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☒ Notice

Restrictions on agrochemicals under 2nd part of Article 8 of the present law shall enter into force on 1 January 2015.

☒ Changers and incorporations

THE RA LAW ON PHYTOSANITATION

**The Law of
THE REPUBLIC OF ARMENIA**

Adopted on 21 June 2014

ON PHYTOSANITATION

CHAPTER 1

GENERAL PROVISIONS

Article 1. On the regulation of the law

1. The present law regulates the relations concerning implementation and management of the sphere of phytosanitation, fixes mandatory phytosanitary requirements and the main phytosanitary principles in the process of growing, storing, transportation or marketing of plants, plant products and other regulated articles, as well as responsibilities of physical and legal persons engaged in soil cultivation.

2. The present law applies to all entities participating in the relations arisen in the sphere of phytosanitation, including the persons carrying out activities in the sphere of phytosanitation.

Article 2. Legislation on Phytosanitation

1. Relations arisen in the sphere of phytosanitation shall be regulated by the present law, other statutes, Civil Code of the Republic of Armenia and other legal acts.

2. Should International treaties to which the Republic of Armenia is a party establish other norms than those stipulated by this Law, the provisions of such treaties shall apply.

Article 3. General terms used in the law

1. The following general terms are used in the present law:

- 1) **authorized body (bodies)** -state body (bodies) developing policy, conducting supervision and/or delivering services in the sphere of phytosanitation authorized by the Government of the Republic of Armenia;
- 2) **plants** – living plants and parts thereof, including seeds and germplasm;
- 3) **phytosanitation**- system of measures aimed at production of healthy plants, plant products and regulated articles in the healthy environment;
- 4) **plant quarantine** - complex of state measures towards plant protection aimed at identifying, isolating and eliminating breeding grounds infected with quarantine harmful organisms for plants, plant products and regulated articles;
- 5) **plant product**- unprocessed material of plant origin, as well as processed products (except for those undergone thermal treatment), that can create with their nature or way of processing a danger of penetration and/or spread of harmful organisms;
- 6) **phytosanitary risk analysis** - assessment of biological and economic data to determine necessity of regulating harmful organisms, implement phytosanitary control measures against them or enhance phytosanitary measures;
- 7) **phytosanitary rules and norms**- phytosanitary requirements defined by international treaties of the Republic of Armenia, law and other normative legal acts of the Republic of Armenia;
- 8) **plant protection** -application of chemical and biological control measures against harmful organisms in the places of growing, testing, maintaining and transferring of plants, plant products, as well as complex control measures against harmful organisms for the purpose of protection of environment, plants and animals;
- 9) **phytosanitary examination** - megascopic survey of plants, plant products and regulated articles for the purpose of finding out the existence or absence of harmful organisms;
- 10) **plant quarantine harmful organism** - harmful organism economically significant for the zone exposed to danger which is still absent or limited in the given zone, is an object of combat and is formally controlled;
- 11) **plant harmful organism** - any kind of diseases, pests and weeds against plants, plant products;
- 12) **plant quarantine zone** - an area, where a quarantine harmful organism exists, and in order to prevent and eliminate its further propagation a quarantine control has been established and phytosanitary measures have been taken;
- 13) **plant regulated non-quarantine harmful organism** – harmful organism, existence of which causes economic damage to purposeful use of plants and is controlled by importing country;
- 14) **fight against plant harmful organisms** - obligatory application of phytosanitary rules to suppress, isolate and/or eliminate fertility of quarantine harmful organisms, as well as to manage regulated non-quarantine harmful organisms;
- 15) **regulated article (quarantine object)** - any plant, plant product, storage place, packaging material, transportation means, container, soil and any other object or material that can contain or spread a plant harmful organism and against which phytosanitary measures should be applied;
- 16) **phytosanitary expertise** - laboratory examination of plants, plant products and other regulated articles to find out existence or absence of a harmful organism;
- 17) **phytosanitary registration** - collection, classification, storing, updating and use of data on physical and legal persons engaged in the phytosanitary sphere;
- 18) **phytosanitary registration certificate** - a document given to physical and legal persons in the result of phytosanitary registration;
- 19) **phytosanitary measure** - formal process towards restriction of penetration and/or propagation of a quarantine harmful organism or an economic damage from a regulated non-quarantine harmful organism;
- 20) **phytosanitary passport**- a document accompanying plants, plant products, regulated articles produced in the Republic of Armenia which certifies that they are tested and free from quarantine harmful organisms;
- 21) **lot** - a number of units of a single commodity with the same significance, produced (made) by the same producer with the same principle, with homogeneity of composition, corresponding to the same requirements describing safety and subject to phytosanitary control, which is accompanied by a shipping document.
- 22) **phytosanitary survey** - official measure applied in the defined period to determine the description of progenitiveness of a harmful organism or composition of harmful organisms in the given zone;

