

Georgian Law
on Agricultural Quarantine
(Last Amended on December 29 2006)

This Law regulates the measures of agricultural quarantine on the territory of Georgia and the principles of their implementation. It is directed to maintenance of such normative by the state and local governments as well as legal and physical persons.

Part 1 General Provisions

Article 1. Definitions.

The terminology used in present Law has the following meaning:

- a. "Quarantine" is a system of restrictive measures to prevent the spread of plant, animal and human diseases and pests;
- b. "Quarantine zone" is a territory, where the quarantine measures apply;
- c. "Agricultural quarantine" is the state system of phytosanitary and veterinary quarantine measures;
- d. "Phytosanitary quarantine" is the system of state quarantine measures preventing entry and spread of plant organisms subject to quarantine;
- e. "Veterinary quarantine" is the system of state quarantine measures preventing entry and spread of human and animal diseases;
- f. "Subjects of phytosanitary quarantine" are pests, agents causing plant disease;
- g. "Subjects of veterinary quarantine" are diseased or suspect animals, birds, fish, bees; areas of their maintenance; infected or suspected products, raw materials of animal origin; other products, raw materials, and cargo subject to veterinary inspection;
- h. "Products, raw materials and entities subject to phytosanitary quarantine" are products, raw materials and entities that might facilitate spread of the organisms subject to quarantine;
- i. "Products, raw materials and entities subject to veterinary quarantine" are live organisms, products, cargoes, materials and entities that can facilitate the spread of contagious diseases;
- j. "Plant" is a plant and its parts, including the seeds;
- k. "Harmful organisms" are agents of plant, animal or other pathological origin that are harmful for plants and their products; animals, birds and their products turning them into contiguous entities.
- l. phyto-sanitary certificate – the document issued by the Service that proves phytosanitary condition of produce, materials, and objects subject to phyto-sanitary quarantine. The certificate form should be in accordance with approved form of Plant Protection International Convention (FAO 1997)
- m. Phyto-sanitary certification – application of phyto-sanitary procedures, on which issuance of phytosanitary certificate is based
- n. Phyto-sanitary procedures - Application methods of phyto-sanitary regulations by the Service against quarantine and non-quarantine pests including observation, analysis, supervision, and treatment measures
- o. Observation – visual inspection of plants, plant products, and other materials subject to phyto-sanitary quarantine on existence or absence of pests and/or compliance with phyto-sanitary regulations.
- p. Analysis – Non-visual formal test to find or identify pests carried out the Service
- q. Supervision – collection of information on presence or absence of pests in specific zone and formal process of registration, through research, monitoring and other procedures.

Article 2. Legislative Framework.

1. Phytosanitary quarantine is undertaken in conformity with the present Law, the Law of Georgia on Protection of Plants from Harmful Organisms, and other normative acts.
2. Veterinary quarantine is undertaken in conformity with the present Law, the Law of Georgia on Veterinary Activities, other veterinary legislation and normative acts.

Article 3. Objectives of Agricultural Quarantine.

1. The main objectives of the phytosanitary quarantine are:
 - a. Prevention of the entry and spread of diseases and pests from other countries;
 - b. Timely discovery of diseases and pests, their eradication, and supervision of the measures to do so;
 - c. Establishment of state control on the implementation of quarantine rules in production, transportation, storage, processing and sale of agricultural goods.
1. Main objectives of the veterinary quarantine are:
 - a. Prevention of the entry and spread of human and animal diseases from other countries;
 - b. Timely discovery of human and animal diseases, localization of the centers of infection and their eradication;
 - c. Establishment of state veterinary control over the utilization of the quarantine rules on animals, birds, fish and other living organisms; production, storage, processing, transportation and sale of commodities and inputs of animal origin and other products and materials subject to veterinary control.

Article 4. Quarantine Service Fees.

The quarantine services are subject to fees. Its structure and amount are determined in accordance with the Law of Georgia on Fees for Quarantine Services. (7 May 2003)

Part II Agricultural Quarantine State Services

Article 5. State Service Implementing Agricultural Quarantine.

