

8. The procedure for granting and revoking the status of a quarantine station, an isolated detention facility, requirements for their activities, the procedure for conducting an audit of quarantine stations and isolated detention facilities, as well as the rules for releasing plants, plant products, and other articles from quarantine stations or isolated detention facilities, marking requirements related to such release or movement for scientific purposes or conducting state trials, the procedure for approving by the competent authority the movement of plants, plant products, and other articles infested with regulated pests to another quarantine station, if the movement is necessary for scientific purposes or conducting state trials, shall be approved by the central

executive body that ensures the formation and implementation of the state policy on plant protection.

9. The activities of market operators within quarantine stations or isolated detention facilities shall be carried out in accordance with the requirements set forth in this Law and ISPM No. 34. A market operator operating within quarantine stations or isolated detention facilities must keep records of:

- 1) personnel;
- 2) visitors;
- 3) pests, plants, plant products, or other articles transported from/to quarantine stations or isolated detention facilities;
- 4) the place of origin of plants, plant products, or other articles transported from/to quarantine stations or isolated detention facilities;
- 5) observation of the presence of pests on such plants, in plant products, and other articles within the quarantine station or isolated detention facility and near them. Such records shall be kept by the market operator for three years.

10. The place of detention shall be deprived of the status of a quarantine station or isolated detention facility by a decision of the competent authority in the case of:

- 1) expiration of the status granting period;
- 2) failure to eliminate the identified inconsistency with the requirements of [part 2](#) of this Article within the time limit established by the competent authority and/or detection of the fact of inconsistency or improper consistency with such requirements;
- 3) submission by the market operator to the competent authority of an application for revocation of the status of a quarantine station or isolated detention facility.

The place of detention shall be excluded from the List of Quarantine Stations and Isolated Detention Facilities from the date of the relevant decision by the competent authority.

Article 34. Information on Regulated Pests

1. The competent authority shall ensure that professional operators whose plants, plant products, or other articles may be infested with a regulated pest are immediately informed if it receives confirmation of any of the following circumstances:

- 1) the presence of a regulated pest on the territory of Ukraine, the presence of which was not previously known;
- 2) presence of a regulated pest in the territory where it was previously absent;
- 3) presence of a regulated pest in the territory of Ukraine in a consignment of plants, plant products, or other articles imported, planned for import, or transported within the territory of Ukraine.

2. The competent authority shall promptly inform professional operators as provided for in [part 1](#) of this Article by posting relevant information on its official website.

3. The competent authority shall be obliged to immediately inform the relevant regional organizations in the field of plant protection and the competent authority of a foreign state about the detection of regulated pests, as well as about phytosanitary measures applied to such pests.

4. The competent authority shall publish the information on the detection, presence, and spread of regulated pests on its official website.

Article 35. Measures in Case of Suspected Infestation with a Regulated Pest

1. In case of suspicion of infestation of plants, plant products, or other articles with a regulated pest, the market operator shall be obliged to:

- 1) notify the competent authority and, upon its request, provide all necessary information;
- 2) immediately take precautionary measures to prevent the spread of such a regulated pest.

The requirement to provide the notice provided for in this part shall not apply:

if a quarantine (demarcated) zone has been established and the state phytosanitary inspector has information about the presence of a regulated pest on its territory, except for the notification of compliance or non-compliance with the requirements of the order of the state phytosanitary inspector;

during the first eight years, if localization measures in the established quarantine (demarcated) zone are to last more than eight years.

The competent authority may determine the list of regulated pests for which the notification referred to in this part is not required.

2. The competent authority must verify the information provided on the suspected infestation of plants, plant products, or other articles with a regulated pest and, if confirmed, immediately issue an order to apply phytosanitary measures aimed at eliminating the risk of spread of such a regulated pest.

3. The central executive body that ensures the formation and implementation of the state policy on plant protection shall approve instructions for the detection, localization, and eradication of certain regulated pests.

Article 36. Localization and Eradication of Quarantine Pests

1. In case of detection of quarantine pests included in the List of Pests Regulated in Ukraine based on the results of laboratory testing, the state phytosanitary inspector shall issue an order on the application of phytosanitary measures aimed at the localization and eradication of such quarantine pests, taking into account the principles of phytosanitary risk management defined in [Article 25](#) of this Law, as well as the necessary measures to identify sources and vectors of spread of such quarantine pests.

The list of phytosanitary measures aimed at the localization and eradication of quarantine pests shall be determined by the central executive body that ensures the formation and implementation of the state policy on plant protection.

2. Phytosanitary measures aimed at the localization and eradication of quarantine pests shall be mandatory for individuals, individual entrepreneurs, legal entities, state authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies, local executive authorities, and their officials, and shall apply to facilities regardless of ownership.

3. In case of failure to implement phytosanitary measures aimed at the localization and eradication of quarantine pests, the persons responsible shall:

- 1) bear responsibility as defined by law;
- 2) compensate for the costs associated with the localization and eradication of the relevant quarantine pests.

4. Plants, plant products, and other articles, as well as means of transportation, packaging materials, agricultural machinery and equipment used for plants, plant products, and other articles imported (shipped) into the customs territory of Ukraine or exported from quarantine (demarcated) zones, shall be subject to inspection, and in case of detection of regulated pests — to treatment.

5. In case of the exportation outside the customs territory of Ukraine of cargo consisting of several consignments of plants, plant products, or other articles, treatment may be carried out at the place of detention, concentration (accumulation) of such consignment, or in the vehicle.

6. In the case of treatment of plants, plant products, and other articles in vehicles during transportation, their phytosanitary condition shall be determined by the state phytosanitary inspector on the basis of the relevant report drawn up by the professional user who carried out such treatment.

7. The control over the processing of plants, plant products, and other articles that do not meet the requirements of phytosanitary measures and are transported across the state border and quarantine (demarcated) zones shall be carried out by the competent authority in accordance with the Procedure for Control over the Treatment approved by the Cabinet of Ministers of Ukraine.

8. After treatment of plants, plant products, and other articles, their phytosanitary condition shall be determined by the state phytosanitary inspector on the basis of the results of inspection and/or laboratory testing.

Article 37. Procedure for Establishing and Canceling a Quarantine (Demarcated) Zone

1. In case of detection of quarantine pests included in the [List of Pests Regulated in Ukraine](#) on the territory (part of the territory) of Ukraine, an official of the competent authority shall immediately decide on the application of phytosanitary measures, including the need to establish a quarantine (demarcated) zone, in accordance with this Law in order to localize and eradicate the relevant quarantine pest.

A quarantine (demarcated) zone shall not be established if, based on the results of the phytosanitary procedures, an official of the competent authority, within the limits of his/her authority, decides that the relevant quarantine pest can be eradicated immediately, taking into account its biological characteristics, type of plant, plant product, or other article, as well as the place where the quarantine pest was detected.

Such a decision shall be made by an official of the competent authority after conducting an examination to determine the risk of infestation of any other plants, plant products, or other articles.

2. The quarantine (demarcated) zone shall include:

1) infestation zone, which includes all plants infested or showing signs of infestation with the relevant quarantine pest, including plants, plant products, or other articles that may be potentially infested or capable of spreading such quarantine pest;

2) a buffer zone adjacent to and surrounding the infested area, unless there is a natural or artificial barrier that prevents the spread of the quarantine pest from the infested area.

3. The quarantine (demarcated) zone shall be established:

1) within several regions — by the Cabinet of Ministers of Ukraine upon submission of the Chief State Phytosanitary Inspector of Ukraine or his/her deputy;

2) on the territory (part of the territory) of the Autonomous Republic of Crimea, region, city of Kyiv or Sevastopol, several districts, district, settlement, or individual farm — respectively by the Council of Ministers of the Autonomous Republic of Crimea, local state administration upon submission of the chief state phytosanitary inspector in the Autonomous Republic of Crimea, region, city of Kyiv or Sevastopol, state phytosanitary inspector.

The decision to establish a quarantine (demarcated) zone shall be made within one day from the date of receipt of the relevant application provided for in this part.

4. The decision to establish, change the boundaries of the quarantine (demarcation) zone, or cancel the quarantine (demarcation), zone shall be published within one day from the date of its adoption in official printed media, on the official websites of the body that made the relevant

decision and the competent authority, or in another way that will ensure free access to such information for the public.

The decision provided for in this part shall come into force on the day following the day of its publication.

5. The decision to establish a quarantine (demarcated) zone shall contain information on:

- 1) the circumstances of the decision, including the identification of a specific quarantine pest;
- 2) the boundaries and area of the quarantine (demarcated) zone;
- 3) the boundaries and area of the buffer zone, the contamination zone;
- 4) the time from which the quarantine (demarcated) zone is established;
- 5) phytosanitary measures carried out in the quarantine (demarcated) zone, including phytosanitary measures carried out in the buffer zone;
- 6) information on the bodies and persons carrying out phytosanitary measures.

The boundaries of the buffer zone shall be established taking into account the risk of spread of the relevant quarantine pest outside the infestation zone by natural means or as a result of human activity in the infestation zone, as well as the principles of phytosanitary risk assessment defined by this Law.

A buffer zone shall not be established if there is no risk of spread of the relevant quarantine pest beyond the contamination zone or if it is acceptable due to the presence of natural or artificial barriers.

6. The competent authority shall publish the List of Established Quarantine (Demarcated) Zones on its official website and keep it up-to-date.

7. The competent authority within each quarantine (demarcated) zone shall monitor the presence of the quarantine pest for which it has been established at least once a year.

No observation shall be required in case of the establishment of a quarantine (demarcated) zone for a quarantine pest:

- 1) in respect of which phytosanitary measures aimed at eradication have been established for a period of more than eight years;
- 2) in respect of which phytosanitary measures aimed at the localization have been established due to the impossibility of its eradication in the relevant territory.

8. The competent authority shall decide to change the boundaries of the quarantine (demarcated) zone, including the infestation zone and the buffer zone, based on the results of observation and taking into account:

- 1) the biology of the quarantine pest, its vectors of spread, and the interaction with the environment;
- 2) the presence of host plants;
- 3) agro-climatic conditions;
- 4) confirmation of the effectiveness of phytosanitary measures aimed at eradication.

9. The quarantine (demarcated) zone shall be canceled or its boundaries shall be changed by the body that made the decision to establish it, upon submission of the relevant official referred to in [part 3](#) of this Article.

10. The decision to cancel the quarantine (demarcation) zone must contain information on the grounds for its adoption, the date and time from which the quarantine (demarcation) zone is canceled. The decision to cancel the quarantine (demarcated) zone shall be based on the simultaneous observance of the following conditions:

1) the absence of a quarantine pest confirmed by the results of observation;

2) the absence of a quarantine pest for a long time, taking into account the biology of the quarantine pest, the vectors of its spread, and the interaction with the environment.

11. Within the quarantine (demarcated) zone, there is a ban on the export (shipment) of plants, plant products, or other articles infested with quarantine pests.

12. Plants, plant products, or other articles infested with quarantine pests in respect of which a quarantine (demarcated) zone has been established may be exported from such a zone after their treatment and/or technical processing.

13. Plants, plant products, or other articles infested with quarantine pests that cannot be processed and sent for technical processing shall be destroyed in accordance with the procedure established by law.

Article 38. Free Zone

1. The free zone shall be established in the area where the absence of the relevant pest is confirmed and maintained to prevent its entry and spread. The free zone shall be established on the territory (part of the territory) of Ukraine and must have clear indivisible boundaries.

2. The establishment of the free zone shall be carried out by the competent authority in order to confirm the absence of the relevant pest on the basis of phytosanitary measures and pest risk assessment.

3. If necessary, the free zone shall be maintained by the competent authority through the application of phytosanitary measures, including observation.

4. The procedure for establishment, maintenance, and cancellation of the free zone shall be developed by the competent authority and approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

5. The competent authority shall publish the list of established free zones on its official website and keep it up-to-date.

6. It shall be prohibited to import (move) into the free zone without a plant passport:

1) plants, plant products, and other articles infested with a pest for which a free zone has been established;

2) plants, plant products, and other articles capable of spreading the pest in respect of which the free zone has been established.

Article 39. Pest-Free Place of Production (Production Site)

1. The status of a pest-free place of production (production site) shall be established and canceled by the competent authority at the request of a professional operator engaged in activities related to plants, plant products, and other articles in relation to the relevant pest.

2. Inspection of the place of production (production site) to establish and maintain the status of the place of production (production site) free from pest shall be carried out in accordance with the requirements of the plant protection legislation.

3. Phytosanitary measures necessary to maintain the status of a pest-free place of production (production site) shall be carried out by a professional operator at the request of which such status is established.

4. The status of a pest-free place of production (production site) may be established for any production unit of a professional operator, including land plots, warehouses, and other places of production or storage of plants, plant products, or other articles.

5. A buffer zone may be established simultaneously with the establishment of the status of a pest-free place of production (production site):

1) if the pest, due to its biological characteristics, can easily enter a pest-free place of production (production site);

2) taking into account the biology of the quarantine pest, vectors of its spread, and the interaction with the environment, the level of risk of its entry or introduction.

6. The procedure for establishing, maintaining, and canceling the status of a pest-free place of production (production site) shall be approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

7. The competent authority shall maintain the List of Pest-Free Places of Production (Production Sites) and publish it on its official website.

8. The amount of the fee for establishing and controlling the maintenance of the status of a pest-free place of production (production site) shall be equal to the actual costs for these purposes, the procedure for calculating which is established by the Cabinet of Ministers of Ukraine.

Section VI. HANDLING OF PLANT PROTECTION PRODUCTS

Article 40. Basic Principles and General Requirements for Handling Plant Protection Products

1. The basic principles for handling plant protection products shall be as follows:

1) environmental and economic feasibility of plant protection measures against pests;

2) preventing the spread of pests and taking preventive measures (including regular cleaning of machinery and equipment);

3) preventing damage to plants, deterioration of their condition, and/or exceeding the residual amount of plant protection products in plants and plant products;

4) preventing damage to natural biodiversity, protected species, and natural ecosystems.

2. Plant protection products shall be handled in accordance with the Rules for Handling Plant Protection Products approved by the Cabinet of Ministers of Ukraine, which shall at least include:

1) requirements for placement of plant protection products on the market, storage, use of plant protection products, including dilution and mixing of plant protection products before use;

2) requirements for handling residues of plant protection products and tank mixtures of plant protection products;

3) requirements for the permissible distance from residential buildings for the application of plant protection products, including from the air.

3. Prohibited and unsuitable plant protection products and plant protection product packaging shall be handled in accordance with the waste management legislation.

4. When selling plant protection products intended for non-professional users, distributors, and consultants shall take all necessary measures to minimize the risks associated with the handling of plant protection products.

Such measures shall include, in particular, the sale of plant protection products:

1) authorized for use by non-professional users (authorized for retail sale to the public in accordance with the [Law of Ukraine](#) “On Pesticides and Agrochemicals”);

2) in ready-to-use dosage forms;

3) in small packaged form;

4) with the mandatory presence of a label containing the information provided for in [Article 10](#) of the Law of Ukraine “On Pesticides and Agrochemicals.”

5. Professional and non-professional users of plant protection products shall be obliged to take all measures to prevent the reuse of plant protection product packaging by cutting, piercing, and/or other mechanical actions.

6. Premises (warehouses) for detention of plant protection products must comply with the requirements for such premises (warehouses) established by law.

Article 41. Training on the Safe Handling of Plant Protection Products

1. Activities related to the handling of plant protection products may be carried out only by persons who have reached the age of 18, have undergone training on the safe handling of plant protection products (hereinafter referred to as “training”), except as provided for by this Law, and have a certificate of training in the safe handling of plant protection products (hereinafter referred to as a “training certificate”).

The form of the training certificate, the procedure for its issuance, replacement, issuance of a duplicate, and revocation shall be approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

2. The training shall aim at providing the persons referred to in [part 1](#) of this Article with sufficient knowledge of the safe handling of plant protection products, taking into account their professional duties.

3. The training shall consist of a basic course and a refresher course. Based on the results of the training, an exam shall be conducted. If the exam is passed successfully, the person shall be issued a training certificate.

4. The curricula of the basic course and the refresher course shall be developed taking into account the hazard class of plant protection products and provide for training of:

1) professional users whose activities are related to the use of plant protection products of hazard class I;

2) professional users whose activities involve the use of plant protection products of hazard classes IV, III, and II;

3) distributors;

4) consultants.

5. The curricula of the basic course and the course of updating knowledge, the procedure for conducting training on the safe handling of plant protection products, and passing the exam shall be developed by the competent authority and approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

6. Persons who have a higher education majoring in “Agronomy” or “Plant Protection and Quarantine” shall have the right to take the exam provided for in this Article within the first five years after obtaining such education without undergoing training in the program of the basic course and the refresher course.

7. Training shall be conducted by the competent authority and economic operators authorized to conduct training in accordance with this Law. The training provided by the competent authority shall be paid for. The amount of the fee for training provided by the competent authority shall be established by the Cabinet of Ministers of Ukraine and shall be equal to the actual costs of such training.

8. Economic operators authorized to conduct training shall provide the competent authority with information on persons who have successfully passed the exam within five business days following the date of the exam.

9. The competent authority shall include information about persons who have successfully passed the exam in the State Register of Persons Authorized to Carry out Activities in the Field of Plant Protection in Relation to the Handling of Plant Protection Products and issue a training certificate to such persons.

10. The training certificate under the basic course program shall be valid for five years following the date of the exam. The training certificate under the refresher course program shall be valid for three years following the date of the exam.

11. If a person has not completed the refresher course program for three or more years from the date of expiration of his/her training certificate, he/she shall be obliged to complete the basic course program and pass the exam in order to obtain a new training certificate.

12. It shall be prohibited for persons who do not have a training certificate to act as a professional user, distributor, or consultant. Transfer of a training certificate to another person, as well as its use by a person other than the person to whom the certificate was issued, shall be prohibited.

13. In case of theft, loss, damage, or destruction of a valid training certificate, the competent authority shall issue a duplicate based on the information from the State Register of Persons Authorized to Carry out Activities in the Field of Plant Protection in Relation to the Handling of Plant Protection Products, upon application of the relevant person.

14. In the event of a change in one's first name or last name or other personal data specified in the training certificate, the competent authority shall, upon application of the person concerned and documents confirming the change in the specified information, issue a training certificate:

1) update the relevant information in the State Register of Persons Authorized to Carry out Activities in the Field of Plant Protection in Relation to the Handling of Plant Protection Products;

2) replace the training certificate. The replacement training certificate shall contain the same number and validity period as the replaced certificate. The replaced certificate must be submitted to the competent authority when the replacement certificate is issued.

15. Replacement of the training certificate and issuance of its duplicate shall be carried out by the competent authority in accordance with [part 1](#) of this Article.

16. The competent authority shall decide to revoke the training certificate in case of:

1) an application from a person who has been issued a training certificate;

2) establishment by the competent authority of the fact of violation of plant protection legislation, which led to severe consequences for human life and health, animals, plants, and the environment;

3) establishment by the competent authority of the fact of transfer to another person and/or use of the training certificate by another person;

4) establishing the fact of incapacity, limited capacity, missing person, or death of an individual who has been issued a training certificate;

5) in other cases established by law.

If a person provides deliberately false information that becomes the basis for the decision to issue a training certificate, the competent authority shall decide to invalidate such certificate in accordance with the [Law of Ukraine](#) “On Administrative Procedure.”

17. The decision to revoke or invalidate the training certificate shall be made by the competent authority within five business days from the date when it became aware of the circumstances specified in [part 16](#) of this Article.

18. Information on revocation or invalidation of the training certificate shall be entered into the State Register of Persons Authorized to Carry out Activities in the Field of Plant Protection in Relation to the Handling of Plant Protection Products within the next business day after the relevant decision is made as provided for in [part 17 of](#) this Article.

Article 42. Placement of Plant Protection Products on the Market

1. It shall be prohibited to place plant protection products on the market before their state registration in accordance with law.