- 23) **commodity subject to phytosanitary control** - plants, plant product, regulated article;
- 24) **agrochemicals** - fertilizers, chemical soil meliorators that are designed for plant nutrition, improvement of soil fertility
- 25) **pesticide** - any substance or mixture of substances meant for preventing, destroying or fighting against certain pests (including transmitters of human and animal diseases, pests hindering processes of production, processing, transportation and realization of food, agricultural produce, wood substances, fodder), undesirable varieties of plants and fungi. Pesticides include insecticides, rotenticides, fungicides, herbicides, plant growth regulators, pheromones, defoliants, dessicants and fumigants.
- 26) **seeds (planting stock)** - a plant or its separate part used for reproduction of a variety.

CHAPTER 2

STATE REGULATION IN THE PHYTOSANITARY SPHERE

Article 4. Phytosanitary Objectives

Phytosanitary Objectives are:

- 1) detection and control of organizing eradication of plant quarantine and regulated non-quarantine harmful organisms in the territory of the Republic of Armenia;
- 2) prevention of penetration and spread of plant quarantine harmful organisms in the territory of the Republic of Armenia-application of measures towards phytosanitary examination of plants, plant products and regulated articles, sampling for expertise and plant protection;
- 3) observance of phytosanitary rules and norms during import, export, re-export and transit transportation of plants, plant products and regulated articles;
- 4) observance of phytosanitary rules and norms and control over their observance during production and processing of plants, plant products and regulated articles, as well as at the points of sale functioning throughout the Republic of Armenia;
- 5) implementation of measures aimed to timely foresee, diagnose and prevent mass propagation and spread of plant harmful organisms;
- 6) ensuring improvement of phytosanitary condition of agricultural, ornamental crops, exclusion of any possible damage to environment, flora and fauna;

Article 5. Powers of the Government of the Republic of Armenia in the phytosanitary sphere

1. the Government of the Republic of Armenia shall have the following powers in the phytosanitary sphere:
 - 1) to establish targeted projects to be implemented in the sphere;
 - 2) to establish governmental projects with international collaboration in the phytosanitary sphere;
 - 3) to define the procedure of registration, re-registration and removal from registration of pesticides and agrochemicals, the list and format of the relevant documents;
 - 4) to establish the composition of registration committee of pesticides and agrochemicals and procedure of its activity;
 - 5) to establish the procedure of expertise of pesticides and agrochemicals and forms of conclusion on import or export of pesticides and agrochemicals;
 - 6) to establish plant quarantine and cancel quarantine;
 - 7) to establish requirements of production and turnover of pesticides and agrochemicals;
 - 8) to establish requirements of packaging of pesticides and agrochemicals;
 - 9) to adopt other acts arising from the present law;

CHAPTER 3

REQUIREMENTS TO PESTICIDES AND AGROCHEMICALS AND STATE REGISTRATION

Article 6. Registration, re-registration and removal from registration of pesticides and agrochemicals

