

Plant Protection Act (IRAN)

Article I

Effective from the date of approval of this Act the Plant Protection Organization which is an affiliate of the Ministry of Agriculture shall be established. The Organization shall be a legal entity. It shall be headed by a director who shall be designated by the Minister of Agriculture.

Note: Designation of an accountant for the Organization shall be the responsibility of the Minister of Finance and Economic Affairs.

Article II

The Plant Protection Organization shall have a council consisting of the following:

- 1) Minister of Agriculture
- 2) Deputy-Minister of Agriculture in Technical Affairs
- 3) Deputy-Minister of Finance and Economic Affairs
- 4) Deputy-Minister of State
- 5) Deputy-Minister of Health, Treatment and Medical Education or an expert designated by the Minister of Health, Treatment and Medical Education or an expert designated by the Minister of Health, treatment and Medical Education
- 6) Head of the Plant Pests and Diseases Research Institute
- 7) Director of the Plant Protection Organization, and
- 8) Director- General of the Agricultural Supporting Services Company and three pest control experts or three persons working in the area of pest control who are designated by the Minister of Agriculture. The Minister of Agriculture and, in his absence, the Deputy- Minister of Agriculture in Technical Affairs shall preside the Council.

Article III

The Council shall have monthly meetings Should in be necessary, there shall be an extra meeting upon the proposal of the Minister of Agriculture or at the request of the Director of the Plant Protection Organization.

Article IV

Duties of the Plant Protection Organization shall be as follows:

- 1) Controlling common plant pests and diseases as well as domestic quarantine pests and on public expense upon the decision of the Council and approval of the Ministry of Agriculture.
- 2) Involvement in controlling the pests and diseases not listed as common pests but announced by the Ministry of Agriculture to be controlled nation-wide.

- 3) Carrying out the duties assigned to the Plant Protection Organization by the Notes under Article VI, Articles VII and IX, paragraph (3) of Article X, and Articles XI, XII, XIII, XIV, XVIII, and XXI of this Act.

Article V

Functions of the council are:

- 1) Adopting the annual work plant of the Organization.
- 2) Adopting an inventory of common and quarantine plant pests and diseases.
- 3) Adopting a detailed budget and adjusting the budget of the Organization according to the approved credit.
- 4) Reviewing the reports submitted by the Plant Protection Organization or information received from various sources and making comments and issuing necessary orders.
- 5) Carrying out the duties assigned to the Council in accordance with Articles IX, X, XIII, and XXI of this Act.

Article VI

Should the Ministry of Agriculture find it necessary to carry out nation-wide control operations in order to prevent the dissemination of plant and storage pests and diseases in certain regions for a particular period of time, it shall inform the public through appropriate means. All rural cooperatives, farmers, owners or tenants of farms or orchards and owners of agricultural crops are required to carry out control operations according to the instructions and technical guidelines of the Plant Protection Organization.

Note: the Plant Protection Organization is required to inform the public through proper channels of the type and composition of pesticides, time and mode of control, methods for prevention from poisoning in humans and animals and the health instructions regarding the latter in every region.

Article VII

In compliance with the Article VI of these Act persons unable to carry out control activities shall transfer their responsibility to the Organization by paying the expenses. The Organization shall be required to carry out the control operations. Should anyone not act accordingly, the Organization shall proceed with the control operations directly, through pest control companies or persons involved in such activities, or by any other means deemed appropriate. It shall retrieve the operation expense plus 10% of it through the execution Bureau of the Properties and Documents Registration Department.

Note: When necessary the Plant Protection Organization shall be allowed upon a proposal of the Council of Plant Protection and approval of the Minister of Agriculture to assist farmers and orchard keepers in nation-wide control operations with Government owned material and equipment.

Article VIII

Private and public organization and institutes affiliated to the Government with direct or indirect engagement in cultivation, production and preservation of agricultural products are required to carry out the technical instructions of the Plant Protection Organization when controlling plant pests and diseases.

Article IX

To prevent the spread of plant pests and diseases the Ministry of Agriculture upon the proposal of the Council of Plant Protection shall be allowed to ban or limit growing certain plants for any period of time deemed necessary in any region of the country. Should such cases arise, the Plant Protection Organization shall be required to inform the public three months before the cultivation season. The owners of farms and fruit trees are required to abide by. The Plant Protection Organization shall be permitted to ban import and export of plant products or by-products from one area to another or to require treatment operations or the like measures on farms, in plantations, or in storage houses. Persons not complying with the provisions of this Article shall be treated according to paragraph (3) of Article X.

Note: concurrent with announcing a certain crop as banned the Ministry of Agriculture shall be required to introduce replacement crop(s).