2. Plant protection products shall be placed on the market in compliance with the requirements of this Law and in accordance with the Rules for Handling of Plant Protection Products.

3. Plant protection products shall be placed on the market by distributors included in the State Register of Persons Authorized to Carry out Activities in the Field of Plant Protection in Relation to the Handling of Plant Protection Products and shall be offered for sale exclusively to professional users and/or other distributors who hold a valid training certificate and are included in the State Register of Persons Authorized to Carry out Activities in the Field of Plant Protection in Relation to the Handling of Plant Protection Products.

4. The sale of plant protection products to non-professional users shall be allowed under the following conditions:

1) plant protection products are authorized for use by non-professional users (permitted for retail sale to the public in accordance with the [Law of Ukraine](#) “On Pesticides and Agrochemicals”);

2) plant protection products are placed on the market in small packaged form and in ready-to-use formulations;

3) mandatory availability of a label containing the information required by [Article 10](#) of the Law of Ukraine “On Pesticides and Agrochemicals.”

5. In the case of the sale of plant protection products to professional and/or non-professional users, the consultant shall provide information on the use of plant protection products, risks to human life or health, animals, plants, and the environment, as well as on safety and risk prevention in the handling of plant protection products.

6. In order to properly fulfill the requirements of [part 5](#) of this article, distributors shall be obliged to have at least one consultant holding a training certificate.

7. Plant protection products shall be placed on the market and sold exclusively in the original manufacturer’s packaging, which must be free of external damage, and provided that each commodity unit of plant protection product has a label containing the information provided for in [Article 10](#) of the Law of Ukraine “On Pesticides and Agrochemicals.”

Repackaging (prepackaging) of plant protection products may be carried out after their placement on the market in accordance with the requirements of the law and with the written consent of the manufacturer or distributor.

Article 43. Storage of Information, Accounting, and Reporting on Plant Protection Products

1. To ensure the traceability of plant protection products, distributors shall be required to keep records and keep for five years reports and documents on plant protection products that they store and place on the market (including imports, exports) in paper and/or electronic form.

Documents on accounting and reporting for plant protection products shall include, in particular, the following information:

- 1) name of the plant protection product and names of the active ingredients it contains;
- 2) date of receipt and date of sale of the plant protection product;
- 3) a document under which the plant protection product was received and/or sold;
- 4) amount of available plant protection product (in appropriate units);
- 5) volume (residue) of the plant protection product after sale (in appropriate units of measurement);
- 6) series and number of the training certificate of a professional user or distributor included in the State Register of Persons Authorized to Carry out Activities in the Field of Plant Protection in Relation to the Handling of Plant Protection Products, to whom the plant protection product was sold.

2. To ensure the traceability of plant protection products, professional users shall be required to keep records and keep for three years reports and documents on plant protection products that they store and/or apply in paper and/or electronic form. Documents on accounting and reporting for plant protection products shall include, in particular, the following information:

- 1) name of the plant protection product and names of the active ingredients it contains;
- 2) document under which the plant protection product was received;
- 3) period of application and consumption rate of the plant protection product;
- 4) volume of plant protection product used (in milliliters, liters, grams, kilograms, tons);
- 5) area and name of the crop to which the plant protection product was applied;
- 6) series and number of the certificate of the distributor included in the State Register of Persons Authorized to Carry out Activities in the Field of Plant Protection in Relation to the Handling of Plant Protection Products from whom the plant protection product was purchased.

3. Distributors and professional users shall be obliged to submit reports on plant protection products to the competent authority in the amount and within the time limits stipulated by the Procedure for storing information, accounting, and reporting on plant protection products approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

Article 44. Procedure for Notification of the Use of Plant Protection Products

1. Professional users shall be obliged to notify of the planned use of plant protection products by submitting an early notification of the use of plant protection products (hereinafter referred to as the “early notification”) in accordance with this Law.

2. An early notification shall be submitted to the electronic system of early notification of the use of plant protection products in cases where the use of plant protection products will be carried out in an open area or within a settlement or in close proximity to it (less than 200 meters). Professional users shall have the right not to submit an early notification if the application of plant protection products is carried out in closed premises that are not accessible to unauthorized persons and animals.

If it is planned to apply plant protection products from the air, except for the application of plant protection products using an unmanned aircraft, a copy of the permit for the application of plant protection products from the air provided for by this Law shall be attached to the early notification.

The early notification shall be submitted at least 48 hours before the start of the application of plant protection products and shall cover the territory at a distance of 8 kilometers from the outer perimeter of the area of application of plant protection products (hereinafter referred to as the “relevant territory”). If, based on the results of observation of the relevant territory carried out by the state phytosanitary inspector or during systematic inspections by a professional operator of production facilities (places of production) owned or used by him/her, it shall be established that there is a risk of mass development and spread of pests, the term for submitting an early notification may be reduced, but it must be submitted at least 12 hours before the start of the application of plant protection products.

3. The early notification must contain, in particular, the following information:

- 1) date and time of commencement of work with the use of plant protection products;
- 2) relevant territory of the planned use of plant protection products;
- 3) plants, plant products, or other articles to which plant protection products will be applied;
- 4) name of the plant protection products to be used and names of all active ingredients contained in the plant protection product;
- 5) method of application of plant protection products;
- 6) date and time from which the prohibition and/or restrictions related to the use of plant protection products are canceled;
- 7) information about the professional user who will apply plant protection products, indicating his/her first and last name, details of the training certificate, and contact details.

4. Early notification shall be given:

- 1) the population living within the relevant territory;
- 2) employees of enterprises, institutions, organizations located within the relevant territory;
- 3) owners of apiaries located within the relevant territory;
- 4) users of any facilities, including land users located within the relevant territory.

The early notification shall be provided by: professional users — by submitting electronic means of communication using the electronic system of early notification of the use of plant protection products; local self-government bodies — by publishing on their websites and/or in printed or audiovisual media at the local level.

5. Persons to whom the early notification has been communicated shall take all appropriate measures to ensure the protection of human and animal life and health from the negative effects of plant protection products.

Article 45. Electronic System for Early Notification of the Use of Plant Protection Products

1. The electronic system of early notification of the use of plant protection products (hereinafter referred to as the “electronic early notification system”) is intended to timely inform persons about the planned use of plant protection products in the relevant territory by providing round-the-clock free access to relevant information to public users via the Internet, and to authorized users — through a personal electronic account.

2. Electronic registration of professional users, apiary owners, local self-government bodies in the electronic early notification system as authorized users shall be mandatory and free of charge. Authorized users of the electronic early notification system shall obtain access to their personal electronic accounts.

3. Establishment and operation of the electronic early notification system shall be ensured by the competent authority, providing for compatibility and electronic information interaction with other information and communication systems and networks that constitute the information resource of the state, using software tools of the relevant integrated information systems, application software interfaces of other information and communication systems and using comprehensive information security systems with confirmed compliance in accordance with the information security legislation.

4. Information entered into the electronic early notification system shall be protected in accordance with law.

5. The electronic early notification system shall be an object of state ownership.

6. The administrator of the electronic early notification system shall be the competent authority or an organization (institution) authorized by it that belongs to its sphere of management, which carries out measures for the administration and software support of the electronic early notification system, is responsible for the safety of its data, protects them from unauthorized access and destruction.

7. The procedure for the operation of the electronic early notification system shall be approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

Article 46. Application of Plant Protection Products

1. The use of plant protection products in Ukraine shall be permitted only after their state registration, except in cases specified by the [Law of Ukraine](#) “On Pesticides and Agrochemicals.”

2. The use, storage, transportation, and sale of plant protection product residues after the expiration of the state registration of the plant protection product may be carried out for two years, provided that the expiration date (non-expiration) of the plant protection product determined by the manufacturer has not expired.

3. Plant protection products shall be used by:

- 1) a professional user who holds a valid training certificate;
- 2) by a non-professional user — in case of use of plant protection products authorized for use by non-professional users.

4. The use of plant protection products must be carried out in accordance with the Rules for Handling of Plant Protection Products and must comply with the general principles of the integrated plant protection system and the requirements of good plant protection practice.

The requirements of good plant protection practice shall be approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

5. Special areas of application of plant protection products shall include:

- 1) territories of environmental, health, recreational, historical, and cultural purposes, as well as territories used by the population (in particular, public parks, squares and gardens, sports, entertainment and playgrounds, territories of schools, preschool education, and health care institutions, nursing homes, as well as adjacent territories);

2) relevant sanitary protection zones and other water protection zones provided for by the [Water Code of Ukraine](#), the [Law of Ukraine](#) “On Drinking Water and Drinking Water Supply,” or other laws of Ukraine;

3) the territory affected by radioactive contamination established in accordance with the [Law of Ukraine](#) “On the Legal Regime of the Territory Exposed to Radioactive Contamination Caused by the Chornobyl Catastrophe,” as well as the environmental emergency zone.

6. The plant protection products shall be used in special areas in accordance with legislation.

Article 47. Application of Plant Protection Products from the Air

1. The application of plant protection products from the air shall be prohibited, except for the cases of:

1) application of plant protection products using an unmanned aircraft;

2) application of plant protection products by means of a manned aircraft in cases specified in [part 2](#) of this Article, subject to obtaining a permit for the application of plant protection products from the air.

2. Application of plant protection products from the air shall be allowed in special cases, subject to the following conditions:

1) there are no alternatives, or there are clear advantages in reducing the harmful effects on human life and health and the environment compared to the ground application of the plant protection product;

2) the applied plant protection product meets the requirements of [Article 46](#) of this Law and is allowed for aerial application;

3) the professional user who will carry out and/or be responsible for the application of plant protection products from the air holds a training certificate and all documents required by law that allow the use of equipment and aircraft for the application of plant protection products from the air;

4) if the area where the plant protection product is to be applied from the air is located near areas and/or territories with open access to the public, special measures shall be taken to ensure that there is no harmful effect on human health, as specified in the permit for the application of plant protection products from the air;

5) the area where the plant protection product is to be applied from the air is located within the permissible distance from residential buildings established by the Rules for Handling of Plant Protection Products;

6) the aircraft is equipped with equipment that prevents airborne wear (movement) of plant protection products when they are applied from the air.

3. The application of plant protection products from the air shall be carried out in accordance with the Rules for Handling of Plant Protection Products and subject to obtaining a permit for the application of plant protection products from the air issued by the competent authority.

4. To obtain a permit for the application of plant protection products from the air, a professional user shall submit to the competent authority an application for such a permit in paper or electronic form, indicating information about the applicant, the planned period of application of plant protection products from the air, the volume and type of plant protection products planned for application. The following shall be attached to this application:

1) a plan for applying plant protection products from the air;

2) information on compliance with the terms of [part 2](#) of this Article;

3) a copy of the training certificate.

5. An application for a permit to apply plant protection products from the air and the materials to it shall be submitted to the competent authority at least three days before the scheduled time of application of plant protection products from the air.

6. The application for a permit for the application of plant protection products from the air and the materials to it shall be considered by the competent authority within one business day after their receipt.

7. The competent authority shall, no later than the next business day after the expiration of the period provided for in [part 6](#) of this Article, provide the applicant with a permit for the application of plant protection products from the air or a decision to refuse to issue such a permit in paper or electronic form. The permit to apply plant protection products from the air shall be issued free of charge. The competent authority publishes on its official website information on issued permits for aerial application of plant protection products.

8. In the permit for aerial application of plant protection products, the competent authority shall determine measures for timely informing the population located near the territory specified in the permit for aerial application of plant protection products, including owners of apiaries located within the relevant territory, in compliance with the requirements of this Law and the [Law of Ukraine](#) “On Beekeeping.”

9. The permit for the application of plant protection products from the air shall be valid for the period specified therein. The validity period of the permit for aerial application of plant protection products shall be determined by the competent authority taking into account the period specified by the applicant in the application for the permit for aerial application of plant protection products, but may not exceed 10 days.

10. The grounds for refusal to issue a permit for the application of plant protection products from the air shall be as follows:

1) failure to comply with the terms of [part 2](#) of this Article;

2) inconsistency with the requirements for the content of the application for a permit to apply plant protection products from the air and the documents attached thereto, as provided for in [part 4](#) of this Article;

3) failure to comply with the deadline for submitting an application for a permit to apply plant protection products from the air, established by [part 5](#) of this Article.

11. The application of plant protection products from the air may also be permitted in the event of a state of emergency, the introduction of a special plant protection regime, and in other cases determined by law.

12. Within 48 hours after the planned or actual application of plant protection products from the air, the professional user shall submit to the competent authority, in paper or electronic form, information on the application of plant protection products from the air or the failure to carry out the planned application of plant protection products from the air.

13. The competent authority shall control and keep records of notifications of the application of plant protection products from the air using an unmanned aircraft, applications for permission to apply plant protection products from the air, issued permits for the application of plant protection products from the air, decisions to refuse to issue such permits, and information on the application of plant protection products from the air.

14. The form and procedure for issuing a permit for the application of plant protection products from the air, refusal to issue such a permit, requirements for an application for a permit for the

application of plant protection products from the air shall be approved by the Cabinet of Ministers of Ukraine.

Article 48. Application of Plant Protection Products Using an Unmanned Aircraft

1. The application of plant protection products using an unmanned aircraft shall be carried out in accordance with the requirements of [Article 47](#) of this Law, this Article, and with the following features:

1) the notification on the application of plant protection products using an unmanned aircraft shall be submitted by the professional user to the competent authority at least 24 hours before the planned period of application of plant protection products and shall contain the following information:

the territory and area where plant protection products are to be applied;

the period of application of plant protection products;

the number and name of plant protection products to be applied;

the date of the last technical inspection of plant protection equipment used by an unmanned aircraft, if more than five years have passed since the date of manufacture (release) of such equipment;

2) the applied plant protection products are registered in accordance with the [Law of Ukraine “On Pesticides and Agrochemicals”](#) and are intended for aerial application;

3) the unmanned aircraft used to apply plant protection products is registered in accordance with the aviation rules of Ukraine or registered in accordance with the [Air Code of Ukraine](#);

4) early notification is made in accordance with this Law;

5) the operation of an unmanned aircraft and its equipment is carried out in accordance with the manufacturer’s recommendations;

6) the technical inspection of the equipment for the application of plant protection products used by an unmanned aircraft is carried out in accordance with this Law.

2. In case of inconsistency with the requirements of this Article, the application of plant protection products using an unmanned aircraft shall be prohibited by a decision of the competent authority to refuse to apply plant protection products using an unmanned aircraft, which the competent authority shall notify the applicant in paper or electronic form within the next business day after such decision is made.

3. The competent authority shall keep a record of notifications on the application of plant protection products using an unmanned aircraft and publish information on such notifications on its official website.

Article 49. Special Measures for the Protection of Surface and Groundwater and Drinking Water

1. Storage and use of plant protection products within the belts of sanitary protection zones of drinking water sources and centralized drinking water supply facilities shall be carried out in accordance with the [Water Code of Ukraine](#) and the [Law of Ukraine “On Drinking Water and Drinking Water Supply.”](#)

2. Professional users shall be obliged to ensure that appropriate measures are taken to protect surface, groundwater, and drinking water from the effects of plant protection products.

3. The measures referred to in part 1 of this Article shall include:

1) use of plant protection products of hazard classes III or IV;

2) the use of equipment for the application of plant protection products with a low level of airborne wear (movement) of plant protection products when they are applied from the air, primarily for plants whose shoots grow vertically (hops, fruit crops, grapes);

3) creation of buffer (sanitary) zones to protect non-target aquatic ecosystems, zones to protect surface and groundwater used for drinking water intake, where the use and storage of plant protection products is prohibited;

4) reduce the use of plant protection products along roads, railways, permeable surfaces, other infrastructure facilities located close to the surface or groundwater or on waterproof surfaces with a high risk of washing off such surfaces into surface water or entering the drainage system.

Article 50. Technical Inspection of Equipment for the Use of Plant Protection Products

1. Equipment for the application of plant protection products shall be subject to technical inspection, taking into account the requirements for such equipment, at least once every three years, except as provided for in [part 3](#) of this Article.

2. Technical inspection of equipment for the use of plant protection products shall be carried out by economic operators authorized by the competent authority in accordance with the procedure approved by the Cabinet of Ministers of Ukraine.

3. The first technical inspection of new equipment for the application of plant protection products shall be carried out within the first five years after its first purchase, and then such equipment shall be subject to regular technical inspection at the intervals provided for in [part 1](#) of this Article.

4. Backpack sprayers for the application of plant protection products shall not be subject to technical inspection.

5. Requirements for equipment for the use of plant protection products, compliance with which is checked during the technical inspection of such equipment, shall be approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

6. Professional users shall be obliged to ensure regular technical inspection of the equipment for the application of plant protection products.

7. The operation of technically defective equipment for the use of plant protection products, as well as such equipment, the technical inspection of which has not been carried out in accordance with the requirements of this Law, shall be prohibited.

Section VII. TRACEABILITY IN THE FIELD OF PLANT PROTECTION

Article 51. Plant Passport

1. Plants, plant products, and other articles included in the list provided for in [clause 5](#) of part 1 of Article 72 of this Law shall be transported through the territory of Ukraine only if accompanied by a plant passport.

2. No plant passport shall be required in the case of:

1) transit of cargoes with plants, plant products, and other articles;

2) importation (shipment) into the customs territory of Ukraine or exportation (shipment) from the customs territory of Ukraine of plants, plant products, and other articles;

3) movement of plants, plant products, and other articles between production facilities (places of production) owned or used by one professional operator, provided that such professional operator ensures accounting of plants, plant products, and other articles that are moved;

4) movement of plants, plant products, and other articles through the territory of Ukraine for direct sale to the end consumer (user), except if the end consumer (user) receives plants, plant products, and other articles on the basis of a distance agreement;

5) movement of plants, plant products, and other articles through the territory of Ukraine by the end consumer (user), except as provided for by this Law;

6) transportation of plants, plant products, and other articles through the territory of Ukraine accompanied by a permit for the import (shipment) into the customs territory of Ukraine of certain types of pests or plants, plant products, and other articles;

7) transportation of plants, plant products, and other articles that are allowed for importation (shipment) into the customs territory of Ukraine in hand luggage, baggage, or postal items through the territory of Ukraine.

3. A plant passport shall be issued by a professional operator authorized to do so in accordance with this Law or by a competent authority. A professional operator authorized to issue a plant passport shall issue a plant passport only:

- 1) for plants, plant products, and other articles in its possession;
- 2) at production facilities (places of production) owned or used by the company.

4. A plant passport shall be issued for plants, plant products, and other articles provided for in [part 1](#) of this Article in case of confirmation of the absence of regulated pests (taking into account the permissible threshold for the presence of regulated non-quarantine pests (degree of infestation) for the relevant plants and categories of seeds and planting material determined by law) based on the results of inspection and/or laboratory testing in cases provided for by this Law.

Inspection and sampling for laboratory testing for the purpose of issuing a plant passport shall be carried out by a professional operator authorized to issue a plant passport or a state phytosanitary inspector.

Laboratory testing for the purpose of issuing a plant passport may be carried out in any accredited laboratory that has the appropriate scope of accreditation, except in cases of suspicion of the presence of quarantine pests or regulated non-quarantine pests in an amount exceeding the permissible threshold for the presence (degree of infestation) of regulated non-quarantine pests for the relevant plants and categories of seeds and planting material determined by legislation. In this case, the laboratory test shall be carried out by an authorized laboratory.

Inspection and sampling for laboratory testing for the purpose of issuing a plant passport shall be carried out by the competent authority in the following cases:

1) a professional operator authorized to issue a plant passport suspects the presence of quarantine pests or regulated non-quarantine pests in an amount exceeding the permissible threshold for the presence (degree of infestation) of regulated non-quarantine pests for the relevant plants and categories of seeds and planting material determined by legislation;

2) the professional operator authorized to issue the plant passport has no access to the place of inspection and sampling;

3) submission of an application for issuance of a plant passport to the competent authority.