1. Pesticides and agrochemicals produced and commercialized in the territory of the Republic of Armenia shall be subjected to state registration.
2. Authorised body shall carry out state registration of pesticides and/or agrochemicals on the basis of the conclusion of the registration committee on pesticides and agrochemicals (hereinafter Committee).
3. State registration of new pesticides and/or agrochemicals produced in the Republic of Armenia shall be carried out in case:
 - 1) they have been tested unceasingly for two years in various natural climatic zones of the Republic of Armenia,
 - 2) there is a positive conclusion on them by the Committee.
4. State registration of pesticides and agrochemicals produced and tested and applied in foreign countries shall be carried out in the Republic of Armenia upon availability of a positive conclusion of the Committee on them.
5. Testing of pesticides and agrochemicals in the cases established by this law shall be carried out at the expense of the means of physical or legal persons presenting them for registration.
6. The data provided by physical or legal persons presenting pesticides and/or agrochemicals for registration shall be protected and not subject to publishing, if during submission of the documentary package the applicant has required protection of data on results of tests and surveys of an active substance, antitoxin or synergist, auxiliary substances and pesticides, as well as confirmation on the fact that no protection deadline for the results of tests and surveys has been ever established or no established deadline has been expired.
7. Pesticides and agrochemicals shall be registered for the period of ten years and the physical or legal persons submitting them for registration shall be given a registration certificate.
8. Pesticides and agrochemicals shall be subject to re-registration in case:
 - 1) the registration deadline has been expired and an application to re-register is forwarded;
 - 2) a change in percentage of active substances or filling agents of pesticides and/or agrochemicals has occurred before expiration date of registration;
9. Pesticides and agrochemicals shall be removed from registration, if registration deadline has expired or an application to remove from registration is forwarded.

Article 7. Requirements to pesticides and agrochemicals produced in the Republic of Armenia and imported into the Republic of Armenia

1. Pesticides and agrochemicals that are in the stages of import and turnover shall meet the requirements defined by the legislation of the Republic of Armenia.
2. It is prohibited to import, produce, sell and use pesticides and agrochemicals not registered in the Republic of Armenia.
3. It is prohibited to import pesticides and agrochemicals into the Republic of Armenia with an expiration date less than one third of the expiration date defined by the producer.

Article 8. Toxicological-hygienic assessment of pesticides and agrochemicals

1. Pesticides and agrochemicals shall be subject to toxicological-hygienic assessment which is carried out by organizations that have necessary scientific and material provision and adequately qualified specialists, as well as relevant powers as defined by the RA legislation
2. The procedure of conducting toxicological-hygienic assessment of pesticides and agrochemicals shall be established by the authorised body in the health protection sphere of the Republic of Armenia.
3. In case of concurrence of testing procedures, cost norms and application technologies of preparation,

instructions and assignments on application of pesticides and agrochemicals according to the assortment of agricultural crops, testing results of other countries can be adopted when registering pesticides and agrochemicals in the Republic of Armenia. The list of countries shall be established by the Government of the Republic of Armenia.

4. Principles of toxicological-hygienic assessment are:

- 1) scientific ground for conclusions of toxicological-hygienic assessment;
- 2) independence of assessing experts during performing their authorities;
- 3) completeness of assessment;
- 4) ensuring confidentiality of substances being surveyed;

5. In the result of toxicological-hygienic assessment of pesticides and/or agrochemicals a document supporting safety of pesticides and/or agrochemicals shall be prepared.

6. In case of the absence of the defined method of survey of an active substance of a pesticide meant for turnover of any plant product the mentioned plant product shall not be included in the list of the crops in which the given preparation could be used.

Article 9. Requirements for packaging and marking of pesticides and agrochemicals

1. Marking in Armenian on the packaged pesticides and agrochemicals circulating in the Republic of Armenia is compulsory.

2. Marking is put directly on the container and/or on the label sticked to the packaging material ensuring protection of a container.