Article X

To prevent the dissemination of plant pests and diseases, in cases deemed necessary to destroy agricultural products, plants, trees and their remnants upon the proposal of the Council of Plant Protection and approval of the Ministry of Agriculture in shall be acted as follows:

- 1) In case of cultivations, up to four times the costs of tilling, seeds and crop husbandry depending on the type of pests and plants being cultivated and their development stage shall be determined and paid for.
- 2) For trees, a commission consisting of a representative from the Ministry of Agriculture, an expert selected in accordance with the regulations of the Ministry of Justice, and owner of trees or his representative and in case of joint ownership one person representing all the owners shall determine the damages to be paid.
- 3) Destroying the remnants of cultivations, trees and crops infected with plant pests and diseases within a specified period of time shall become obligatory by a written notice of the Plant Protection Organization.
- 4) Destruction of plants cultivated in banned regions shall be carried out by the Plant Protection Organization without indemnifying the owner(s).

Note: If farmers, orchard keepers and owners of agricultural crops refuse to comply with the provisions of this Article the police force shall be required to assist the plant protection officers in enforcing this Article within forty-eight hours from the date of warning the concerned party(s).

Article XI

Importation of seeds, bulbs, buds, roots, fruits, seedling and generally all types of plants and plant parts shall require the prior attainment of permits from the Ministry of Agriculture. Persons importing goods without permits shall be warned to return them within one month. Otherwise, the goods shall be destroyed at the customs office in presence of a representative from the Plant Protection Organization.

Article XII

Should plants and plant products or their by products that enter a customs office with permit be found infected to quarantine pests and diseases and not releasable, they shall be treated at the owner's cost if it is recognized by the Ministry of Agriculture that the pests can be destroyed by treatment. Otherwise, the owner shall be warned by the Plant Protection Organization to return the consignment within a specified period of time. Should the owner refuse to return the consignment within that time, it shall be destroyed by the Organization without payment of indemnity. If the owner of the consignment does not take action to pay treatment expenses it shall be sold by the Organization and after recovering the costs and other relevant expenses the balance shall be returned to the owner.

Article XIII

The Plant Protection Organization shall be required to make out technical guidelines in order to prevent toxiction in humans, animals and honeybees and to inform the public of the above along with comprehensive instructions after approval by the Plant Protection council.

Article XIV

Establishment of private pest control agencies and companies shall be conditioned by obtaining a permit from the Plant Protection Organization.

The latter shall have technical surveillance over such agencies. Owners of these agencies and companies shall be required to comply with the regulations made by the Plant Protection Organization. Otherwise, their permits shall become void.

Note: (1) Pest control agencies and companies that were established before this Act shall be subject to it. (2) Upon the request by Plant Protection Organization the police force shall be required to stop activities of pest control agencies and companies that lack the afore- mentioned permit. In case of agencies and companies established before this Act the provisions of this Note shall be applicable six months after the approval of the Act.

Article XV

Private pest control agencies and companies shall be subject to the provisions of Note (1) of the Constitution of Keshavarzi Bank.

Article XVI

Every year the Ministry of Agriculture shall inform the public through appropriate channels of common and quarantine pests and diseases listed under paragraph (1) of Article IV of the Act after approval by the cabinet.

Article XVII

Importation, manufacture, processing, distribution and export of all chemicals for pest and disease control, plant hormones, and herbicides shall require permits from the Ministry of Agriculture.

Article XVIII

Dealers of pest and disease control chemicals and plant hormones shall be required to obtain permits from the Plant Protection Organization and to sell the above mentioned products at prices set by the letter. Those who violate the provisions of this Article shall be dealt with according to the provisions of Note (2) of Article XIV.

Note: If the marketed pesticides or plant hormones do not meet the qualifications stated on permits the Ministry of Agriculture shall be required to stop sale and confiscate them.

Article XIX

The Ministry of Finance and Economic Affairs shall be required to provide the Plant Protection Organization with its credits as approved in the country budget and in instalments to be given at the beginning of every season.

Article XX

Should there be unexpected attacks by pests and diseases for which funds have not been earmarked in the budget; the Ministry of Agriculture shall be required to carry out urgent control operations. The Government shall provide the necessary funds.

Article XXI

If purchase of pesticides and equipment or payment of pest control related expenses becomes urgent, the Director of Plant Protection Organization upon recommendation of the Plant Protection Council and approval by the Minister of Agriculture shall be allowed to make purchase up to rials 5000,000 without having to observe tender regulations and to put the purchased items to use.

Article XXII

The Minister of Agriculture shall be permitted to pay the pest control personnel field work allowances that do not exceed their rate allowances.

Article XXIII

Should pesticides get damaged due to delay or inobservance of technical precautions by pest control institutes and companies or dealers of pesticides, judicial authorities shall be required to investigate complaints received regarding the above out of turns.

Article XXIV

The Ministry of Agriculture shall compile the Implementation Regulation for this Act within three months from the date of approval of the Act and shall put it into force on approval by the Government.

Article XXV

The responsibility for putting this Act into force shall lie with the Government.