5. Confirmation of the absence of regulated pests for the purposes of issuing a plant passport shall be based on the results of inspection and/or laboratory testing.

Laboratory testing shall be carried out in the case of:

- 1) detection of the presence of regulated pests based on the inspection results;
- 2) other grounds specified by legislation.

The list of other grounds for laboratory testing shall be approved by the Cabinet of Ministers of Ukraine on the basis of a risk-based approach and taking into account the criteria of selectivity.

6. Forms of plant passport, procedure for its issuance, replacement, and termination shall be approved by the Cabinet of Ministers of Ukraine.

7. In case of issuance of the plant passport by the competent authority, the professional operator shall submit to the competent authority an application for issuance of the plant passport.

8. The competent authority shall decide to issue or refuse to issue the plant passport within 8 working hours after receiving the results of the inspection and/or laboratory testing (if conducted).

9. The grounds for the competent authority to make a decision to refuse to issue a plant passport shall be as follows:

- 1) results of inspection and/or laboratory testing confirming the presence of regulated pests;
- 2) absence of a document confirming the payment of the fee for issuing the plant passport (in case of issuance of the plant passport by the competent authority).

10. The grounds for termination of the plant passport shall be as follows:

- 1) inconsistency with the requirements for issuing a plant passport;
- 2) issuance of a plant passport by a person not authorized to do so in accordance with this Law;
- 3) issuance by a professional operator of a plant passport for plants, plant products, and other articles for which he is not authorized to issue a plant passport;
- 4) failure to comply with the conditions for issuing a plant passport to replace a previously issued one provided for by this Law;
- 5) notification of the market operator about the issuance of a plant passport to replace the previously issued one;
- 6) detection of regulated pests in plants, plant products, and other articles for which a plant passport has been issued.

11. The competent authority and professional operators authorized to issue plant passports shall keep records of plant passports issued by them and store the relevant information for three years.

12. The competent authority shall issue the plant passport on a fee basis. The amount of the fee for issuing a plant passport by the competent authority shall be equal to the actual costs for these purposes, the procedure for calculating which is established by the Cabinet of Ministers of Ukraine.

13. A professional operator authorized to issue a plant passport who has received a commodity unit of plants, plant products, or other articles for which a plant passport has been issued, or the competent authority, at the request of a professional operator, shall issue a new plant passport for such commodity unit to replace the previously issued one, subject to the conditions provided for in this Article.

In case a commodity unit of plants, plant products, or other articles is divided into two or more new commodity units, a professional operator authorized to issue a plant passport or the competent authority at the request of a professional operator shall issue a new plant passport for each new commodity unit resulting from such division, subject to the conditions provided for in this Article. Such a plant passport shall be issued to replace the previously issued one.

If commodity units of plants, plant products, and other articles are homogeneous in species in the botanical sense and are transported in bulk, no new plant passport shall be issued if such commodity units are subsequently mixed.

14. The plant passport shall be issued to replace the previously issued one, provided that all the following conditions are met:

- 1) traceability of plants, plant products, and other articles is ensured;
- 2) there are no visual signs of infestation with regulated pests;
- 3) the characteristics of plants, plant products, or other articles have not changed.

15. In the case of issuance of a plant passport to replace the previously issued one, no laboratory testing of plants, plant products, or other articles shall be carried out.

16. The competent authority, the professional operator authorized to issue the plant passport, shall ensure the storage of the replaced plant passport for three years. Such storage may be in the form of storing the information contained in the plant passport in a computerized database, provided that the information supplementing the traceability code and contained in any barcodes, QR codes, chips, or other media is also preserved.

17. Plant passports that have been suspended shall be detached (removed) from the relevant commodity unit, if possible.

Plant passports that have been suspended shall be kept for three years. Such storage may be in the form of storing the information contained in the plant passport in a computerized database, provided that the information supplementing the traceability code and contained in any barcodes, QR codes, chips, or other media is also preserved.

In case of unbinding (withdrawal) of the plant passport, which is suspended, the relevant professional operator shall notify the professional operator authorized to issue the plant passport or the competent authority that issued such plant passport.

Article 52. Requirements for Issuing a Plant Passport

1. The plant passport must be in the form of a separate label, except as provided for in this Article.

2. The plant passport shall be attached by the relevant professional operator to each commodity unit of plants (placed on it), plant products, or other articles before their movement through the territory of Ukraine. If plants, plant products, and other articles are transported in a package, bundle, or container, the plant passport shall be attached to such package, bundle, or container (placed thereon).

If the movement of plants, plant products, and other articles is carried out in bulk, a plant passport shall be issued for each consignment of plants, plant products, or other articles and accompany such consignment.

3. The plant passport shall contain:

- 1) the name of the document "Plant Passport" in the upper right corner;
- 2) the international letter code of the state of Ukraine "UA" in the upper left corner;
- 3) the letter "A" indicating the botanical name of the plant species or botanical taxon (in Latin) and the name of the variety (if necessary) for plants and plant products, the name of the object for other articles;

4) the letter “B” indicating the international letter code of the state of Ukraine “UA,” the registration number of the professional operator who issued or upon whose application the plant passport was issued;

5) the letter “C” indicating the traceability code, which may be supplemented by a link to any barcode, QR code, chip, or other media (if any);

6) the letter “D” indicating the two-letter code of the country of origin of plants, plant products, and other articles (in case of origin from a third country). Indication of the traceability code shall not be required in cases determined by the procedure for issuing, replacing, and terminating the plant passport.

4. The plant passport must be separated from other information about plants, plant products, or other articles.

The plant passport may be combined with the label provided for by the [Law of Ukraine](#) “On Seeds and Planting Material.” In this case, the plant passport shall:

1) be placed above the label provided for by [the Law of Ukraine](#) “On Seeds and Planting Material,” and its width must correspond to the width of such label;

2) contain the name of the document “Plant Passport” in the upper right corner.

Article 53. Pest Risk Management Plans

1. A professional operator authorized to issue a plant passport may develop and ensure the implementation of a pest risk management plan, which is the basis for reducing the number of state control measures in relation to it.

The pest risk management plan shall be subject to approval by the competent authority in accordance with the procedure established by the central executive body that ensures the formation and implementation of the state policy on plant protection.

2. The competent authority shall approve the pest risk management plan developed by the professional operator if the plan meets all such requirements:

1) it contains a list of measures aimed at ensuring the traceability of plants, plant products, and other articles within the scope of its authority to issue a plant passport;

2) it includes (where appropriate, in the form of standard operating procedures) the following information:

information required for the state registration of such a professional operator;

information required from professional operators under the plant protection legislation to ensure traceability of plants, plant products, and other articles;

description of the professional operator’s production processes and activities related to the movement and trade of plants, plant products, and other articles;

analysis of critical points related to the movement of plants, plant products, and other articles, and the measures taken by the professional operator at such points to minimize the risks associated with pests;

procedures and actions have been introduced in case of suspicion of the presence or detection of a quarantine pest, recording of such suspicions or detections, as well as recording of measures taken;

functions and responsibilities of the personnel involved in the activities related to the issuance of the plant passport;

training for personnel involved in activities related to the issuance of plant passports.

3. In case of non-compliance by the professional operator with the approved pest risk management plan or inconsistency of such plan with the requirements specified in this Article, the competent authority shall immediately take the measures necessary to ensure compliance with the approved plan and/or eliminate the inconsistency.

4. If the professional operator fails to eliminate the inconsistency of the pest risk management plan with the requirements set forth in this Article, the competent authority shall revoke the approval of such plan in accordance with the procedure established by the central executive body that ensures the formation and implementation of the state policy on plant protection.

Article 54. Ensuring Traceability of Plants, Plant Products, and Other Articles

1. Professional operators who work with plants, plant products, or other articles shall identify other market operators who directly supply them with plants, plant products, or other articles (their consignments).

2. Professional operators who work with plants, plant products, or other articles shall identify other market operators to whom they directly supply plants, plant products, or other articles (their consignments).

3. To ensure traceability of plants, plant products, and other articles, a professional operator shall keep records of information on:

1) a professional operator who is a supplier of the relevant commodity unit of plants, plant products, or other articles;

2) a professional operator who is the recipient of the respective commodity unit of plants, plant products, or other articles;

3) plant passports (if they are required by this Law).

The professional operator shall keep the information provided for in this part for three years from the date on which the relevant plants, plant products, or other articles were delivered to or by it.

4. The professional operator shall keep records of information on the movement of plants, plant products, or other articles within its own production facilities (places of production) or between its own production facilities (places of production) and store such information for three years from the date of movement.

5. The procedure for ensuring the traceability of plants, plant products, or other articles shall be approved by the central executive body that ensures the formation and implementation of the state policy on plant protection and must provide for:

1) exceptions to ensure traceability, including cases of reduction or extension of the minimum storage period for information provided for in [part 3](#) of this Article in respect of individual plants;

2) requirements for access to records and accounting data to be kept by professional operators specified in [parts 1](#) and [2](#) of this Article.

6. At the request of the competent authority, the professional operator shall be obliged to provide information on traceability during the movement of plants, plant products, or other articles within its own production facilities or between its own production facilities.

Article 55. Ensuring Traceability of Plant Protection Products

1. Distributors, professional users must ensure traceability of plant protection products by identifying other market operators who directly supply them with plant protection products.

2. Distributors must ensure the traceability of plant protection products by identifying other distributors and professional users to whom they directly supply plant protection products.

3. The traceability of plant protection products shall be ensured in accordance with the requirements of [Article 43](#) of this Law and the Procedure for Storing Information, Accounting, and Reporting on Plant Protection Products approved in accordance with this Law.

Section VIII. INTERNATIONAL TRADE

Article 56. General Principles of State Control at the State Border

1. The state control of plants, plant products, other articles, and plant protection products imported (shipped) to the customs territory of Ukraine, which are included in the lists provided for in [clauses 1–4](#), [6](#) of part 1 of Article 72 of this Law, shall be ensured by the competent authority in accordance with legislation.

2. Unless otherwise provided for by the legislation, cargoes with plants, plant products, other articles, and plant protection products imported (shipped) to the customs territory of Ukraine shall be subject to state control measures carried out by the state phytosanitary inspector at the designated border inspection checkpoint in the form of the following inspections:

- 1) documentary inspection;
- 2) conformity check;
- 3) physical inspection.

In the cases established by the Cabinet of Ministers of Ukraine, conformity checks and physical inspection of cargoes may be carried out in customs control zones on the customs territory of Ukraine, if such customs control zones meet the requirements for the designated border inspection checkpoint provided for by this Law.

All cargoes with plants, plant products, or other articles imported (shipped) to the customs territory of Ukraine are subject to documentary inspection, provided that they are included in the lists provided for in [clauses 1–4](#), [6](#) of part 1 of Article 72 of this Law.

The frequency and selectivity criteria for conducting conformity checks and physical inspections shall be established by the Cabinet of Ministers of Ukraine based on a risk-based approach.

3. During the inspections specified in this part, the state phytosanitary inspector shall fill in the Report of State Control at the State Border.

4. On the basis of the Report of State Control at the State Border, the state phytosanitary inspector shall:

- 1) fill in the relevant part of the general phytosanitary document for import, sign it, and certify it with a seal;
- 2) create and keep a signed and sealed copy of this document and return the original to the market operator.

5. The Cabinet of Ministers of Ukraine shall approve the Rules for Importation (Shipment) of Plants, Plant Products, Other Articles, and Plant Protection Products into the Customs Territory of Ukraine, whereby, in particular, shall determine:

- 1) terms and requirements for documentary inspection, conformity check, and physical inspection;
- 2) cases and conditions under which the competent authority has the right to allow further transportation of cargo to a place other than the designated border inspection checkpoint until it receives the results of the physical inspection (if such inspection was carried out);

3) cases and conditions under which the transit of cargoes may be allowed, as well as certain state control measures and other official measures at the designated border inspection checkpoint;

4) cases and conditions under which derogations from the provisions on conformity checks and physical inspection of overloaded and transit cargoes may be applied;

5) form and procedure for filling out the Report of State Control at the State Border;

6) form and procedure for filling in the general phytosanitary document for import;

7) list of requirements for the designated border inspection checkpoint;

8) procedure for determining and frequency of documentary inspection, conformity check, and physical inspection of cargoes imported (shipped) to the customs territory of Ukraine;

9) procedure for returning cargo in case of its inconsistency with the requirements of phytosanitary measures.

6. The cargo with plants, plant products, other articles, or plant protection products shall be accepted for state control by the state phytosanitary inspector if the market operator has sent in electronic form, via the information and communication system of the competent authority, a notification of the cargo receipt containing the following documents at least 24 hours before its receipt:

1) the relevant part of the general phytosanitary document for importation is completed, containing all the necessary information (description of commodities in the cargo, estimated time of arrival of the cargo at the designated border inspection checkpoint, etc.) for cargoes with plants, plant products, and other articles;

2) originals or electronic copies of the phytosanitary certificate or phytosanitary certificate for re-export for cargoes with plants, plant products, other articles, if their mandatory nature is established by phytosanitary measures;

3) other documents, if they are required by law.

If there are logistical constraints, the time limit for sending a notification of receipt of a shipment of plants, plant products, other articles, and plant protection products may be reduced to 4 hours.

7. The competent authority shall provide access by the designated border inspection checkpoints to the information and communication system of the competent authority, which ensures the exchange of information with the information and communication system of the customs authorities.

8. The amount of the fee for the state phytosanitary inspector to conduct documentary inspection, conformity check, and physical inspection in accordance with this Law shall be established by the Cabinet of Ministers of Ukraine and shall be equal to the actual costs of the relevant inspection.

9. The information on the results of the state control of plants, plant products, other articles, plant protection products imported (shipped) into the customs territory of Ukraine (including for the purpose of transit) shall be entered by the state phytosanitary inspector into the information and communication system of the competent authority and the single state information web portal “Single Window for International Trade” within the time limits established by [Article 319](#) of the Customs Code of Ukraine.

10. Interaction of the competent authority with the customs authorities, other state authorities, institutions, and organizations authorized to perform authorization or control functions regarding the movement of commodities, commercial vehicles across the customs border of Ukraine and other interested persons during the state control of cargoes with products imported (shipped) into the

customs territory of Ukraine (including for the purpose of transit) shall be carried out using the “single window” mechanism in accordance with the [Customs Code of Ukraine](#).

11. Unless otherwise provided for by this Law, cargoes and/or commodities subject to state control and imported (forwarded) into the customs territory of Ukraine through designated border inspection checkpoints may be released into circulation only if the results of documentary inspection, conformity check, and physical inspection (if necessary) confirm their consistency with legislation.

Article 57. Designated Border Inspection Checkpoints

1. Importation (shipment) into the customs territory of Ukraine of cargoes with plants, plant products, other articles, plant protection products, biological control agents included in the lists provided for in [clauses 1–4, 6](#) of part 1 of Article 72 of this Law shall be allowed only through designated border inspection checkpoints.

2. The List of Designated Border Inspection Checkpoints with an indication of their location, contact details, mode of operation, and commodity categories that may be moved through such checkpoints, as well as the procedure for assignment and use of abbreviations, numbers, and other information specified in the List of Designated Border Inspection Checkpoints, shall be approved by the Cabinet of Ministers of Ukraine upon submission of the central executive body that ensures the formation and implementation of the state policy on plant protection.

3. The designated border inspection checkpoint shall be located at a checkpoint across the state border of Ukraine. If the checkpoint is located in an area with special geographical conditions (mountain pass, unloading wharf, etc.), it shall be possible to locate the designated border inspection checkpoint at a certain distance from the checkpoint across the state border of Ukraine, and in the case of rail transport — at the first railway station from the state border of Ukraine.

4. The designated border inspection checkpoint must:

- 1) be staffed by a sufficient number of state phytosanitary inspectors to carry out state control;
- 2) have premises and other infrastructure facilities that correspond to the nature and volume of various categories of cargoes with plants, plant products, other articles, and plant protection products subject to state control;
- 3) have equipment, premises, or other infrastructure facilities that enable state control of each category of cargo for which the border inspection checkpoint is designated, including equipment for unloading, sampling, laboratory testing, etc.;
- 4) have access to any other equipment, facilities, and services necessary for the implementation of phytosanitary measures, measures for cargoes with plant protection products — in case of suspicion of inconsistency of such cargoes or cargoes that pose a risk;
- 5) have mechanisms in place to guarantee the effective application of appropriate measures in the event of unforeseen and unexpected conditions or events;
- 6) have available the technologies and equipment necessary for the effective functioning of the information and communication system of the competent authority, as well as the relevant data management information systems necessary for processing and exchanging data with other state authorities and with other designated border inspection checkpoints;
- 7) have access to the services of authorized laboratories capable of ensuring that laboratory tests are carried out within the specified timeframe, as well as be equipped with the necessary information technology tools to enter the results of laboratory testing into the information and communication system of the competent authority;

8) ensure compliance with the appropriate conditions for handling different categories of commodities subject to state control to prevent the risk of cross-infestation of cargoes with regulated pests.

5. In order to take into account the peculiarities and material and technical needs related to the implementation of state control and application of phytosanitary measures with regard to different categories of cargo, the Cabinet of Ministers of Ukraine may approve additional requirements for designated border inspection checkpoints and the procedure for conducting inspections for compliance of border inspection checkpoints with the requirements established by this Law.

6. Border inspection checkpoints intended for the importation (shipment) of wood packaging material into the customs territory of Ukraine may not meet one or more requirements set forth in [clauses 2–8](#) of part 4 of this Article.

7. The competent authority shall decide on the compliance of the border inspection checkpoint with the requirements established by this Article and shall notify the central executive body that ensures the formation and implementation of the state policy on plant protection of such decision.

8. The List of Designated Border Inspection Checkpoints may be changed by:

1) introduction of a new designated border inspection checkpoint that has been inspected by the competent authority and found to be consistent with the requirements for a designated border inspection checkpoint;

2) exclusion of the designated border inspection checkpoint that has been inspected by the competent authority and found to be inconsistent with the requirements for the designated border inspection checkpoint.

9. In case of determination of non-compliance of the designated border inspection checkpoint with the requirements established by this Law, the competent authority shall inform the central executive body responsible for the formation and implementation of the state policy on plant protection. Upon submission of the central executive body that ensures the formation and implementation of the state policy on plant protection, the Cabinet of Ministers of Ukraine excludes such border inspection checkpoint from the List of Designated Border Inspection Checkpoints.

10. The competent authority shall publish on its official website the List of Designated Border Inspection Checkpoints, which shall contain the following information for each designated border inspection checkpoint:

- 1) contact details;
- 2) working hours;
- 3) location and type of transportation (sea, river, ferry, air, rail, or road);
- 4) categories of cargoes for which it is intended.

11. The working hours of the designated border inspection checkpoint must be coordinated with the working hours of the relevant subdivision of the customs authority.

Article 58. Requirements for Import (Shipment) into the Customs Territory of Ukraine of Cargoes with Plant Protection Products (Including for the Purpose of Transit of Cargoes)

1. Import of plant protection products into the customs territory of Ukraine shall be subject to the following conditions:

1) inclusion of the respective codes of the [UKT ZED \(Ukrainian Classification of Goods of Foreign Economic Activity\)](#) in the list provided for in [clause 4](#) of part 1 of Article 72 of this Law; and

2) state registration of plant protection products, except as provided for by law.

2. Importation of plant protection products into the customs territory of Ukraine, except for the transit of cargoes, shall be carried out by a distributor included by the competent authority in the State Register of Persons Authorized to Carry out Activities in the Field of Plant Protection in Relation to the Handling of Plant Protection Products (its authorized person), subject to state registration of the respective plant protection product.

3. Import (shipment) of plant protection products into the customs territory of Ukraine shall be prohibited:

1) for a person who is not included in the State Register of Persons Authorized to Carry out Activities in the Field of Plant Protection in Relation to the Handling of Plant Protection Products as a distributor;

2) for products not registered in accordance with the law, if their registration is required in accordance with the [Law of Ukraine](#) “On Pesticides and Agrochemicals”;

3) the packaging and marking of which is inconsistent with the requirements of the Law of Ukraine “On Pesticides and Agrochemicals”;

4) less than one year remains before the expiration date specified by the manufacturer;

5) if products are counterfeit;

6) in case of detection of contradictory information specified in the shipping documents for the cargo with plant protection products.