3. Marking of pesticides and agrochemicals shall include:

- 1) name and meaning of a pesticide or agrochemical,
 - 2) name, content of an active substance,
 - 3) name and location of a manufacturer (country, legal address),
 - 4) preparation form,
 - 5) volume and/or net weight of a container,
 - 6) information on safety,
 - 7) manipulation signs,
 - 8) information on application (cultivated crops or object, cost norms, maximum number of cultivations, frequency, harmful organism, “waiting periods”),
 - 9) registration certificate number,
 - 10) production date (month, year),
 - 11) storage conditions,
 - 12) useful life,
 - 13) identification code,
 - 14) restrictions of use (compatibility with other pesticides and agrochemicals, phytotoxicity),
 - 15) safety rules during work, transportation and storage,
 - 16) ways of neutralizing of the poured pesticides and agrochemicals,
 - 17) ways of neutralizing and/or destroying empty containers,
 - 18) clinical picture of acute intoxication (in case of data availability), recommendations to doctor, including the name of antitoxin (if available).
 - 19) first aid in case of intoxication,
4. Marking of railway cisterns and autocisterns shall be done in compliance with cargo transportation rules with a railway and road freight transport.

5. Information on the packaging, consumer container, label, additional label or inset of pesticides and agrochemicals should be readable, complete and reliable.

6. Marking should be stable against influence of chemicals, climatic factors, be protected during the warranty period of pesticides and agrochemicals.

CHAPTER 4

RESPONSIBILITIES OF PHYSICAL AND LEGAL PERSONS ENGAGED IN AGRICULTURAL ACTIVITIES IN THE REPUBLIC OF ARMENIA

Article 10. Soil cultivation, application of pesticides and agrichemicals, control against weed vegetation

1. Physical and legal persons engaged in cultivation of soils with agricultural significance shall carry out:
 - 1) complex activities of main, presowing , post-sowing and inter-row cultivation of soil,
 - 2) complex measures of protection of lands from watering and storms,
 - 3) complex measures preventing repeated salination and swamping of the land,
 - 4) maintenance of permissible level of profound waters in soil, as well as prevention of overhumidity during irrigation of crops,
 - 5) complex measures of maintaince of useful qualities of soil,
 - 6) measures to protect soil from pollution of harmful remnants of pesticides, agrochemicals and biopreparations,
 - 7) complex measures to supplement the lack of the main nutrition elements (azote, phosphor, potassium) of soil,
 - 8) provision of phytosanitary safety during implementation of complex measures of fertilization,
2. It is prohibited:
 - 1) introduction, realization and use of pesticides and agrochemicals permitted for use in the Republic of Armenia and not included in the namelist of pesticides and agrochemicals, as well as those which are included, but are expired and of bad quality.
 - 2) storing of pesticides and agrochemicals in the warehouses and buildings not conforming to phytosanitary norms,
 - 3) combined storing of pesticides, agrochemicals and food in warehouses, simultaneous transportation of them via transporation means,
 - 4) realization of plant products exceeding maximum residual quantity of pesticides and agrochemicals,
 - 5) exceeding the permissible quantities of the use of pesticides and agrochemicals.

Article 11. Production, introduction, realization and quality preservation of seeds and planting stock

1. Physical and legal persons engaged in cultivation of soils with agricultural significance should carry out:
 - 1) selection of land location for production of seeds and planting stock,
 - 2) crop alteration,
 - 3) availability of the category and quality (variety, hybrid, reproduction) certificate of the seeds and planting stock,
 - 4) seed and seedling treatment-refinement, sorting, disinfection.
 - 5) implemenetation of special measures of approbation of seed fields and seed plots: field surveys, measures to determine sort and variety purity and homogeneity of seed fields and seed plots, infection with harmful organisms,
 - 6) implementation of complex measures of introduction, transportation, realization and use of seeds and planting stock,
2. The realization and use of seeds and planting stock of unknown origin are prohibited.