4. Unregistered plant protection products may be imported into the customs territory of Ukraine:

1) in the case of transit of cargoes with unregistered plant protection products, provided that they are registered in the importing country;

2) for state tests and scientific tests to a scientifically justified extent on the basis of a permit issued by the central executive body that ensures the formation and implementation of state policy on environmental protection in accordance with the [Law of Ukraine](#) “On Pesticides and Agrochemicals.”

5. For each consignment of plant protection products, the state phytosanitary inspector shall conduct a documentary inspection, which includes inspection of:

1) information on the state registration of the plant protection product in the State Register of Pesticides and Agrochemicals Permitted for Use in Ukraine, and in case of importation of unregistered plant protection products into the customs territory of Ukraine for state testing and research — a permit issued in accordance with the [Law of Ukraine](#) “On Pesticides and Agrochemicals”;

2) information available in other shipping documents for the cargo and consistency of the information contained in such documents.

6. The state phytosanitary inspector during the conformity check of plant protection products shall:

1) establish the consistency of the information specified in the documents for the cargo with plant protection products with the cargo actually presented for state control;

2) establish the consistency of packaging and marking with the requirements of the [Law of Ukraine](#) “On Pesticides and Agrochemicals”;

3) check the shelf life of plant protection products.

7. Documentary inspection, conformity check, and physical inspection of the cargo with plant protection products shall be carried out in accordance with the requirements of [Article 56](#) of this Law, taking into account the requirements of this Article.

8. In case of detection of inconsistency and/or violation of the requirements of this Article based on the results of documentary inspection, conformity check, or physical inspection, the cargo with plant protection products shall be returned outside the customs territory of Ukraine at the expense of the distributor.

Article 59. Requirements for Importation (Shipment) into the Customs Territory of Ukraine of Cargoes with Plants, Plant Products, and Other Articles

1. Plants, plant products, and other articles imported (shipped) to the customs territory of Ukraine and included in the lists provided for in [clauses 1–3, 6](#) of part 1 of Article 72 of this Law must:

1) be accompanied by the original phytosanitary certificates and/or phytosanitary certificates for re-export, unless otherwise provided for by this Law and other documents required by law or phytosanitary measures;

2) be free from regulated pests, except as provided for by this Law.

2. The requirements of [clause 1](#) of part 1 of this Article shall not apply to:

1) plants, plant products on board a vehicle used for international transportation and intended for consumption by personnel and passengers, provided that they are not moved outside the vehicle. Such plants and plant products must be destroyed during unloading, except in the case of their reloading directly from a vehicle used for international transportation to another vehicle in the same port and customs regime;

2) plants, plant products, and other articles imported (shipped) as trade (exhibition) samples, provided that the competent authority has been provided with information about such plants, plant products, other articles in advance and there is no justified objection of the competent authority to such import (shipment) sent (provided) to the relevant market operator within 10 business days following the date of receipt of information about such plants, plant products, and other articles. The decision of the competent authority to prohibit the import (shipment) of plants, plant products, and other articles as trade (exhibition) samples into the customs territory of Ukraine shall be deemed justified only if their import (shipment) poses a threat to human life and health, animals, plants, and the environment.

3. Unless the market operator has previously provided the competent authority with information on plants, plant products, and other articles, importation (shipment) of which it plans to carry out as trade (exhibition) samples, or if the competent authority has sent (provided) to the market operator its substantiated objections to such importation (shipment), the relevant plants, plant products, and other articles may not be imported (shipped) into the customs territory of Ukraine in accordance with [clause 2](#) of part 2 of this Article.

4. Plants, plant products, and other articles may be imported (shipped) to the customs territory of Ukraine as trade (exhibition) samples in accordance with [clause 2](#) of part 2 of this Article, if they are accompanied by a document confirming the prior notification of the competent authority about their import (shipment) in the specified order, made at least 10 business days before the arrival of the respective cargo at the designated border inspection checkpoint, and in the absence of justification at such designated border inspection checkpoint. The relevant preliminary notification must contain a description of the cargo with plants, plant products, or other articles, information on the designated border inspection checkpoint where the cargo is expected to arrive, the estimated time of arrival of the cargo, and the final destination.

5. Plants, plant products, and other articles imported (shipped) to the customs territory of Ukraine in accordance with [clause 2](#) of part 2 of this Article, after their intended use, must be destroyed or exported (sent) outside the customs territory of Ukraine in a manner that prevents harm to human life and/or health and/or the environment. The rules for handling plants, plant products, and other articles imported (shipped) into the customs territory of Ukraine as trade (exhibition) samples shall be approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

6. Plants, plant products, and other articles (except for seeds, planting material, and potatoes) included in the list provided for in [clause 6](#) of part 1 of Article 72 of this Law shall be imported (shipped) into the customs territory of Ukraine:

1) without a phytosanitary certificate, unless they are intended for professional and/or commercial use;

2) if they are free from regulated pests, except as provided for by this Law.

7. Plants, plant products, and other articles referred to in [part 6](#) of this Article may not include plants, plant products, and other articles included in the lists provided for in [clauses 1](#) and [2](#) of part 1 of Article 72 of this Law.

8. The competent authority, seaports, airports, and economic operators engaged in international transportation of passengers shall be obliged to inform travelers and passengers, postal operators — users of postal services, and professional operators engaged in trade on the basis of distance contracts — buyers — about prohibitions and restrictions established on the import (shipment) of plants, plant products, and other articles into the customs territory of Ukraine in hand luggage, baggage, or postal items, in any way, including by posting on their websites.

9. The requirements for the form, content, and placement of information on prohibitions and restrictions established for importation (shipment) into the customs territory of Ukraine of plants, plant products, and other articles in hand luggage, baggage, or mail shall be approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

10. Importation (shipment) of plants, plant products, and other articles included in the list provided for in [clause 2](#) of part 1 of Article 72 of this Law into the customs territory of Ukraine shall be allowed, subject to compliance with special requirements.

11. Importation (shipment) to the customs territory of Ukraine, transportation through the territory of Ukraine, as well as keeping and propagation of plants, plant products, or other articles included in the list provided for in [clause 1](#) of part 1 of Article 72 of this Law, or which are inconsistent with the special requirements determined by the list approved in accordance with [clause 2](#) of part 1 of Article 72 of this Law, shall be carried out in the presence of an import (shipment) permit provided for in [Article 32](#) of this Law.

12. In case of importation (shipment) into the customs territory of Ukraine or transit of cargo with plants, plant products, or other articles that were delivered or stored, repackaged, or divided in a foreign country, in addition to the original phytosanitary certificate for re-export, such cargo must be accompanied by the original or a certified copy of the phytosanitary certificate issued by the competent authority of the exporting state.

13. When importing (shipment) into the customs territory of Ukraine plants, plant products, or other articles included in the list provided for in [clause 5](#) of part 1 of Article 72 of this Law and which, according to the results of inspections provided for in [part 2](#) of Article 56 of this Law, are consistent with the requirements of phytosanitary measures, the competent authority may issue a plant passport to replace the phytosanitary certificate accompanying the cargo. Such replacement

shall be carried out in accordance with the procedure approved by the Cabinet of Ministers of Ukraine.

14. The competent authority at the place of completion of the state control shall ensure the storage of phytosanitary certificates, phytosanitary certificates for re-export, and other documents required by law for the implementation of state control for at least three years.

Article 60. State Control of Wood Packaging Material Imported (Shipped) to the Customs Territory of Ukraine

1. Wood packaging material shall be imported (shipped) into the customs territory of Ukraine without a phytosanitary certificate or a phytosanitary certificate for re-export, provided that the following requirements are met:

1) the material has undergone one or more types of processing and is consistent with the requirements set out in ISPM 15;

2) the material bears a marking applied in accordance with ISPM No. 15, which certifies that the wood packaging material has undergone one or more types of treatment;

3) visual absence of quarantine pests;

4) the debarking provided for in ISPM No. 15 has been performed.

The requirements of this part shall not apply to wood packaging material that is not subject to ISPM 15.

2. The state control of wood packaging material provides for documentary inspection and verification of consistency with the requirements of [part 1](#) of this Article.

3. If the wood packaging material is inconsistent with the requirements of [part 1](#) of this Article, the state phytosanitary inspector shall oblige the market operator to take appropriate measures, in particular:

1) to separate the wood packaging material that is inconsistent with the requirements of phytosanitary measures for its treatment and subsequent marking;

2) to destroy the wood packaging material (or otherwise securely neutralize) under the control of the state phytosanitary inspector or return it.

4. In case of detection by the state phytosanitary inspector of the inconsistency of the wood packaging material with the requirements of [part 1](#) of this Article, the competent authority shall be obliged to notify the competent authority of the state — exporter of the cargo or, if necessary, the competent authority of the country of origin of the wood packaging material.

5. The central executive body that ensures the formation and implementation of the state policy on plant protection shall approve phytosanitary measures for wood packaging material, including measures for its production, repair, and marking, import (shipment) into the customs territory of Ukraine, movement through the territory of Ukraine, and export outside the customs territory of Ukraine.

Article 61. Documentary Inspection of Cargoes with Plants, Plant Products, and Other Articles upon Importation (Shipment) to the Customs Territory of Ukraine

1. Documentary inspection of cargoes with plants, plant products, and other articles upon importation (shipment) into the customs territory of Ukraine shall take into account the relevant requirements of ISPMs.

2. For each cargo with plants, plant products, or other articles imported (shipped) to the customs territory of Ukraine and included in the list provided for in [clause 3](#) of part 1 of Article 72

of this Law, the state phytosanitary inspector shall carry out a documentary inspection, which includes the inspection of:

1) a phytosanitary certificate and/or a phytosanitary certificate for re-export (if such certificate is required by the requirements of phytosanitary measures) issued by the competent authority of the exporting and/or re-exporting state in order to confirm that such certificate certifies that the phytosanitary condition of the cargo is consistent with the requirements of the phytosanitary measures of Ukraine and:

is a true original or a certified copy that is consistent with the requirements of ISPM No. 12;

is issued by the competent authority of the exporting or re-exporting state;

is addressed to the competent authority of the importing country;

is completed in English or one of the official languages of the United Nations;

contains the text of an additional declaration (if necessary) that is consistent with the requirements of ISPM No. 12;

its content complies with the form prescribed by the [International Plant Protection Convention](#) or ISPM No. 12 or the competent authority of the exporting or re-exporting state;

all sections are completed (if they are required);

is issued no more than 14 days before the date when the cargo for which it was issued left the state in which it was issued, except for phytosanitary certificates (certified copies thereof) issued by the competent authority of the exporting state, on the basis of which phytosanitary certificates for re-export issued by the competent authority of the re-exporting state are issued;

2) other documents required by law and containing information on the consistency of the cargo with the plant protection legislation.

Phytosanitary certificates and phytosanitary certificates for re-export issued by the competent authority of the exporting and/or re-exporting state in electronic form shall be accepted through the information and communication system of the competent authority.

3. The phytosanitary certificate, phytosanitary certificate for re-export issued by the competent authority of the exporting and/or re-exporting state, shall be considered invalid and shall not be accepted by the state phytosanitary inspector if:

1) it contains incomplete or incorrect information;

2) it contains inaccurate or misleading information;

3) it contains contradictory or inconsistent information;

4) it contains changes or corrections not certified with a seal (stamp) with the date and signature of an authorized person;

5) it is not a true original or a certified copy that is consistent with the requirements of ISPM No. 12;

6) its validity period has expired, or the cargo has left the exporting or re-exporting state after 14 days from the date of issuance of the phytosanitary certificate, phytosanitary certificate for re-export, except for phytosanitary certificates (their certified copies) issued by the competent authority of the exporting state, on the basis of which phytosanitary certificates for re-export issued by the competent authority of the re-exporting state are issued;

7) it is issued for cargo with plants, plant products, or other articles prohibited for import;

8) it is issued by a person who is not a person of the competent authority of the exporting or re-exporting state authorized to issue it;

9) its content does not comply with the form prescribed by the [International Plant Protection Convention](#), ISPM No. 12, or the competent authority of the exporting or re-exporting state;

10) it is revoked or invalidated by the competent authority of the exporting or re-exporting state;

11) not all sections are completed (if they are required);

12) the phytosanitary certificate for re-export issued by the competent authority of the re-exporting state is not accompanied by the original phytosanitary certificate (its certified copy) issued by the competent authority of the exporting state.

4. In case of reasonable suspicion during the documentary inspection of cargo with plants, plant products, and other articles imported (shipped) to the customs territory of Ukraine, of inconsistency of the phytosanitary certificate and/or phytosanitary certificate for re-export with the established requirements or inconsistency of other documents required by law, the state phytosanitary inspector shall detain the cargo, and shall enter information about this into the information and communication system of the competent authority, and notify the market operator or a person authorized by it and the customs authorities by using the single state information web portal “Single Window for International Trade.”

5. In case of suspicion of forgery or invalidity of a phytosanitary certificate or phytosanitary certificate for re-export, the competent authority shall apply to the competent authority of the exporting or re-exporting state that issued such certificate to confirm its validity. In case of confirmation of the validity of the phytosanitary certificate or phytosanitary certificate for re-export in respect of the relevant cargo, the state control measures shall continue. In case of non-confirmation of the validity of the phytosanitary certificate or phytosanitary certificate for re-export, such cargo shall be detained and, after consultation with the market operator or the person in possession of the cargo, returned to the exporting country or destroyed.

6. If during the documentary inspection of the cargo with plants, plant products, and other articles included in the list provided for in [clause 3](#) of part 1 of Article 72 of this Law, the absence of a phytosanitary certificate and/or a phytosanitary certificate for re-export is revealed, such cargo shall be returned to the exporting or re-exporting state.

Article 62. Verification of Conformity of Cargoes with Plants, Plant Products, and Other Articles when Importing (Shipping) to the Customs Territory of Ukraine

1. The state phytosanitary inspector shall conduct the conformity check of cargoes with plants, plant products, and other articles, which provides for:

1) checking the existing sealing of the vehicle, transport equipment, container, etc., containing the cargo;

2) establishing the consistency of the cargo with plants, plant products, or other articles with the information specified in the phytosanitary certificate and/or phytosanitary certificate for re-export, other documents accompanying the cargo;

3) assessing the condition of packaging and marking, establishing their consistency with the information specified in the phytosanitary certificate and/or phytosanitary certificate for re-export. Unless plants, plant products, and other articles are packaged (transported in bulk), it shall be assessed whether the cargo consists of the same or different types of plants, plant products, or other articles.

The market operator or its authorized person shall be obliged to provide access to the cargo to conduct a conformity check.

Article 63. Physical Inspection of Cargoes with Plants, Plant Products, and Other Articles upon Importation (Shipment) to the Customs Territory of Ukraine

1. The state phytosanitary inspector shall conduct a physical inspection of the vehicle and plants, plant products, other articles in order to establish their compliance with the requirements of phytosanitary measures and to identify regulated pests or signs of infestation with them.

2. During the physical inspection, samples shall be taken for laboratory testing, taking into account the frequency and selectivity determined in accordance with [part 3](#) of this Article, as well as in the case of:

1) inconsistency of the cargo with plants, plant products, or other articles with the requirements of phytosanitary measures established during the documentary inspection or conformity check;

2) detection by the state phytosanitary inspector during the inspection of regulated pests in the cargo or signs of damage or infestation with them;

3) the presence of a phytosanitary risk based on the criteria determined by the competent authority;

4) application of temporary phytosanitary measures.

3. The competent authority shall annually determine the frequency and selectivity of laboratory testing of plants, plant products, and other articles on the basis of phytosanitary risk, taking into account:

1) the results of previous laboratory testing of plants, plant products, and other articles, taking into account the country of origin;

2) the results of state control of plants, plant products, and other articles, taking into account the country of origin;

3) notification of the competent authority of a foreign state (country of origin) regarding the phytosanitary status of pest-free places of production (production sites), zones, or country of origin of plants, plant products, or other articles;

4) other criteria that have an impact on the phytosanitary risk.

4. During the physical inspection, the market operator or its authorized person shall be obliged to provide access to the cargo and ensure conditions for sampling.

5. Vehicles with plants, plant products, or other articles for physical inspection shall be unloaded if it is impossible to gain access to the cargo with plants, plant products, or other articles:

1) by partial unloading;

2) consisting of several consignments.

6. Unless otherwise provided for by this Law, plants, plant products, and other articles imported (shipped) to the customs territory of Ukraine may be released into circulation only if the results of documentary inspection, conformity check, and physical inspection (if any) confirm their consistency with legislation.

Article 64. Handling of Cargoes Imported (Shipped) to the Customs Territory of Ukraine That Are Inconsistent with the Requirements of Phytosanitary Measures

1. If the results of the state control of the cargo with plants, plant products, or other articles imported (shipped) to the customs territory of Ukraine reveal its inconsistency with the requirements of phytosanitary measures, the competent authority shall be obliged to decide to detain and refuse to import (ship) such cargo to the customs territory of Ukraine and shall send a relevant

notification to the market operator or his authorized person and to the customs authorities via the information and communication system of the competent authority.

2. Unless otherwise provided for by this Law, the state phytosanitary inspector shall detain the cargoes that are inconsistent with the legislation and, after consultations (coordination) with the market operator or the person in possession of the cargo, shall decide to:

1) return cargo outside the customs territory of Ukraine;

2) apply special treatment (processing) to the cargo or take other measures necessary to ensure consistency with the requirements of phytosanitary measures, and, if necessary, change the intended purpose of the cargo;

3) apply other measures (including destruction of cargo) to ensure consistency with the requirements of phytosanitary measures.

3. Measures provided for in [part 2](#) of this Article shall be carried out by the market operator or its authorized person under the control of the state phytosanitary inspector within the shortest possible time, which excludes the possibility of spreading regulated pests in the territory of Ukraine. The term of such measures shall be set by the state phytosanitary inspector and may not exceed 60 days from the date of detention of the cargo by the state phytosanitary inspector. In case of failure to implement the measures provided for in [part 2](#) of this Article, the cargo shall be destroyed within the established time limit, or other measures necessary to ensure compliance with the requirements of phytosanitary measures shall be applied to it in accordance with the decision of the competent authority.

4. Phytosanitary measures shall be applied to all or part of the consignment.

5. The detained cargo shall be under state control until it is returned outside the customs territory of Ukraine or appropriate phytosanitary measures are applied based on the results of state control. The costs associated with the storage of the detained cargo shall be borne by the market operator (its authorized person).

6. The cargo in respect of which the decision to return outside the customs territory of Ukraine has been made shall be returned to the exporting state or to another state as soon as possible, but not more than one day from the date of making such a decision by the state phytosanitary inspector.

7. Unless the cargo with plants, plant products, or other articles imported (shipped) to the customs territory of Ukraine, provided that they are included in the lists provided for in [clauses 1–4](#) and [6](#) of part 1 of Article 72 of this Law, has been declared for state control, the state phytosanitary inspector shall decide on its detention for state control.

8. In case of violation of the requirements of phytosanitary measures during the import (shipment) of plants, plant products, and other articles into the customs territory of Ukraine, the phytosanitary certificate and/or phytosanitary certificate for re-export accompanying the cargo shall be marked “CERTIFICATE CANCELED.” A copy of such certificate shall be kept at the place of completion of phytosanitary control for at least three years.

9. In case of establishment of violation of the requirements of phytosanitary measures during the import (shipment) of plants, plant products, and other articles into the customs territory of Ukraine, the competent authority shall send a notification of inconsistency with phytosanitary measures to the relevant competent authorities of the exporting state. The procedure for sending a notification of inconsistency with phytosanitary measures shall be approved by the Cabinet of Ministers of Ukraine.

10. Measures provided for in this Article shall be applied to the cargo (part of the cargo) at the expense of the market operator or its authorized person, who shall be obliged to pay the relevant costs.

Article 65. Temporary Phytosanitary Measures on Plants, Plant Products, and Other Articles Imported (Shipped) to the Customs Territory of Ukraine

1. The competent authority shall decide on the application of temporary phytosanitary measures to plants, plant products, and other articles imported (shipped) to the customs territory of Ukraine in case of:

1) establishing new risks of causing significant damage by a pest that is not a quarantine pest and is not present in Ukraine;

2) lack of sufficient experience to determine and manage the pest risk of new plant species or supply chains of plants, plant products, or other articles from third countries;

3) Failure to assess phytosanitary risks caused by newly detected pests in plants, plant products, and other articles imported or supplied from third countries.

2. The application of temporary phytosanitary measures to plants, plant products, and other articles imported (shipped) to the customs territory of Ukraine, taking into account the principles of phytosanitary risk management defined in [Article 25](#) of this Law, shall provide for the application of at least one of the following measures:

1) conducting laboratory tests of samples taken from cargoes with plants, plant products, or other articles imported (shipped) into the customs territory of Ukraine;

2) placement of cargoes with plants, plant products, or other articles in a quarantine station or isolated detention facility for a specified period of time;

3) implementation of certain phytosanitary measures in order to reduce the risk of introduction of regulated pests together with cargoes with plants, plant products, or other articles imported (shipped) into the customs territory of Ukraine;

4) a prohibition of the import (shipment) of cargo with plants, plant products, or other articles into the customs territory of Ukraine.

3. Temporary phytosanitary measures provided for in this Article shall be implemented within a reasonable period of time and shall be subject to revision based on the results of the phytosanitary risk assessment.

4. Temporary phytosanitary measures provided for in this Article shall not be applied to plants, plant products, and other articles imported (shipped) to the customs territory of Ukraine, if there is an import (shipment) permit provided for in [Article 32](#) of this Law.

5. The temporary phytosanitary measure defined in [clause 4](#) of part 2 of this Article shall be reviewed based on the results of the application of phytosanitary measures in the exporting country and on the basis of phytosanitary risk assessment.

Article 66. Handling of Cargoes, which Were Exported (Shipped) Outside the Customs Territory of Ukraine and Returned to the Customs Territory of Ukraine due to Their Inconsistency with the Requirements of Phytosanitary Measures of the Importing Country

1. The State Phytosanitary Inspector shall allow the importation into the customs territory of Ukraine of cargoes with plants, plant products, and other articles that were exported (shipped) outside the customs territory of Ukraine and were denied importation into a foreign country and shall enter the relevant information into the information and communication system of the competent authority based on the results of state control of such cargoes, taking into account the peculiarities specified in this Article.

2. The cargoes referred to in [part 1](#) of this Article shall be subject to documentary inspection and conformity check, as well as, in cases stipulated by this part, to physical inspection.

During the documentary inspection, the phytosanitary certificate (original or certified copy) and/or phytosanitary certificate for re-export, accompanied by which such cargo was exported outside the customs territory of Ukraine, and/or other documents accompanying the cargo shall be checked.

During the conformity check, the presence of intact seals and the integrity of the cargo shall be checked.

Physical inspection shall be carried out in the following cases:

1) based on the results of the documentary inspection and compliance check, there is a reasonable suspicion of non-compliance of the cargo with the requirements of phytosanitary measures or in case of return of the cargo due to the detection of a pest;

2) violation of the sealing or integrity of the cargo.

3. Expenses related to state control measures in accordance with this Article shall be borne by the market operator or its authorized person without further compensation from the state.

Article 67. Requirements for Transit (Movement) of Cargoes with Plants, Plant Products, and Other Articles through the Territory of Ukraine

1. Cargoes with plants, plant products, and other articles may be imported and moved through the territory of Ukraine for the purpose of transit (hereinafter referred to as “phytosanitary transit”) if they simultaneously meet all the following requirements:

1) they are accompanied by a notification of the professional operator responsible for such cargo, stating that such plants, plant products, or other articles are in phytosanitary transit;

2) plants, plant products, and other articles are packed and/or sealed and transported in a manner that eliminates any risk of spreading regulated pests in Ukraine.

2. Phytosanitary transit shall be prohibited if the plant products and other articles do not meet the requirements of [part 1](#) of this Article or if there is evidence that the cargo is inconsistent with such requirements.

Article 68. Phytosanitary Certificate and Phytosanitary Certificate for Re-export

1. In case of importation into the customs territory of Ukraine, the cargo with plants, plant products, or other articles, if required by the importing state, shall be accompanied by the original phytosanitary certificate or phytosanitary certificate for re-export, which certifies the compliance of such cargo with the requirements of phytosanitary measures of the importing state, as well as in other cases provided for by this Law. Certification of consistency of cargo with plants, plant products, or other articles with the requirements of phytosanitary measures of the importing state may be confirmed (depending on the circumstances) by:

1) the results of phytosanitary procedures carried out with respect to plants, plant products, or other articles or places of their production and adjacent territories;

2) official information on the status of the pest at the place of production (at the relevant production site), zone, or country of origin of plants, plant products, or other articles;

3) a plant passport issued by the competent authority accompanying plants, plant products, or other articles;

4) applying a marking sign to the wood packaging material;

5) a phytosanitary certificate issued by the competent authority of a foreign state, if plants, plant products, or other articles were imported into the customs territory of Ukraine.

Issuance, re-issuance of a phytosanitary certificate, a phytosanitary certificate for re-export shall be carried out by the competent authority at the request of a professional operator subject to the following requirements:

the professional operator is included in the State Register of Professional Operators;

the cargo with plants, plant products, or other articles is in the possession of a professional operator;

the cargo with plants, plant products, or other articles meets the requirements of the phytosanitary measures of the importing country.

Issuance, re-issuance of a phytosanitary certificate, phytosanitary certificate for re-export may also be carried out at the request of a person other than a professional operator, subject to the following requirements:

1) the cargo with plants, plant products, or other articles is in the possession of such person;

2) the cargo with plants, plant products, or other articles meets the requirements of the phytosanitary measures of the importing country.

A phytosanitary certificate, phytosanitary certificate for re-export may be issued for a consignment of plants, plant products, or other articles that are inconsistent with the requirements of phytosanitary measures of the importing country, if there is an official confirmation (approval) from the importing state on the permission to import (shipment) into its territory, the relevant consignment of plants, plant products, or other articles infested with pests, or cargo with pests.

2. Phytosanitary certificate, phytosanitary certificate for re-export shall be issued in electronic or paper form and have equal legal force. The phytosanitary certificate and the phytosanitary certificate for re-export shall be issued in paper form, if it is provided for by the requirements of the phytosanitary measures of the importing country.

3. The phytosanitary certificate, phytosanitary certificate for re-export may also be issued for the cargo with plants, plant products, or other articles not included in the list provided for in [clause 3](#) of part 1 of Article 72 of this Law, at the request of a person and/or in accordance with the requirements of phytosanitary measures of the importing state.

4. Phytosanitary procedures for plants, plant products, or other articles may be carried out at production facilities (places of production), vehicles, transport equipment (containers), or during loading or unloading of cargo.

5. Phytosanitary procedures may be carried out in accordance with international treaties of Ukraine or in accordance with the procedure agreed with the national plant protection organizations of importing countries.

6. The state phytosanitary inspector shall be obliged to issue a phytosanitary certificate or a phytosanitary certificate for re-export or to make a decision to refuse to issue it on the basis of:

1) applications for issuance of a phytosanitary certificate, phytosanitary certificate for re-export;

2) the laboratory test report, according to which it is possible to certify the compliance of the cargo with the phytosanitary measures of the importing state, and/or other documents confirming the phytosanitary procedures for the consistency of the cargo with the phytosanitary requirements of the importing state;

3) a document on payment of the fee for issuance of the phytosanitary certificate, phytosanitary certificate for re-export.

The phytosanitary certificate for re-export shall be issued subject to the following additional conditions:

availability of the original phytosanitary certificate or its certified copy issued by the competent authority of a foreign country;

plants, plant products, or other articles have not been grown, produced, or processed to change their condition since the moment of importation into the customs territory of Ukraine;

the plants, plant products, or other articles have not been exposed to any risk of infestation or have not been infested with pests that are regulated in the exporting country;

the identity of plants, plant products, or other articles is preserved.

The state phytosanitary inspector shall be obliged to issue a phytosanitary certificate, a phytosanitary certificate for re-export or to make a decision to refuse to issue it within 8 working hours after receiving the documents provided for in this part.

7. The grounds for making a decision to refuse to issue a phytosanitary certificate, phytosanitary certificate for re-export, shall be as follows:

1) non-compliance of plants, plant products, or other articles with the requirements of phytosanitary measures of the importing state, unless there is an official confirmation (approval) from the importing state on the permission to import (ship) into its territory the relevant consignment of plants, plant products, or other articles infested with pests;

2) absence of state registration of a person as a professional operator provided for by this Law, unless such registration is mandatory in accordance with this Law;

3) inconsistency of existing plants, plant products, or other articles with those declared for transportation;

4) absence of the original phytosanitary certificate or its certified copy issued by the exporting country in case of re-export;

5) absence of a document on payment for issuance of a phytosanitary certificate or a phytosanitary certificate for re-export.

8. The grounds for re-issuance of a phytosanitary certificate, a phytosanitary certificate for re-export, shall be as follows:

1) change of the consignee's address or name of the consignee;

2) change of the point of importation at the state border of Ukraine;

3) change of the importing country if the cargo is consistent with the requirements of phytosanitary measures of such country;

4) change of vehicle or method of transportation;

5) clarification of the name of plants, plant products, or other articles within the same commodity item in accordance with [UKT ZED \(Ukrainian Classification of Goods of Foreign Economic Activity\)](#);

6) damage to the phytosanitary certificate, phytosanitary certificate for re-export.

9. The phytosanitary certificate, phytosanitary certificate for re-export shall be re-issued, provided that plants, plant products, or other articles comply with the phytosanitary condition and requirements of phytosanitary measures of the importing state on the basis of:

1) an application for renewal of a phytosanitary certificate or a phytosanitary certificate for re-export;

2) the original phytosanitary certificate or phytosanitary certificate for re-export to be re-issued;

3) a document on payment for renewal of the phytosanitary certificate or phytosanitary certificate for re-export.

10. The grounds for refusal to re-issue the phytosanitary certificate, phytosanitary certificate for re-export, shall be as follows:

1) inconsistency of the cargo with plants, plant products, or other articles with the requirements of phytosanitary measures of the importing country;

2) failure to pay the fee for renewal of the phytosanitary certificate or phytosanitary certificate for re-export;

3) absence of the original phytosanitary certificate, phytosanitary certificate for re-export, which must be re-issued, issued in paper form.

11. The basis for issuance of a certified copy of the phytosanitary certificate, phytosanitary certificate for re-export, shall be the request of the market operator. A fee shall be charged for issuing a certified copy of the phytosanitary certificate, phytosanitary certificate for re-export.

12. The grounds for revocation of a phytosanitary certificate, a phytosanitary certificate for re-export, shall be as follows:

1) an application of a professional operator or other person in possession of a cargo with plants, plant products, or other articles to revoke a phytosanitary certificate or a phytosanitary certificate for re-export;

2) change of the method of transportation or replacement of the vehicle;

3) damage to the phytosanitary certificate, phytosanitary certificate for re-export, which does not allow for determining the phytosanitary condition of plants, plant products, or other articles.

The ground for revocation of the certified copy of the phytosanitary certificate shall be the revocation of the original phytosanitary certificate.

13. In case of re-issuance of the phytosanitary certificate, phytosanitary certificate for re-export, or issuance of a certified copy of the phytosanitary certificate, phytosanitary certificate for re-export:

1) the original phytosanitary certificate, phytosanitary certificate for re-export to be re-issued is subject to revocation;

2) the state phytosanitary inspector in the section “Additional Declaration” of the re-issued certificate shall indicate the details of the revoked phytosanitary certificate, phytosanitary certificate for re-export, and in case of issuance of a certified copy of the phytosanitary certificate, phytosanitary certificate for re-export — shall indicate that the issued document is a certified copy;

3) the competent authority shall notify the competent authority of the importing state indicated in the revoked phytosanitary certificate, phytosanitary certificate for re-export, of the date and number of the revoked phytosanitary certificate, phytosanitary certificate for re-export.

14. The fee for issuance, re-issuance of a phytosanitary certificate, phytosanitary certificate for re-export, issuance of a certified copy of a phytosanitary certificate, a phytosanitary certificate for re-export shall be charged in the amount established by the Cabinet of Ministers of Ukraine, which shall be equal to the actual expenses of the competent authority for the said purposes.

15. The decision to refuse to issue, re-issue, revoke the phytosanitary certificate or phytosanitary certificate for re-export, to issue a certified copy of the phytosanitary certificate, phytosanitary certificate for re-export may be appealed to the competent authority or to the court.

An application for appeal against a decision to refuse to issue, re-issue, revoke a phytosanitary certificate, phytosanitary certificate for re-export, or to issue a certified copy of a phytosanitary certificate, phytosanitary certificate for re-export shall be submitted to the competent authority within 10 days following the date of receipt of the relevant decision. An appeal shall be considered by the competent authority within two business days after its submission.

The applicant shall be notified of the results of the review in writing.

A professional operator or its authorized person who has provided all necessary documents to the state phytosanitary inspector in accordance with the established procedure and has not received a decision to issue or refuse to issue or re-issue a phytosanitary certificate within the specified time limits, phytosanitary certificate for re-export or a certified copy of the phytosanitary certificate, phytosanitary certificate for re-export, shall have the right to carry out the declared movement of plants, plant products, or other articles and to receive compensation for damage caused by failure to receive such a decision.

16. Forms, procedures for issuance, re-issuance, revocation of a phytosanitary certificate, a phytosanitary certificate for re-export, issuance of their certified copy shall be approved by the Cabinet of Ministers of Ukraine.

17. Phytosanitary certificates, phytosanitary certificates for re-export issued by the state phytosanitary inspector, shall be included in the List of Issued Phytosanitary Certificates, which is maintained by the competent authority in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

The List of Issued Phytosanitary Certificates shall contain open and publicly available information on:

- 1) the name and volume of plants, plant products, or other articles;
- 2) the number and date of issuance of the laboratory test report;
- 3) the number and date of issue of the phytosanitary certificate or phytosanitary certificate for re-export.

Section IX. MATERIAL, TECHNICAL AND INFORMATION TECHNOLOGY SUPPORT OF THE COMPETENT AUTHORITY

Article 69. Logistical Support of the Competent Authority

1. The material and technical support of the competent authority shall be provided at the expense of the state budget and funds received in accordance with international treaties of Ukraine, international technical assistance projects, and other sources not prohibited by law.

Article 70. Information and Communication System of the Competent Authority

1. The information and communication system of the competent authority shall be an object of state ownership. The competent authority shall be the holder, administrator, and technical administrator of the information and communication system of the competent authority.

2. The functions of the administrator of the information and communication system of the competent authority may be performed by a state enterprise or state institution belonging to the management of the competent authority, or other legal entity under public law determined by the competent authority.

The functions of the technical administrator of the information and communication system of the competent authority may be performed by a state enterprise or state institution belonging to the competent authority's management sphere, or another legal entity under public law determined by the competent authority on the basis of an agreement with the competent authority.

3. The functioning of the information and communication system of the competent authority shall be ensured by the competent authority in compliance with the requirements of the legislation on the protection of information in information and communication systems.

4. Processing of personal data in the information and communication system of the competent authority shall be carried out exclusively for the purpose of implementing state control measures and other official measures in accordance with this Law.

5. The information and communication system of the competent authority must provide at least:

1) formation (collection), processing, storage, exchange of information and documents related to state control measures and other official measures;

2) management and processing of information on the results of state control and other official measures, including the preparation of reports;

3) functioning of a personal electronic cabinet.

6. The requirements for the functioning of the information and communication system of the competent authority shall be developed and approved by the competent authority and, in particular, shall include:

1) technical specifications of the information and communication system of the competent authority and its system components (subsystems), including the mechanism of electronic data exchange for exchange with other information and communication systems, the definition of applicable standards, the definition of message structures, data dictionaries, the procedure for exchange of protocols and procedures;

2) determination of the peculiarities of personal data protection in the information and communication system of the competent authority and its components, as well as security of information exchange;

3) determining the specifics of the interaction of the information and communication system of the competent authority with other information and communication systems, electronic information resources, registers, and cadastres;

4) determination of measures to be taken in case of emergency, including in case of unavailability of any functionality of the information and communication system of the competent authority;

5) determining the conditions and principles for the exchange of data, information, and documents through the information and communication system of the competent authority, including with foreign national plant protection organizations and international organizations.

7. The procedure for electronic registration of persons in the information and communication system of the competent authority, the definition of the roles of its users, and the functioning of the personal electronic cabinet shall be determined by the competent authority and approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

8. Processing of personal data through the information and communication system of the competent authority, as well as access of third parties to personal data contained in the information and communication system of the competent authority, shall be carried out in compliance with the requirements of the legislation on personal data protection.

9. The procedure for access of third parties to personal data held by the competent authority as a public information manager shall be determined by the competent authority taking into account the [Law of Ukraine](#) “On Access to Public Information” and other regulations.

10. Expenses related to the creation, technical support, maintenance of the software of the information and communication system of the competent authority shall be financed at the expense of the state budget and other sources not prohibited by law.

Section X. OFFICIAL MEASURES

Article 71. Objects and Entities of State Control and Other Official Measures

1. The objects of state control and other official measures in the field of plant protection shall be as follows:

1) market operators regarding their activities, as well as the equipment, vehicles, premises, and other places they use, and relevant documentation;

2) plants, plant products, and other articles;

3) plant protection products.

2. State control measures shall be carried out by the competent authority.

3. Other official measures shall be carried out by the competent authority and/or persons authorized to carry out other official measures in accordance with this Law.

4. For the purpose of proper organization of state control and other official measures in the field of plant protection, the competent authority shall establish, timely amend, and keep up-to-date the state registers in the field of plant protection provided for by this Law.

Article 72. Lists for the Purposes of State Control and Other Official Measures in the Field of Plant Protection

1. Plants, plant products, or other articles, plant protection products, biological control agents included in the following lists for the purposes of state control and other official measures in the field of plant protection shall be subject to state control and other official measures in the field of plant protection:

1) List of Plants, Plant Products, and Other Articles Prohibited for Importation (Shipment) into the Customs Territory of Ukraine;

2) List of Plants, Plant Products, and Other Articles, Biological Control Agents, the Import (Shipment) of Which Is Allowed into the Customs Territory of Ukraine, Subject to Special Requirements;

3) List of Plants, Plant Products, and Other Articles, the Import (Shipment) of which into the Customs Territory of Ukraine is Accompanied by a Phytosanitary Certificate and/or a Phytosanitary Certificate for Re-export;

4) List of Plant Protection Products Subject to State Control When Imported (Shipped) into the Customs Territory of Ukraine;

5) List of Plants, Plant Products, and Other Articles, the Movement of Which through the Territory of Ukraine Is Accompanied by a Plant Passport;

6) List of Plants, Plant Products, and Other Articles and Their Quantity Allowed for Importation (Shipment) into the Customs Territory of Ukraine in Hand Luggage, Baggage, or Postal Items.

2. Lists for the purposes of state control and other official measures in the field of plant protection shall be drawn up on the basis of international and national standards, instructions, and recommendations, as well as taking into account:

1) country (part of the country) of origin;

- 2) results of the pest risk assessment;
- 3) status of pests in Ukraine and/or in a foreign country;
- 4) results of inspections or phytosanitary monitoring;
- 5) accessible up-to-date scientific information;
- 6) description and code according to [UKT ZED \(Ukrainian Classification of Goods of Foreign Economic Activity\)](#);
- 7) other characteristics (if necessary).