Article 12. Control against plant quarantine and regulated non-quarantine harmful organisms

1. In the phytosanitary sphere physical and legal persons should ensure:
 - 1) implementation of complex control measures against quarantine and regulated non-quarantine harmful

organisms of agricultural soils, crop fields and seed plots,

2) not exceeding the permissible residual maximum quantity of pesticides and agrochemicals in soil and plant products,

3) phytosanitary inspection, verification and expertise of plants, plant products and other regulated articles subject to phytosanitary control,

2. It is prohibited:

1) use of pesticides and agrochemicals not officially registered in the Republic of Armenia, are out of use, expired, of bad quality and prohibited, dangerous for the health of population and environment ,

2) involvement of people under 18, having not undergone compulsory primary and periodical medical examination, as well as pregnant women and mothers taking care of children under one year into the work relating to pesticides,

3) use of disinfected seeds as nutrition, fodder,

4) exportation of plants, plant product and regulated articles subject to phytosanitary control from areas declared quarantine without a phytosanitary passport.

3. The authorised body shall conduct phytosanitary survey to determine the need of regulating plant harmful organisms, apply control measures against them, if required.

Article 13. Phytosanitary registration of physical and legal persons producing, realizing, transporting, importing, exporting, processing, storing plants, plant products, regulated articles, pesticides, agrochemicals in the phytosanitary sphere.

1. Registration of physical and legal persons producing, realizing, transporting, importing, exporting, processing, storing plants, plant products, regulated articles, pesticides, agrochemicals in the phytosanitary sphere shall be done by an authorized body through recording in the electronic registration system and issuing a phytosanitary registration certificate.

2. Each manufacturer, whose product is meant for realization, shall be registered by an authorized body, the relevant data shall be recorded in the official registry, and an unrepeatable registration number shall be given.

3. Provisions established under the present article shall not apply to small quantities of plants, plant products and other regulated articles, which are meant for consumption or consumption during transportation by the owner or the receiver of the latter for neither industrial nor commercial purposes, if there is no risk of spread of harmful organisms.

4. Procedure of phytosanitary registration, forms of certificate and registry are established by an authorized body.

Article 14. Phytosanitary passport

1. Phytosanitary passport shall be given only for the plants, plant product and other regulated articles belonging to registered physical and legal persons in the result of phytosanitary inspection or expertise and in case of observance of phytosanitary rules and norms.

2. Plants, plant products and other regulated articles subject to phytosanitary control shall be prohibited to import to the zone free from harmful organisms or transport through that zone except upon availability of a phytosanitary passport for the given zone.

Article 15. Notification on identification of harmful organisms

1. An authorized body notifies International organization of plant protection and European organization of plant protection in a written form if a harmful organism is detected, which access into the territory of the Republic of Armenia is prohibited.

2. Relevant completed or intended measures are also mentioned in the notification.

3. An authorized body takes measures to eliminate harmful organisms, and in case of impossibility to prevent

their spread.

4. In the event established by the first part of the present article an authorized body carries out risk analysis of the detected harmful organism for the given area to find out the need to continue, terminate or modify the initiated measures.

CHAPTER 5

MEASURES OF ESTABLISHMENT AND ELIMINATION OF PLANT QUARANTINE

Article 16. Establishment of plant quarantine

1. In the event of detection of infection with quarantine harmful organisms in the zone free from quarantine organism based on the conclusion of phytosanitary monitoring and laboratory expertise conducted for the purpose of detection, isolation, elimination and prevention of spread of plant quarantine harmful organisms in the territory of the Republic of Armenia:

1) by the decision of an authorized body a temporary working group shall be created, where representatives of an authorized body, state government and local self-government bodies, scientific organizations in phytosanitary sphere are involved,

2) the temporary working group shall submit the authorized body proposals on the measures to be taken in the quarantine zone,

3) the authorized body shall confirm the name of the detected harmful organisms, the limits (areas) of their spread, assessment of the possible damage, borders of quarantine and adjacent areas, list of the proposed measures and submit the Government of the Republic of Armenia a proposal on establishment of quarantine at the same time presenting the documents provided under the present article,

4) plant quarantine shall be established in the area of the Republic, marz, community, habitats or areas owned by physical and legal persons or in some part of them,

5) the authorized body shall exercise control over application of phytosanitary measures of elimination of quarantine harmful organisms and neutralization of regulated articles in the quarantine zone for the purpose of prevention of spread of quarantine harmful organisms in the territory of the Republic of Armenia,

2. Withdrawal of plants and plant product, seeds and planting stock from plant quarantine zones shall be made upon availability of a phytosanitary passport issued by the authorized body. The products withdrawn without a phytosanitary passport shall be subject to neutralization, and, if required, elimination.