3. Lists for the purposes of state control and other official measures in the field of plant protection shall be approved by the Cabinet of Ministers of Ukraine and posted on the official website of the competent authority.

Article 73. Basic Principles of State Control and Other Official Measures

1. The competent authority and persons authorized to carry out other official measures in accordance with this Law, when carrying out state control and/or other official measures, must:

- 1) ensure the objectivity and effectiveness of state control and/or other official measures;
- 2) ensure impartiality, quality, and consistency of state control and/or other official measures at all levels;
- 3) ensure that persons carrying out state control measures and/or other official measures do not have any conflict of interest;
- 4) own or have access to appropriate laboratory equipment for conducting laboratory tests;
- 5) employ or have the ability to engage persons with relevant experience and qualifications in the field of plant protection to carry out state control measures and/or other official measures;
- 6) have facilities and equipment maintained in proper and working condition necessary for the implementation of state control measures and/or other official measures;
- 7) have the legal authority to carry out state control measures and/or other official measures;
- 8) have legal grounds for access to the premises and documents kept by market operators by persons entitled to carry out state control measures and/or other official measures.

Article 74. Requirements for State Control Measures

1. The implementation of state control measures shall be aimed at preventing and detecting possible violations of the plant protection legislation.

2. State control measures shall be carried out in relation to the objects of state control on a regular and continuous basis with the frequency determined taking into account and based on the risk-based approach, in accordance with the long-term state control plan and the annual state control plan.

3. Unscheduled state control measures shall be carried out in cases established by the [Law of Ukraine](#) “On Basic Principles of State Supervision (Control) in the Field of Economic Activity.” When conducting unscheduled state control measures, only the issues stipulated in the decision (order) on conducting unscheduled state control measures shall be checked.

4. The criteria for assessing the degree of risk from activities in the field of plant protection and determining the frequency of state control measures shall be approved by the Cabinet of Ministers of Ukraine.

5. When planning state control measures, the following must be taken into account:

- 1) the degree of risk from activities in the field of plant protection;
- 2) any information indicating the likelihood that consumers may be misled;
- 3) results of previous state control measures;
- 4) reasonable information indicating inconsistency with the requirements of plant protection legislation;
- 5) location of the market operator and the type of activity it carries out.

6. When planning state control measures regarding the activities of the market operator related to the handling of plant protection products, the following information must be additionally provided:

- 1) on unregistered plant protection products, including the illegal sale of plant protection products, as well as the results of relevant state control measures taken by other state authorities;
- 2) on poisoning and other emergencies related to plant protection products;
- 3) on the inconsistency of the plant protection product with the terms of registration and/or the terms of placement on the market.

7. State control measures shall be carried out without prior notification of the market operator, unless such notification is necessary and appropriate to achieve the purpose of state control.

State control measures carried out at the request of the market operator may be carried out in accordance with the decision of the competent authority with or without prior notification of the market operator.

The implementation of state control measures with early notification of the market operator shall not prevent the implementation of state control measures without early notification.

In case of early notification of the market operator of the state control measures, such notification in writing, indicating the date of commencement and termination of the state control measure, shall be sent (delivered) to the market operator at least three business days before the commencement of such measure in any manner that ensures confirmation of such notification.

8. The decision of an official of the competent authority on the implementation of a state control measure taken within his/her powers and in accordance with this Law shall be binding.

9. Measures of state control over opportunities must be implemented in a manner that minimizes the administrative burden on the market operator and interference with its business activities, without reducing the effectiveness of state control.

Article 75. Methods and Ways of Implementing State Control Measures and Other Official Measures

1. Methods and ways of implementing state control measures and other official measures shall include:

- 1) inspection of equipment, vehicles, premises, and other places used by the market operator, as well as plants, plant products, and other articles;
- 2) inspection of traceability records, as well as other documents that may be relevant to assessing compliance with plant protection legislation, including, if necessary, documents accompanying plants, plant products, and other articles, plant protection products;
- 3) documentary inspection, conformity check, physical inspection of cargoes with plants, plant products, and other articles, plant protection products;

4) sampling and laboratory testing of plants, plant products, and other articles, plant protection products;

5) audit or inspection of authorized persons;

6) observation;

7) other measures determined by this Law necessary to identify cases of inconsistency with plant protection legislation.

Article 76. Documentation of State Control Measures and Other Official Measures

1. The competent authority shall document the implementation of state control measures and other official measures in accordance with legislation.

2. The documents of the competent authority drawn up during the organization, implementation, and based on the results of state control measures, in particular, shall be as follows:

1) a decision (order) on conducting state control measures;

2) certificate (referral) for state control measures;

3) a report drawn up based on the results of state control measures;

4) instructions, orders, protocols;

5) decisions in cases of administrative offenses;

6) resolutions on imposing administrative and economic sanctions;

7) claims for compensation of losses (damage) caused to the state as a result of violation of plant protection legislation.

3. Forms of documents drawn up as a result of state control measures shall be approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

4. The report drawn up on the basis of the results of state control measures shall include, in particular, the following information:

1) date of the report;

2) type of state control measure (scheduled or unscheduled);

3) position, first and last name of the official who carried out the state control measure;

4) name of the market operator whose activities were subject to the state control measure;

5) description of the purpose of the state control measure;

6) methods of state control applied;

7) results of the state control measure;

8) measures to be taken by the market operator based on the results of the state control measure at the request of the competent authority;

9) an exhaustive list of questions to check the market operator's compliance with plant protection legislation with reference to the provisions of the regulation (article, its part, clause, subclause, paragraph) to be observed and/or implemented by the market operator.

5. If a market operator creates obstacles for an official of the competent authority in carrying out state control measures, the report drawn up on the basis of the results of state control measures shall contain a description of the actions or inaction that led to the creation of such obstacles.

6. It shall be prohibited to carry out state control measures in respect of issues that:

- 1) are absent in the report drawn up on the basis of the results of state control measures;
- 2) do not contain references to the provisions of the regulation (article, its part, clause, subclause, paragraph) to be observed and/or implemented;
- 3) do not apply to a market operator subject to state control measures.

If the state control measures reveal inconsistency with the requirements of plant protection legislation, the report drawn up on the basis of the results of the state control measures shall contain a detailed description of the violations identified with reference to the relevant requirements of plant protection legislation.

7. A report based on the results of state control measures shall be drawn up on the last day of state control measures in two copies, each signed by an official of the competent authority that carried out the state control measures and the market operator in respect of which such measures were carried out, and shall be submitted to the market operator within five business days.

8. If the market operator disagrees with the report drawn up as a result of state control measures, it shall sign it with comments. The market operator's comments on the implementation of state control measures shall be an integral part of such a report.

9. In case of refusal of the market operator to sign the report drawn up on the basis of state control measures, the official of the competent authority shall make a corresponding entry in such act.

10. One copy of the report drawn up on the basis of the results of state control measures shall be handed over to the market operator, and the other shall be kept by the competent authority.

11. Officials of the competent authority, as well as market operators, shall have the right to record the process of implementing state control measures by means of audio and video equipment.

12. Persons conducting other official measures shall be obliged to:

- 1) draw them up in compliance with the requirements of plant protection legislation;
- 2) keep records of other official measures (in paper and/or electronic form);
- 3) at the request of the competent authority, provide information on other official measures taken by them.

Article 77. Audit of the Competent Authority

1. The external audit of the competent authority shall be conducted by the decision of the central executive body that ensures the formation and implementation of the state policy on plant protection. The results of such an audit shall be published on the official website of the central executive body that ensures the formation and implementation of the state policy on plant protection and sent to the competent authority within one month from the date of completion of the audit.

2. The internal audit of the competent authority shall be conducted at least once every two years by the decision of the competent authority. The results of such an audit shall be published on the official website of the competent authority by April 1 of the year following the reporting year.

3. Based on the results of each audit, the competent authority shall take the necessary measures to ensure consistency with the requirements of this Law and publish information on their implementation on its official website.

4. The procedure for conducting an audit of the competent authority shall be approved by the Cabinet of Ministers of Ukraine.

Article 78. Long-Term State Control Plan

1. State control and other official measures shall be carried out on the basis of a long-term state control plan.

2. The long-term state control plan shall be developed and approved by the competent authority.

3. Development of a long-term plan for state control shall:

- 1) be based on the principles of compliance, consistency, and accountability;
- 2) take into account all activities of the competent authority to verify compliance with the requirements of plant protection legislation, as well as to eliminate the consequences of non-compliance and bring to justice for violations of plant protection legislation.

4. The long-term state control plan shall contain general information on the structure and organization of state control and shall include:

- 1) strategic goals and a description of how they are taken into account in setting priorities for state control and allocating resources for its implementation;
- 2) categorization of state control risks;
- 3) tasks and available resources to ensure their fulfillment;
- 4) assigning authorized persons to carry out other official measures;
- 5) general principles of organization and management of state control;
- 6) coordination of activities of the competent authority and persons authorized by it to carry out other official measures, as well as other executive authorities in cases established by law;
- 7) procedures and mechanisms that ensure consistency with the basic principles of state control and other official measures;
- 8) professional development of officials of the competent authority;
- 9) procedures for exercising state control in accordance with this Law.

5. The long-term state control plan shall be published on the official website of the competent authority, except for the information, the publication of which may adversely affect the effectiveness of the state control.

6. The competent authority shall implement the long-term state control plan by drawing up, approving, and implementing annual plans of state control, evaluating their implementation, as well as by planning and implementing measures to eliminate identified deficiencies.

7. The long-term state control plan shall be amended in case of:

- 1) amendments to the plant protection legislation;
- 2) emergence of new pests or other risks, including those related to plant protection products, human life and health, animals, plants, and the environment;
- 3) changes in the structure, management, or functions of the competent authority;
- 4) the need to make changes based on the results of: the implementation of the annual state control plan; obtaining new scientific or other data, including recommendations of international organizations; inspection of the state control system of Ukraine by representatives of the competent authority of a foreign state.

8. The competent authority shall review and amend the long-term state control plan within 60 days from the date of occurrence of the circumstance provided for in [part 7](#) of this Article.

Article 79. Annual State Control Plan

1. Scheduled state control measures shall be carried out by the competent authority in accordance with the annual state control plan.

2. The annual state control plan for the next year shall be developed and approved by the competent authority by December 1 of the current year and posted on its official website.

3. The planning period shall be a year calculated from January 1 to December 31 of the planning year.

4. During the planning period, it shall not be allowed to carry out more than one planned state control measure in relation to one market operator.

5. The annual state control plan must comply with the long-term state control plan, be formed taking into account the criteria for assessing the degree of risk from the market operator's activities and determining the frequency of planned state control measures, as well as determine the number of samples of plants, plant products, other articles, plant protection products for which laboratory testing is carried out.

6. The annual state control plan may also include the annual state monitoring plan in the field of plant protection.

Article 80: Ensuring Transparency and Annual Report on the Implementation of the Long-Term and Annual State Control Plans

1. The competent authority shall be obliged to carry out state control measures in a manner that ensures a high level of transparency.

2. The competent authority shall be obliged to, annually, by April 1 of the year following the reporting year, submit to the Cabinet of Ministers of Ukraine and publish an annual report on the implementation of the long-term plan and annual state control plan for the previous year, which contains generalized information on:

1) changes made to the long-term state control plan during the reporting year, their reasons, and justification;

2) general analysis of the results of state control measures taken during the reporting year;

3) type, number, and results of state control measures;

4) type and number of identified cases of inconsistency with plant protection legislation;

5) type and number of cases of detection of violations of plant protection legislation and measures taken in relation to them;

6) type and number of cases of bringing to liability for violation of plant protection legislation provided for by law.

3. The annual report in terms of information that enables unambiguous identification of the market operator held liable for violation of plant protection legislation shall be published not earlier than the expiration of the term for appealing the relevant resolution (decision), and in case of appeal — not earlier than the final resolution of the relevant dispute by the competent authority or court.

4. The form of the annual report on the status of implementation of the long-term plan and the annual state control plan for the previous year shall be approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

Article 81. General Requirements for Financing State Control and Other Official Measures

1. State control and other official measures shall be financed at the expense of the State Budget of Ukraine, except as provided for by this Law, in the amount sufficient to provide human and other

resources necessary for proper and effective implementation of the state control and other official measures.

2. The sources of financing of the activities of the competent authority for the implementation of state control measures and other official measures may be the funds received by the special fund of the State Budget of Ukraine from the provision of administrative and other paid services by the competent authority.

3. Funding for the development and implementation of national, regional, interstate targeted plant protection programs, as well as measures to prevent the spread, localization, and eradication of pests shall be provided from the state budget, local budgets, and other sources not prohibited by legislation.

Article 82. State Control and Other Official Measures Financed by Market Operators

1. State control and other official measures shall be financed by market operators in the case of:

1) exercising state control over commodities and vehicles imported into the customs territory of Ukraine, including for the purpose of cargo transit;

2) if state control or other official measures are taken at the request of the market operator;

3) if the state control is carried out to verify the elimination by the market operator of violations of plant protection legislation detected during the implementation of state control measures;

4) if state control and other official measures are necessary to assess the extent and consequences of the violation of plant protection legislation;

5) conducting other unscheduled state control measures, except for unscheduled measures carried out at the request of an individual regarding the violation of his/her legal rights by a market operator, if the results of such measures do not confirm the violation.

2. The cost of state control and other official measures financed by market operators may not exceed the amount of expenses for:

1) remuneration of employees of the competent authority and its territorial bodies directly involved in state control and other official measures, and related expenses for taxes and other payments required by law;

2) maintenance (operation) of premises, tools, equipment necessary for state control and other official measures;

3) stationery used in the course of state control and other official measures;

4) official business trips of employees of the competent authority and its territorial bodies directly involved in state control and other official measures;

5) sampling and conducting laboratory tests.

3. To cover the costs associated with state control and other official measures, market operators may be charged other fees in addition to those provided for in this Article, which are determined by law.

Article 83. Determination of the Amount of Fees for State Control and Other Official Measures

1. The amount of fees for state control and other official measures, including those financed by market operators, shall be approved by the Cabinet of Ministers of Ukraine, taking into account the calculation made by the competent authority.

2. The amount of fees for state control and other official measures, including those financed by market operators, for the provision of administrative and other paid services in accordance with this Law shall be equal to the actual costs of their provision. The procedure for charging fees for state control and other official measures shall be established by the Cabinet of Ministers of Ukraine.

3. The competent authority shall annually publish on its official website the calculation of the amount of fees for state control and other official measures, including those financed by market operators, provision of administrative and other paid services in accordance with this Law, as well as a report on the use of funds received from market operators as fees for state control and other official measures.

4. The fee for the state control of commodities and vehicles imported into the customs territory of Ukraine, including for the purpose of transit of cargoes, in the amount not exceeding the fee for the inspection of documents for commodities and vehicles (containers), shall be included in the single fee in accordance with the [Law of Ukraine](#) “On the Single Fee Collected at Checkpoints (Control Points) across the State Border of Ukraine.”

Article 84. Administrative and Other Paid Services in the Field of Plant Protection

1. The competent authority shall provide administrative services and other paid services in the field of plant protection, the list of which is determined exclusively by this Law.

2. The competent authority shall provide the following administrative services in the field of plant protection:

- 1) issuance of authorization documents provided for by this Law;
- 2) issuance of a phytosanitary certificate, a phytosanitary certificate for re-export;
- 3) state registration of persons in the field of plant protection;
- 4) entering information into the state registers in the field of plant protection and issuing extracts from the said registers;
- 5) issuance of a plant passport;
- 6) issuance of a training certificate.

3. The competent authority shall provide the following paid services in the field of plant protection:

- 1) inspection, observation, and sampling;
- 2) establishing (confirming) the status of a pest-free place of production (production site);
- 3) establishing the phytosanitary status of plants and plant products and providing recommendations on plant protection measures.

4. The establishment of new or the abolition of existing administrative services and other paid services in the field of plant protection provided by the competent authority shall be carried out only by amending this Law.

Section XI. INTERNATIONAL COOPERATION IN THE FIELD OF PLANT PROTECTION

Article 85. International Cooperation in the Field of Plant Protection

1. Ukraine participates in international cooperation in the field of plant protection by:

- 1) participation in the work of relevant international organizations;

2) conclusion of international agreements, including bilateral agreements on mutual recognition of phytosanitary measures;

3) improving plant protection legislation, including by developing new phytosanitary measures based on international experience;

4) conducting joint research;

5) development and implementation of international plant protection programs;

6) exchange of information in the field of plant protection with foreign countries and international organizations, learning from international experience;

7) organizing and participating in international conferences, congresses, symposia, exhibitions, etc.;

8) adaptation of the plant protection legislation to the EU legislation.

2. The developed phytosanitary measure shall be published on the official website of the executive authority that developed it and shall be notified through the National Notification Authority at least 60 days prior to the date of its application in accordance with the provisions of the relevant international agreements, except for phytosanitary measures applied in case of emergency.

In case of emergency circumstances, phytosanitary measures may be applied prior to notification made through the National Notification Authority, provided that such notification is made immediately and is immediately published on the official website of the executive body that adopted such phytosanitary measure.

A phytosanitary measure that abolishes or reduces restrictions in international trade may be applied from the date of its adoption.

Adopted phytosanitary measures shall be subject to publication in the official printed media.

Article 86. Recognition of Equivalence of Phytosanitary Measures Implemented in a Foreign Country

1. Phytosanitary measures applied in a foreign country shall be recognized as equivalent to those applied in Ukraine if such foreign country proves on the basis of scientifically based information that such measures meet or exceed the appropriate level of phytosanitary protection as compared to those applied in Ukraine.

2. The effectiveness of phytosanitary measures implemented in a foreign country shall be determined in accordance with international standards for phytosanitary measures of the [International Plant Protection Convention](#).

3. To recognize equivalence, phytosanitary measures applied in a foreign country shall be evaluated to determine their effectiveness in reducing pest risk.

4. The equivalence of the system of phytosanitary measures of a foreign state to the phytosanitary measures applied in Ukraine shall be determined by the competent authority on the basis of the evaluation criteria specified in [part 5](#) of this Article and with the frequency determined in accordance with [part 6](#) of this Article.

5. The evaluation of phytosanitary measures shall be carried out according to the following criteria:

1) provisions of plant protection legislation in force in a foreign country;

2) organizational structure of the competent authority of a foreign state, its competence;

3) the level of material and technical support of the competent authority of the foreign state, including the possibility of conducting laboratory tests to establish the phytosanitary status of plants, plant products, or other articles;

4) availability of systems that ensure traceability in the field of plant protection;

5) availability of pest-free places of cultivation, production, or sites, or free zones;

6) phytosanitary condition of the territory of a foreign state;

7) peculiarities of the implementation of phytosanitary measures by a foreign state with respect to plants, plant products, and other articles imported (shipped) to its territory.

6. The frequency of evaluation of phytosanitary measures taken in a foreign country shall be determined depending on:

1) frequency of amendments to the legislation of a foreign country;

2) volume and nature of imports from a foreign country;

3) results of phytosanitary measures taken by a foreign country;

4) results of state control measures in respect of cargoes originating from a foreign country and other phytosanitary measures;

5) information received from international and regional organizations in the field of plant protection or other official sources;

6) information on the emergence of regulated pests as a result of imports of relevant plant species, plant products, and other articles.

7. The competent authority shall recognize phytosanitary measures implemented in a foreign country as equivalent if the results of the assessment establish that such phytosanitary measures ensure the achievement of an appropriate level of phytosanitary protection.

8. Based on the results of consultations, inspections, and agreements, the competent authority shall decide to recognize the phytosanitary measures taken in a foreign country as equivalent or to refuse such recognition.

Section XII. RESPONSE MEASURES AND LIABILITY FOR VIOLATIONS OF PLANT PROTECTION LEGISLATION

Article 87. Response Measures in Case of Detection of Violation of Plant Protection Legislation

1. In the event of a reasonable suspicion that a market operator has violated the requirements of the plant protection legislation, the competent authority shall take appropriate state control measures to establish or not establish such a violation.

2. In case of detection of violation of the requirements of plant protection legislation, the competent authority shall take the response measures necessary to eliminate or minimize risks to human life and health, animals, plants, and the environment, as well as to:

1) ensure that the market operator eliminates the detected violation and complies with the requirements of plant protection legislation, as well as prevent the occurrence of such violations;

2) clarify the reasons for the violation of plant protection legislation.

3. Response measures necessary to eliminate or minimize risks to human life and health, animals, plants, and the environment, as well as to comply with the requirements of plant protection legislation, in particular, shall be as follows:

1) processing of commodities and/or correction of information about the commodity provided to consumers;

2) restriction or prohibition of placing on the market, circulation, movement, importation (shipment) into the customs territory of Ukraine, or exportation from it of commodities that are inconsistent with the requirements of this Law and pose a threat to human health and/or the environment;

3) prohibition of return of commodities that are inconsistent with the requirements of this Law and pose a threat to human health and/or the environment to the exporting state or return of such commodities to the exporting state;

4) recall, withdrawal, transfer, or destruction of commodities that are inconsistent with the requirements of this Law and pose a threat to human health and/or the environment, unless it is possible to change the intended purpose of such commodities;

5) revocation or invalidation of state registration in the field of plant protection, powers provided for by this Law;

6) other measures provided for by law.

4. When determining the response measures, the competent authority shall take into account the nature (consequences) of the detected inconsistency with plant protection legislation and the relevant records of the market operator related to compliance with the requirements of plant protection legislation relating to the detected inconsistency or violation of plant protection legislation.

5. The competent authority shall provide the market operator in writing with:

1) a decision on actions or measures to be taken by the market operator, indicating the basis for its adoption;

2) comprehensive information on the market operator's right to appeal such a decision, including information on the procedure and terms of such appeal.

6. All expenses related to the implementation of the decision of the competent authority made in accordance with this Article shall be borne by the market operator that is obliged to implement such decision. In case of refusal of the market operator or failure to comply with the decision of the competent authority regarding actions or measures to be taken by the market operator within the established time limits, the competent authority shall have the right to take such measures independently with further compensation of the costs incurred by the market operator in accordance with the procedure determined by the central executive body that ensures the formation and implementation of the state policy on plant protection.

Article 88. Liability of Market Operators for Violation of Plant Protection Legislation

1. Market operators (legal entities and individual entrepreneurs) shall be liable for committing the following offenses:

1) carrying out activities of a professional user, distributor, consultant, professional operator without state registration in the field of plant protection, if such state registration is required by this Law

shall entail a fine of five to ten minimum wages for legal entities and three to six minimum wages for individual entrepreneurs;

2) failure to ensure traceability in the field of plant protection, failure to submit plants, plant products, and other articles and/or plant protection products for state control

shall entail a fine of five to ten minimum wages for legal entities and three to six minimum wages for individual entrepreneurs;

3) violation of the requirements of the plant protection legislation regarding the circulation of plants, plant products, and other articles or the application of phytosanitary measures and procedures, which led to the introduction or spread of regulated pests

shall entail a fine of five to eight minimum wages for legal entities and three to five minimum wages for individual entrepreneurs;

4) transportation of plants, plant products, or other articles through the territory of Ukraine without a plant passport, if the plant passport is required by this Law

shall entail a fine of five to eight minimum wages for legal entities and three to five minimum wages for individual entrepreneurs;

5) violation of the Rules for Handling Plants, Plant Products, and Other Articles Imported (Shipped) to the Customs Territory of Ukraine as Trade (Exhibition) Samples

shall entail a fine of twelve to eighteen minimum wages for legal entities and five to twelve minimum wages for individual entrepreneurs;

6) carrying out activities of a professional user, distributor, or consultant related to the handling of plant protection products by persons who do not hold a training certificate in the safe handling of plant protection products, if such a certificate is required by this Law

shall entail a fine of twelve to eighteen minimum wages for legal entities and seven to twelve minimum wages for individual entrepreneurs;

7) failure to notify or untimely notification by a professional user of the planned use of plant protection products by submitting an early notification of the use of plant protection products, if the obligation to submit such an early notification is provided for by this Law, or submission of an early notification that does not contain all the information provided for by this Law

shall entail a fine of ten to fifteen minimum wages for legal entities and five to ten minimum wages for individual entrepreneurs;

8) inconsistency with regulations on the use of plant protection products

shall entail a fine of ten to fifteen minimum wages for legal entities and eight to twelve minimum wages for individual entrepreneurs;

9) operation by professional users of equipment for the application of plant protection products that is technically defective and/or equipment for which a technical inspection was not carried out in a timely manner

shall entail a fine of ten to fifteen minimum wages for legal entities and eight to twelve minimum wages for individual entrepreneurs;

10) violation of the Rules for Handling of Plant Protection Products

shall entail a fine of twelve to eighteen minimum wages for legal entities and five to twelve minimum wages for individual entrepreneurs;

11) manufacture or sale of counterfeit plant protection products

shall entail a fine of twenty to thirty minimum wages for legal entities and eighteen to twenty-five minimum wages for individual entrepreneurs;

12) refusal to admit the state phytosanitary inspector to the state control on the grounds not provided for by law

shall entail a fine of twenty-five to thirty minimum wages for legal entities and eighteen to twenty-five minimum wages for individual entrepreneurs;

13) failure to fulfill, untimely fulfillment of an order of an official of the competent authority, its territorial body to eliminate violations of plant protection legislation

shall entail a fine of ten to fifteen minimum wages for legal entities and eight to twelve minimum wages for individual entrepreneurs.

2. If the market operator commits the offense provided for in [clauses 1–4](#) of part 1 of this Article, for the first time the state phytosanitary inspector shall issue to the market operator an order to eliminate violations of the plant protection legislation without drawing up the protocol provided for in [Article 89](#) of this Law.

3. Repeated commission within a year of any of the violations provided for in [part 1](#) of this Article, for which a fine was imposed on the market operator

shall entail the imposition of a fine on market operators in the amount of double the amount of the fine established by [part 1](#) of this Article for the respective offense.

Article 89. Proceedings in Cases of Violation of Plant Protection Legislation

1. Proceedings in cases of violation of plant protection legislation by market operators (legal entities, individual entrepreneurs) shall be conducted in accordance with this Article.

2. A fine for violation of plant protection legislation may be imposed within six months following the date of detection of the offense, but not later than one year from the date of its commission.

3. State phytosanitary inspectors shall have the right to draw up a report of violation of plant protection legislation (hereinafter referred to as the “report”) based on the results of state control measures.

4. The report shall indicate:

- 1) date and place of its execution;
- 2) position, first and last name of the official who drew up the report;
- 3) information about the person in respect of whom the report was drawn up (name and location of the legal entity or the first and last name and place of residence of the individual entrepreneur, contact details);
- 4) place, time, and nature of the violation of plant protection legislation;
- 5) reference to the provision of a regulation (indicating the relevant article, part, clause, or paragraph) that was violated by the person against whom the report was drawn up;
- 6) reference to the state control report and other evidence confirming the violation of plant protection legislation by the person against whom the report was drawn up;
- 7) first and last name, place of residence, contact details of witnesses or victims, and their explanations (if any);
- 8) explanation of the person against whom the report has been drawn up, or their representative, or a record of rejection to provide an explanation;
- 9) other information contributing to a comprehensive and objective consideration and resolution of the case (if any).

5. The form of the report shall be approved by the central executive body that ensures the formation and implementation of the state policy on plant protection.

6. The person in respect of whom the report has been drawn up or their representative shall have the right to state in the report or on a separate sheet attached to the protocol their explanation of the content of the report, certifying it with their personal signature. If the person against whom the report has been drawn up or their representative refuses to provide an explanation, a corresponding entry shall be made in the report. The explanations of witnesses and/or victims set forth in the protocol or on a separate sheet attached to the report are certified by their signatures.

7. The report shall be drawn up in duplicate and signed by the person who drew it up. One copy of the report shall be handed over to the person in respect of whom the report was drawn up or his/her representative with their personal signatures, and the second copy shall be kept by the competent authority or its territorial body. In case of rejection of the person in respect of whom the report has been drawn up or their representative to receive a copy of the report, a corresponding entry shall be made therein, and no later than the next business day after the report is drawn up, the report shall be sent to such person by registered mail. If the person against whom the report has been drawn up fails to provide information about their location (place of residence), the report shall be sent to the address specified in the Unified State Register of Legal Entities, Individual Entrepreneurs, and Public Organizations and shall be deemed served regardless of the fact of its receipt by such person.

8. The case on violation of plant protection legislation shall be considered by the competent authority or its territorial body. Chief state phytosanitary inspectors or their deputies shall have the right to consider cases on behalf of these authorities.

9. The case shall be considered not later than 15 business days from the date of receipt by the relevant official of the report and other case files. At the written request of the person against whom the report has been drawn up, the case consideration shall be postponed, but not more than for 10 business days, for the purpose of submitting additional materials or for other valid reasons.

10. The time and place of the case hearing shall be notified to the person against whom the report has been drawn up at least five business days before the case hearing. The notice of the time and place of the hearing shall be delivered to the person against whom the report has been drawn up or his/her representative with their personal signatures, or sent by registered mail. A notice of the time and place of consideration of a case sent by registered mail to the address of the person against whom the protocol has been drawn up, as indicated in the Unified State Register of Legal Entities, Individual Entrepreneurs, and Public Organizations, shall be deemed to have been served regardless of the fact of its receipt by such person.

11. The case may be considered in the absence of the person against whom the report has been drawn up, if there is information about their proper notice of the time and place of the case hearing and if no request for postponement of the case hearing has been received from them.

12. The person in respect of whom the report has been drawn up shall have the right to familiarize himself/herself with the case materials, provide explanations, submit evidence, file requests, use legal assistance of a lawyer or other legal professional, and appeal the decision in the case.

13. A case may not be initiated, and an initiated case shall be dismissed in the event of:

- 1) the absence of an event or elements of a violation of plant protection legislation;
- 2) invalidation of the provisions of this Law establishing liability for violation of plant protection legislation;
- 3) expiration of the period specified by this Law during which a fine may be imposed;
- 4) the existence of a fine order or an unrevoked decision to close a case issued against the same person for the same fact of violation of plant protection legislation;

- 5) liquidation of the legal entity against which the report has been drawn up;
- 6) death of an individual entrepreneur against whom the report has been drawn up.

14. Based on the results of the consideration of the case, the authorized officials shall issue one of the following resolutions:

- 1) on imposition of a fine;
- 2) on closing the case.

15. The decision in the case must contain the following information:

- 1) position, first and last name of the official who made the resolution;
- 2) date and place of execution;
- 3) information about the person in respect of whom the resolution was made, as well as the victim (if any);
- 4) description of the circumstances established during the proceedings and the evidence supporting them;
- 5) reference to the provisions of plant protection legislation that were violated and/or an indication of the grounds for closing the case;
- 6) reference to the provisions of this Law that provide for liability for the offense committed;
- 7) decision made in the case.

The resolution in the case must meet the requirements for an enforcement document set forth in the [Law of Ukraine](#) “On Enforcement Proceedings.”

16. The resolution in the case shall be delivered to the person in respect of whom it was issued or to his/her representative with their personal signatures or sent by registered mail within three business days following the date of its issuance.

17. The victim and the person in respect of whom the decision in the case was made have the right to appeal against it in an administrative (pre-trial) procedure within one month from the date of its issuance or to the court in the manner prescribed by law. A complaint against a decision in a case filed in the administrative (pre-trial) procedure remains without consideration in the event that the decision is appealed to the court.

18. If the last day of the deadline for filing an appeal against a ruling in an administrative (pre-trial) proceeding falls on a weekend, holiday, or non-business day, the last day of the deadline shall be the business day following the weekend, holiday, or non-business day. Upon the relevant application of the complainant, the body (official) authorized to consider the complaint shall extend this period if the reasons for its omission are recognized as valid.

19. An appeal against the decision in the case in the administrative (pre-trial) procedure shall be made by filing a complaint with the competent authority through the territorial body of the competent authority that issued the relevant decision. The complaint received by the territorial body of the competent authority shall be transferred (sent) together with the case to the competent authority within three business days and considered by the Chief State Phytosanitary Inspector of Ukraine or his/her deputy within 10 business days from the date of its receipt.

20. Based on the results of consideration of an appeal against a decision in an administrative (pre-trial) proceeding, one of the following decisions shall be made:

- 1) to uphold the resolution and dismiss the complaint;
- 2) to cancel the resolution and close the case;

3) to cancel the resolution and adopt a new resolution.

21. A resolution in a case that has not been appealed within the time limit established by law shall enter into force upon expiration of the time limit for appeal. A resolution in the case appealed in an administrative (pre-trial) procedure shall enter into force upon expiration of one month from the date of adoption of the decision provided for in [clauses 1 and 2](#) of part twenty of this Article, and the decision provided for in [clause 3](#) of part 20 of this Article — from the moment of its proclamation. A resolution in a case appealed to a court shall enter into force on the date the relevant court decision enters into force.

22. The penalty shall be paid within 15 days from the date of entry into force of the resolution imposing the penalty. Payment of a fine shall not relieve the person against whom the decision in the case was made from the obligation to eliminate the offense, as well as from the obligation to compensate for the damage (losses) caused by it.

23. Unless the fine is paid within the period established by [part 22](#) of this Article, the resolution on imposition of the fine shall be enforced in accordance with the procedure established by the [Law of Ukraine](#) “On Enforcement Proceedings.” The amounts of fines shall be credited to the state budget.

24. To calculate fines for violation of this Law, the minimum wage established by the law on the State Budget of Ukraine as of January 1 of the calendar year of the violation shall be applied.

Section XIII. FINAL AND TRANSITIONAL PROVISIONS

1. This Law shall enter into force three years after its publication, except for [item “c”](#) of subclause 3, [subclause 10, 11, paragraphs 3 and 4](#) of item “a,” [items “c”–“d”](#) of subclause 16, [subclauses 18, 20](#) of clause 3, [clause 5](#) of this section, which shall enter into force on the day following the day of publication of this Law.

2. The following shall be recognized as invalid from the date of entry into force of this Law:

[the Law of Ukraine “On Plant Quarantine”](#) (Bulletin of the Supreme Rada of Ukraine, 1993, No. 34, Article 352, as amended);

[The Resolution of the Supreme Rada of Ukraine “On the Procedure for Enactment of the Law of Ukraine “On Plant Quarantine”](#) (Bulletin of the Supreme Rada of Ukraine, 1993, No. 34, Article 353);

[The Law of Ukraine “On Plant Protection”](#) (Bulletin of the Supreme Rada of Ukraine, 1998, No. 50–51, Article 310 as amended).

3. To amend the following laws of Ukraine:

1) in the [Law of Ukraine](#) “On Pesticides and Agrochemicals” (Bulletin of the Supreme Rada of Ukraine, 1995, No. 14, Article 91, as amended):

a) in [Article 1](#):

in part 1:

the [definitions](#) of the terms “obtaining a certificate of the right to work with pesticides,” “certificate of the right to work with pesticides,” “certificate of training in the safe handling of pesticides” shall be deleted;

the [definitions](#) of the terms “application regulations” and “counterfeit pesticides and agrochemicals” shall be amended to read as follows:

“application regulations shall mean a set of requirements for the formulation of plant protection products and agrochemicals determined during state registration”;

“counterfeit pesticides and agrochemicals shall mean pesticides and agrochemicals produced in violation of the requirements established by law, in particular, regarding the use of trademarks for goods and services, or by copying the form, packaging, external design, or direct reproduction of the commodity of another manufacturer without its permission”;

part 2 shall be amended to read as follows:

“The terms “plant protection products,” “plant protection,” “handling of plant protection products” shall be used in this Law in the meanings given in the Law of Ukraine “On State Regulation of Plant Protection”;

b) in [part 1 of](#) Article 2, the words “and other legislative acts adopted in accordance with it” shall be replaced with the words “the Law of Ukraine “On State Regulation of Plant Protection” and other legislative acts adopted in accordance with them”;

c) Article 10¹ shall be supplemented as follows:

“Article 10-1: Requirements for Advertising of Pesticides and Agrochemicals

Advertising of pesticides and agrochemicals that have not been state-registered in Ukraine shall be prohibited, except for agrochemicals permitted for importation into the customs territory of Ukraine, production, trade, use, and advertising without their state registration, in accordance with the list specified in this Law. Pesticides and agrochemicals shall be advertised in accordance with the [Law of Ukraine](#) “On Advertising”;

d) [part 2](#) of Article 11 shall be amended to read as follows:

“Persons whose activities are related to the organization of work on the storage and/or use of pesticides or to the transportation, storage, use, trade in pesticides must hold a certificate of training in the safe handling of plant protection products issued in accordance with the Law of Ukraine “On State Regulation of the Plant Protection Sphere”;

e) in [Article 14](#):

in part 1, the words “to the bodies that keep state records” shall be replaced with the words “in accordance with the requirements of the legislation on pesticides and agrochemicals”;

part 2 shall be deleted;

f) in the text of [Article 16](#), the words “the central executive body that ensures the formation of the state agricultural policy” should be replaced with the words “the central executive body that ensures the formation and implementation of the state policy on plant protection”;

g) [Articles 16²](#) and [16⁶](#) shall be deleted;

h) in [part 1](#) of Article 16⁷, the words “on pesticide management” shall be replaced with the words “on pesticide management (except for the management of plant protection products in accordance with the Law of Ukraine “On State Regulation of the Plant Protection Sphere”)”;

2) in the [Law of Ukraine](#) “On Local Self-Government in Ukraine” (Bulletin of the Supreme Rada of Ukraine, 1997, No. 24, Article 170, as amended):

a) in [clause 45](#) of part 1 of Article 26, the words “for the violation of which administrative liability is provided” shall be replaced with the words “decisions on quarantine (demarcated) zones, and special plant protection regime”;

b) in [Article 43](#):

part 1 shall be supplemented with clause 43 as follows:

“43) to make decisions on combating natural disasters, epidemics, epizootics, decisions on quarantine (demarcated) zones, and special plant protection regime within the limits established by law”;

clause 2 of part 3 shall be deleted;

3) in the [Law of Ukraine](#) “On Beekeeping” (Bulletin of the Supreme Rada of Ukraine, 2000, No. 21, Article 157, as amended):

a) [Article 1](#) shall be supplemented with part 2 as follows:

“The term “plant protection products” shall be used in this Law in the meaning given in the Law of Ukraine “On State Regulation of the Plant Protection Sphere”;

b) [Articles 31](#) and [37](#) shall be amended to read as follows:

“Article 31. Protection of Bees in the Case of Application of Plant Protection Products in Agriculture and Forestry

The protection of bees in the case of the use of plant protection products in agriculture and forestry shall be carried out in accordance with this Law and the Law of Ukraine “On State Regulation of the Plant Protection Sphere.”

The use of plant protection products in agriculture and forestry shall be carried out in accordance with the Law of Ukraine “On State Regulation of the Plant Protection Sphere,” taking into account the requirements of Article 37 of this Law”;

“Article 37. Informing about Dangerous, Natural Hydrometeorological Phenomena and the Use of Plant Protection Products

The hydrometeorological service shall inform apiary owners and beekeepers about dangerous, natural hydrometeorological phenomena and their forecast, as well as about the state of the environment in accordance with the procedure established by legislation.

Persons who use plant protection products in agriculture or forestry shall be obliged to notify in advance the owners of apiaries and beekeepers whose apiaries are located at a distance of 8 kilometers from the outer perimeter of the area where plant protection products are used. Such notification shall be carried out by means of early notification of the use of plant protection products in the manner and within the time limits established by the Law of Ukraine “On State Regulation of the Plant Protection Sphere.”