3. It is prohibited to establish a nursery in the areas adjacent to perennial seed plots infected with quarantine harmful organisms and to store and use grafts and grafting materials from uninvestigated areas.

4. Each business entity engaged in the production of planting stock should have a quarantine control registry to record quarantine survey results of the grown and realized planting stock and information on the absence of quarantine harmful organisms and phytosanitary measures.

5. Physical and legal persons engaged in the production, purveyance, transportation, storing and/or realization of plants, plant product, seeds and planting stock subject to phytosanitary control in the quarantine established zone shall organize and apply control measures against quarantine harmful organisms under direct control of a supervision body.

6. If it was found out from the phytosanitary inspection and/or expertise in the quarantine established zone that a certain lot of the plants, plant product and other regulated articles produced, used or stored by the manufacturer is healthy and does not constitute a risk of spread of harmful organisms, a phytosanitary passport shall be filled only for the given lot.

Article 17. Control measures applied in the plant quarantine zone, annulment of quarantine

1. Obligatory disinfection or elimination of plants, plant product and other regulated articles shall be carried out in the plant quarantine zone.

Output of plants, plant product and other regulated articles, as well as related exit and entry of transportation means shall be restricted or prohibited in the plant quarantine zone.

2. The person authorized for exercising phytosanitary control should give assignments to physical and legal persons in the quarantine zone on compliance of the requirements of the present law and exercise control over their performance.

3. The quarantine of plants shall be annulled by the proposal of the authorized body in case of application of the relevant measures and elimination of the focus of a harmful organism, as well as in other cases established by the Government of the Republic of Armenia.

4. Information on the establishment and annulment of plant quarantine shall be provided through mass media.

CHAPTER 6

DISINFECTION AND ELIMINATION OF PLANTS, PLANT PRODUCTS AND OTHER REGULATED ARTICLES

Article 18. Disinfection and elimination of plants, plant products and other regulated articles

1. Plants, plant products and other regulated articles that are contagious or suspected of causing disease shall be disinfected or eliminated according to phytosanitary rules under supervision of an official authorized for executing control in the result of phytosanitary expertise to eliminate access, spread and focuses of infection of the plant quarantine harmful organisms based on the conclusion of an official authorized for executing phytosanitary control.

2. The official of the phytosanitary authorized body shall determine the need, place and way of disinfection of plants, plant products and other regulated articles.

3. Costs related to disinfection and elimination of plants, plant products and other regulated articles shall be provided by the procedure as prescribed by the legislation of the Republic of Armenia.

CHAPTER 7

ACCOUNTABILITY FOR VIOLATING THE PRESENT LAW

Article 19. Accountability for violating the present law

1. Physical and legal persons violating the present law shall carry responsibility as prescribed by law.

CHAPTER 8

FINAL PROVISIONS

Article 20. Entry into force of the law

1. The present law shall enter into force on the tenth day following the official publication day of the law.

2. Restrictions on agrochemicals under the second part of Article 8 of the present law shall enter into force on January 1, 2015.

3. Before the present law enters into force, the pesticides registered with an indefinite period as prescribed by the legislation of the Republic of Armenia and included in the namelist of chemical and biological means of protection of the plants permitted for use in the Republic of Armenia shall be deemed registered for 10 years' period from the day of entry into the force of the present law.

4. After this law enters into force the Law on Phytosanitation of the Republic of Armenia, OH-209-N, dated 16 December 2006 shall be invalidated.

5. The legal acts adopted according to the Law on Phytosanitation of the Republic of Armenia, OH-209-N, dated 16 December 2006, shall operate as much as they do not contradict the requirements of the present law.

President of the Republic of Armenia

S. Sargsyan

2014 July 22
Yerevan
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