In the event of transportation (nomadism) of an apiary, the owner of the apiary, a beekeeper, or a person authorized by him/her shall notify the local government body (village, town, city, district council) at the new location of the apiary and provide the following information at least three days prior to such transportation:

number and date of issue of the apiary passport;

number of bee families;

location of the land plot on which the apiary will be located (address and/or geographical coordinates and/or cadastral number of the land plot and/or other information that allows to establish the location of the land plot);

date and time from which the apiary will be located at the new location;

contact information (first and last name, phone number, and e-mail address to receive notifications through the electronic system of early warning of the use of plant protection products).

If the land plot on which the apiary is planned to be located, taking into account the 8-kilometer distance, covers in whole or in part the administrative territory of two or more local self-

government bodies, the notification provided for in part 3 of this Article shall be submitted by the owner of the apiary, the beekeeper, or his/her authorized person to all relevant local self-government bodies.

The owner of the apiary, beekeeper, or his/her authorized person, simultaneously with the fulfillment of the requirements provided for in part 3 of this article, shall notify the local self-government body (village, settlement, city, district council) at the previous location of the apiary of the departure from such place.

The notification provided for in part 3 of this Article shall be submitted by the apiary owner, beekeeper, or his/her authorized person to the local self-government body in paper (in person or by mail) or in electronic form (through the electronic system of early notification of the use of plant protection products).

The owner of an apiary, a beekeeper who has not notified the local self-government body (village, town, city, district council in a city) of the transportation (nomadism) of the apiary to the new location of the apiary in accordance with part 3 of this Article, assumes all risks of harm to bees or their death as a result of hazardous work (including the use of plant protection products);

c) [Section IX](#) “Final Provisions” shall be supplemented with clause 5 as follows:

“5. It shall be established that temporarily, until the Law of Ukraine “On State Regulation of the Plant Protection Sphere” enters into force, the notification provided for in part 2 of Article 37 of this Law may be made using the information and communication system “State Agrarian Register” in accordance with the procedure established by the Cabinet of Ministers of Ukraine”;

4) [part 4](#) of Article 32 of the Law of Ukraine “On Resorts” (Bulletin of the Supreme Rada of Ukraine, 2000, No. 50, Article 435, as amended) shall be amended to read as follows:

“In case of massive spread of especially dangerous and quarantine pests, the use of plant protection products in parks, forests and other green spaces located on the territory of the resort and/or health resort area shall be carried out in accordance with the laws of Ukraine “On State Regulation of the Plant Protection Sphere,” “[On the Nature Reserve Fund of Ukraine](#),” “[On the Red Book of Ukraine](#),” if the territory of the resort and/or health resort area is a part of the nature reserve fund”;

5) in <https://zakon.rada.gov.ua/laws/show/2894-14> the [Law of Ukraine](#) “On Wildlife” (Bulletin of the Supreme Rada of Ukraine, 2002, No. 14, Article 97, as amended):

a) [part 3](#) of Article 48 shall be deleted;

b) [Article 49](#) shall be amended to read as follows:

“Article 49. Restriction or Prohibition of the Use of Pesticides and Agrochemicals in Certain Territories

In order to preserve biodiversity in certain areas, the use of pesticides and agrochemicals may be prohibited or restricted in accordance with the Laws of Ukraine [“On Pesticides and Agrochemicals”](#) and “On State Regulation of the Plant Protection Sphere”;

6) in the [Law of Ukraine](#) “On Land Protection” (Bulletin of the Supreme Rada of Ukraine, 2003, No. 39, Article 349, as amended):

a) [paragraph 7](#) of Article 18 shall be deleted;

b) [part 1](#) of Article 40 shall be supplemented with the words “and the Law of Ukraine “On State Regulation of the Plant Protection Sphere”;

7) [paragraph 7](#) of Article 8 of the Law of Ukraine “On State Control over the Use and Protection of Land” (Bulletin of the Supreme Rada of Ukraine, 2003, No. 39, Article 350, as amended) shall be deleted;

8) in the [Law of Ukraine](#) “On Advertising” (Bulletin of the Supreme Rada of Ukraine, 2004, No. 8, Article 62 as amended):

a) in [Article 8](#):

clause 8 of part 1 shall be amended to read as follows:

“8) advertise commodities subject to mandatory certification, commodities for the production or sale of which a special permit, license, registration is required, unless the manufacturer or person selling the commodities has the relevant certificate, permit, license, registration”;

in paragraph 1 of part 2, the words “permit or license” shall be replaced with the words “permit, license, or registration,” and the words “no information on issuance” shall be replaced with the words “no information on registration, issuance”;

b) [Section III](#) shall be supplemented with Article 25³ as follows:

“Article 25³. Advertisement of Pesticides and Agrochemicals

1. An advertisement of pesticides and agrochemicals must contain the name of the product, the number and date of state registration, and be accompanied by a text or audio warning as follows: “Use pesticides and agrochemicals in a safe manner. Always read the label and information about a pesticide or agrochemical before using it.” Each warning that is presented in text form is allocated at least 15 percent of the area (volume) of the entire advertisement. An audio warning must be delivered at least once per video, but no less than once every 1 minute, and must be played at the same volume level as the rest of the video. The term “pesticide” in advertising may be replaced with a term that more accurately defines the type of product, such as “fungicide,” “insecticide,” or “herbicide.” The provisions of this part shall not apply to advertising of a trademark or name of a person (without advertising of services).

All words, numbers, and dates indicated in the advertisement in accordance with this part must be clearly legible and distinguishable from the background of the advertisement.

2. Advertisement must be consistent with the information specified on the label of the pesticide or agrochemical and/or in the instructions for use and/or in the information submitted for its state registration.

3. Advertisement of pesticides and agrochemicals shall be prohibited:

in print media and publications intended for children and youth;

during the broadcast of children’s shows;

in places where mass events of a political, religious nature, sports events and sports competitions, entertainment and educational events are held (except for special exhibition events and specialized educational events on pesticides and agrochemicals);

on the territory and on the premises of healthcare facilities, educational institutions (including preschool education), public catering establishments, and recreational facilities.

4. Advertisement of pesticides of hazard class I shall be prohibited, except for the cases of distribution of such advertising among a clearly limited number of persons who, in accordance with the Law of Ukraine “On State Regulation of the Plant Protection Sphere,” have been trained in the safe handling of plant protection products and are registered professional users, distributors, or consultants.

5. Statements used in the advertisement of pesticides and agrochemicals may contain only scientifically confirmed information.

6. Advertisement of pesticides and agrochemicals must not:

contain information in textual, graphic, or other form that may create a misleading impression of the safety of pesticides or agrochemicals for human life or health, animals, or the environment, in particular, the words “low risk,” “non-toxic,” “non-poisonous,” “harmless,” “safe,” and derivatives thereof;

encourage any other actions with pesticides or agrochemicals than those indicated on the label and/or in the instructions;

contain any demonstration of potentially hazardous practices, including mixing, use without proper protective clothing, use near food, use by children, or in close proximity to children.

7. Advertisement and promotional materials must draw attention to the warning marks and signs indicated in the marking of pesticides and agrochemicals”;

c) [part 1](#) of Article 26 shall be supplemented with a paragraph as follows:

“the central executive body that implements the state policy on plant protection — regarding the advertisement of pesticides”;

9) [paragraph 3](#) of part 3 of Article 2 of the Law of Ukraine “On the Authorization System in the Field of Economic Activity” (Bulletin of the Supreme Rada of Ukraine, 2005, No. 48, Article 483, as amended) shall be amended to read as follows:

“The issuance, refusal to issue, re-issuance, revocation of a permit for the import (shipment) into the customs territory of Ukraine of certain types of pests or plants, plant products, and other articles, and a permit for the application of plant protection products from the air shall be carried out in accordance with this Law, taking into account the specifics determined by the [Customs Code of Ukraine](#) and the Law of Ukraine “On State Regulation of the Plant Protection Sphere”;

[10](#) in the [Law of Ukraine](#) “On Plant Quarantine” (Bulletin of the Supreme Rada of Ukraine, 2006, No. 19–20, Article 167 as amended):

a) [Section I](#) shall be supplemented with Article 2¹ as follows:

“Article 2¹. “Phytosanitary Inspection System” information automated system

The “Phytosanitary Inspection System” automated information system (hereinafter referred to as “PHIS”) is designed for comprehensive integration of data, use of mechanisms and tools for collection, processing, storage, and automated exchange of data, information, and documents in the field of plant quarantine.

The central executive body that implements the state policy on plant quarantine shall be the holder, administrator, and technical administrator of PHIS.

The functions of the administrator, technical administrator of PHIS may be performed by a state enterprise or state institution belonging to the management of the central executive body that implements the state policy on plant quarantine, or other legal entity under public law designated by such central executive body.

PHIS shall be operated by the central executive body that implements the state policy on plant quarantine, taking into account the requirements of the legislation on the protection of information in information and communication systems and other legal requirements.

The processing of personal data in PHIS shall be carried out solely for the purpose of implementing the state policy on plant quarantine in accordance with legislation.

PHIS shall ensure:

formation (collection), processing, storage, exchange of information and documents related to measures to implement the state policy on plant quarantine;

functioning of the personal electronic cabinet.

The requirements for the functioning of PHIS, including its internal structure (modules), shall be developed and approved by the central executive body that implements the state policy on plant quarantine, and, in particular, include:

technical specifications of PHIS and its system components, including the mechanism of electronic data exchange with other information and communication systems, the definition of applicable standards, the definition of message structures, data dictionaries, and the procedure for the exchange of protocols and procedures;

determining the specifics of personal data protection in PHIS and its components and secure information exchange;

determining the specifics of PHIS interaction with other information and communication systems, electronic information resources, registers, and cadastres;

determining the measures to be taken in case of emergencies, including in case of unavailability of PHIS functionality;

determining the conditions and principles for the exchange of data, information, and documents through PHIS, including with foreign national plant protection organizations and international organizations.

The procedure for electronic registration of persons in PHIS, the definition of roles of PHIS users, and the functioning of the personal electronic cabinet shall be determined by the central executive body that implements the state policy on plant quarantine and approved by the central executive body that ensures the formation of the state policy on plant quarantine.

The procedure for access of third parties to personal data held by the central executive body implementing the state policy on plant quarantine as a public information manager shall be determined by the [Law of Ukraine](#) “On Access to Public Information” and other regulations.

PHIS shall be an object of state ownership.

Expenses related to the operation and use of PHIS shall be financed from the state budget and other sources not prohibited by law.

The processing of personal data in PHIS and access of third parties to personal data contained in PHIS shall be carried out in accordance with the [Law of Ukraine](#) “On Personal Data Protection”;

b) [paragraph 3](#) of part 1 of Article 36 shall be supplemented with the words “if such certificate is required in accordance with the applicable phytosanitary measures”;

c) in [Article 39](#):

paragraph 3 of part 1 shall be amended to read as follows:

“the object of regulation shall be accompanied by a valid phytosanitary certificate and/or a phytosanitary certificate for re-export, if such a certificate is required under the applicable phytosanitary measures”;

paragraph 4 of part 2 shall be amended to read as follows:

“a valid phytosanitary certificate and/or a phytosanitary certificate for re-export, if such a certificate is required under the applicable phytosanitary measures”;

11) in [Article 1](#) of the Law of Ukraine “On Veterinary Medicine” (The Bulletin of the Supreme Rada of Ukraine, 2007, No. 5–6, Article 53, as amended), the definition of the term “party” shall be amended to read as follows:

“consignment shall mean any quantity of commodities with the same name and properties determined by the manufacturer, produced or grown within the period of time determined by the manufacturer, under the same conditions at the same capacity (facility), having the same purpose, and transported by the same type of vehicle (regardless of the number of vehicles in which it is loaded)”;

12) [part 8](#) of Article 2 of the Law of Ukraine “On Basic Principles of State Supervision (Control) in the Field of Economic Activity” (Bulletin of the Supreme Rada of Ukraine, 2007, No. 29, Article 389, as amended) shall be amended to read as follows:

“The central executive body that implements the state policy on food safety and certain quality indicators, veterinary medicine, plant protection, its territorial bodies shall be obliged to ensure compliance, taking into account the specifics determined by the Laws of Ukraine [“On State Control over Compliance with Legislation on Food Products, Feed, Animal By-Products, Veterinary Medicine, and Animal Welfare,”](#) “On State Regulation of the Plant Protection Sphere,” only with the requirements of the following provisions of this Law:

- 1) parts 1, 4, 6, 7, paragraph 2 of part 10, parts 12–14 of Article 4;
- 2) parts 1 (except for paragraph 3, second sentence of paragraph 5, paragraphs 6 and 7) and 3 of Article 6;
- 3) parts 1–4, 6, 8–10 of Article 7;
- 4) parts 1 and 2 of Article 12;
- 5) Articles 13, 14, 15 (except for paragraph 3 of part 3), 16–18, 20, and 21”;

13) in the [List of Authorization Documents in the Field of Economic Activity](#) approved by the Law of Ukraine “On the List of Permitting Documents in the Field of Economic Activity” (Bulletin of the Supreme Rada of Ukraine, 2011, No. 47, Article 532, as amended):

- a) clause 83 shall be deleted;
- b) shall be supplemented with clauses 167 and 168 as follows:

“167.	Permit for Import (Shipment) into the Customs Territory of Ukraine of Certain Types of Pests or Plants, Plant Products, and Other Articles	Law of Ukraine “On State Regulation of the Plant Protection Sphere”
168.	Permit to Apply Plant Protection Products from the Air	Law of Ukraine “On State Regulation of the Plant Protection Sphere”;

14) [part 2](#) of Article 2 of the Law of Ukraine “On Peculiarities of State Supervision (Control) in the Field of Economic Activity in Relation to Individual Entrepreneurs and Legal Entities Using the Simplified System of Taxation, Accounting and Reporting” (Bulletin of the Supreme Rada of Ukraine, 2012, No. 49, Article 558; 2017, No. 31, Article 343) shall be supplemented with the words “on plant protection”;

15) [clause 1](#) of part 2 of Article 2 of the Law of Ukraine “On Administrative Services” (Bulletin of the Supreme Rada of Ukraine, 2013, No. 32, Article 409, as amended) shall be supplemented with the words “on plant protection”;

16) in the [Law of Ukraine](#) “On Seeds and Planting Material” (Bulletin of the Supreme Rada of Ukraine, 2013, No. 42, Article 585, as amended):

a) in [Article 1](#):

in part 1:

[in the definition](#) of the term “label,” the word “seeds” shall be deleted;

[in the definition](#) of the term “site (soil) varietal control,” the word “official” shall be deleted;

shall be supplemented with a part as follows:

“The term “plant protection products” shall be used in the meaning given in the Law of Ukraine “On State Regulation of the Plant Protection Sphere”;

b) in [part 1](#) of Article 4, the words “On Plant Quarantine” shall be replaced with the words “On State Regulation of the Plant Protection Sphere”;

c) in [Article 18](#):

part 3 shall be deleted;

in part 4, the words “of private ownership” shall be deleted;

d) [paragraph 3](#) of part 2 of Article 18¹ shall be deleted;

e) [part 17](#) of Article 18² shall be supplemented with the words “subject to a selective assessment of the work of such certification auditor (agronomist-inspector)”;

f) [Article 21](#) shall be supplemented with a part as follows:

“The marking (label) and/or accompanying documents for seeds and planting material treated with plant protection products must contain the following information in order to comply with safety measures and measures to reduce the risks of adverse effects on human health and the environment:

name of the plant protection product with which the seeds or planting material have been treated;

name of the active ingredient(s) of the plant protection product with which the seeds or planting material have been treated”;

17) in the [Law of Ukraine](#) “On Basic Principles and Requirements for Food Safety and Quality” (Bulletin of the Supreme Rada of Ukraine, 2014, No. 41–42, Article 2024, as amended):

a) in [Article 1](#):

in part 1:

in clause 35, the word “pesticides” shall be replaced with the words “plant protection products”;

in paragraph 6 of clause 80, the word “quarantine” shall be replaced with the word “protection”;

in paragraph 91, the word “pesticides” shall be replaced with the words “plant protection products”;

part 2 after paragraph 4 shall be supplemented with a new paragraph as follows:

“the term “plant protection products” shall be used in the meaning given in the Law of Ukraine “On State Regulation of the Plant Protection Sphere.”

In this regard, paragraph 5 shall be considered paragraph 6;

b) in [paragraph 3](#) of part 2 of Article 6, the word “pesticides” shall be replaced with the words “plant protection products and biocides”;

c) in [part 7](#) of Article 40:

in paragraph 1, after the words “production of plant products,” the words “cultivation of plants” shall be added;

clause 1 shall be amended to read as follows:

“1) application of plant protection products in accordance with the Law of Ukraine “On State Regulation of the Plant Protection Sphere”;

in clause 2, the words “or diseases” shall be deleted;

[18](#)) in [part 5](#) of Article 7 of the Law of Ukraine “On State Control over Compliance with Legislation on Food Products, Feed, Animal By-Products, Veterinary Medicine, and Animal Welfare” (Bulletin of the Supreme Rada of Ukraine, 2017, No. 31, Article 343; 2023, No. 8–9, Article 24, No. 83, Article 302), the words “officials of the relevant territorial bodies” shall be replaced with the words “persons working in the system of the competent authority”;

19) in [part 1](#) of Article 3 of the Law of Ukraine “On Basic Principles and Requirements for Organic Production, Circulation, and Marking of Organic Products” (Bulletin of the Supreme Rada of Ukraine, 2018, No. 36, Article 275; as amended by Law of Ukraine No. 4017-IX dated October 10, 2024), the words “on plant quarantine” shall be deleted;

[20](#)) in [paragraph 1](#) of clause 1 of section XV “Final and Transitional Provisions” of the Law of Ukraine “On Veterinary Medicine” (Bulletin of the Supreme Rada of Ukraine, 2023, No. 8–9, Article 24; as amended by the Law of Ukraine No. 2246-IX dated May 12, 2022), the words “one year after the date of termination or abolition of martial law” shall be replaced with the words and figures “from September 1, 2025.”

4. It shall be established that:

1) seeds and planting material treated with plant protection products and marked before the entry into force of this Law may be in circulation until they are fully used;

2) technical inspection of the equipment for the use of plant protection products provided for by this Law shall be carried out within three years following the date of entry into force of this Law. It shall be prohibited to use equipment for the application of plant protection products, the technical inspection of which has not been carried out, after the expiration of the period provided for in this subclause;

3) phytosanitary laboratories authorized in accordance with the [Law of Ukraine](#) “On Plant Quarantine” shall be authorized laboratories in accordance with this Law, and information about them is automatically entered into the State Register of Plant Protection Laboratories;

4) certificates of the right to work with pesticides issued in accordance with the [Law of Ukraine](#) “On Pesticides and Agrochemicals” shall be valid until their expiration date;

5) prior to the introduction of the electronic system of early notification of the use of plant protection products provided for by this Law, the early notification shall be submitted in paper or electronic form to local self-government bodies within the relevant territory where the use of plant protection products is planned (taking into account the distance of 8 kilometers from the outer perimeter of the territory of application of plant protection products);

6) places of production (production sites) free from regulated pests, in respect of which the status of a place of production (production site) free from regulated pests is established or

maintained as of the date of entry into force of this Law, shall retain such status until the expiration of the period for which it is established;

7) from the date of entry into force of this Law, the automated information system “Phytosanitary Inspection System,” which functioned in accordance with the [Law of Ukraine](#) “On Plant Quarantine,” shall be considered the “Phytosanitary Inspection System” automated information system in accordance with this Law.

5. The Cabinet of Ministers of Ukraine shall, prior to the entry into force of this Law:

- 1) ensure the adoption of regulations necessary for the implementation of this Law;
- 2) bring its regulation in line with this Law;
- 3) ensure that ministries and other central executive bodies bring their regulations in line with this Law.

6. The Cabinet of Ministers of Ukraine shall inform the Supreme Rada of Ukraine on the status of implementation of this Law within one year following the date of entry into force of this Law.

President of Ukraine

V. ZELENSKYY

**Kyiv
December 17, 2024
No. 4147-IX**