Agricultural quarantine is organized and controlled by the Ministry of Agriculture sub-ordinate Food Safety, Veterinary and Plant Protection National Service (hereinafter the Service). Duties and responsibilities of the Service is defined by this Law, the Law on Plant Protection from Harmful Organisms, the Law on Veterinary, and relevant legislative and normative acts.

Article 6. Duties and Responsibilities of the Service

1. Duties and responsibilities of the Service are as follows:
 - a. Outline the list of the quarantine objects, determine the nomenclature of already spread and unspread diseases and pests, elaborate rules and procedures for the phytosanitary quarantine;
 - b. Conduct phytosanitary quarantine inspection and laboratory testing on the entry and exit of commodities subject to quarantine, including inspection of plants, mail transactions, hand luggage, bottled and packed products and means of transportation;
 - c. Administer inspection of the plots under seedling, sort testing, selection bases, hot-houses that produce and disseminate (sell) seeds, seedlings, etc., and import seeds and sowing materials from abroad;
 - d. Control implementation of the normative acts regulating the sphere;
 - e. Represent Georgia's interests in the international phytosanitary organizations.
 - f. Based on owner application issuance of phyto-sanitary certificate on produce, materials, and objects subject to phyto-sanitary quarantine (applicable to both international trade and internal movement).
2. The Service has the responsibility to issue phyto-sanitary certificate and import permits for plant products subject to phyto-sanitary quarantine control.

Article 7. Objects Subject to Agricultural Quarantine.

1. The following entities are subject to phytosanitary quarantine:
 - a. Seeds and sowing materials of agricultural, forestry and decorative crops, plants and their parts, food and commodities of plant origin that can become carriers of quarantined organisms;
 - b. Fungi and their cultures, bacteria, viruses, nematodes, mites and insects;
 - c. Collections of insects, disease sources and samples, as well as collections of herbs and seeds;
 - d. Means of transportation entering the country from abroad;
 - e. Agricultural equipment, bottling and packaging materials, industrial products, plant crafts that can facilitate spread of the quarantine organisms, as well as rocks and soil samples;
 - f. Territories and buildings of the organizations producing, processing, storing and selling commodities of plant origin, agricultural and forestry crops, household plots, and non-agricultural land.
2. taken out

Part III State Border Agricultural Quarantine Control

Article 8. The State Phytosanitary Border-Quarantine Control.

1. The Customs Department of the Ministry of Finance carries out state phyto-sanitary and veterinary border-quarantine measures at the borders, sea ports, air ports, over land passes, and at customs clearance passes in accordance with rules set by IPPC and OIE and the Ministry of Agriculture policy.
2. In case of transit and re-export of the commodities and cargoes subject to quarantine the exporter should produce a phytosanitary certificate of the exporting country and permit issued by the Ministry of Agriculture of Georgia
3. Commodities and means of transport entering the territory of Georgia are subject to mandatory phytosanitary border inspection and, if necessary, to laboratory testing and eradication of diseases.
4. Commodities with recovered quarantine organisms should be turned back or destroyed. In case such eradication is impossible, the commodities should be processed and sold or disposed of at the owner's expense, supported by the relevant documentation.

Article 9. taken out

Part IV Administration of the Agricultural Quarantine on the Territory of Georgia

Article 10. Internal Quarantine Measures taken out

1. In case of discovering organisms subject to quarantine a defined territory is declared a quarantine zone
2. The entry/exit of the means of transport, commodities subject to quarantine to/from the area under quarantine regime is prohibited. The same time, on the same location are carried out disinfection, technical processing or elimination (destroy) after filling relevant documents
3. Phyto-sanitary Quarantine Inspectors should return, hand over to the relevant processing enterprise or destroy entities subject to quarantine illegally taken from the quarantine zone. Relevant documentation should register such acts.
4. The Ministry of Agriculture and relevant executive bodies are informed about the imposition and lifting of quarantine; also, the information is disseminated through media.

Article 11. taken out

Part V Penalties for Violation of this Law

Article 12. Penalties for Violation of the Conditions of Phytosanitary and Veterinary Quarantine.

Penalties for violation of the Law of Georgia on Agricultural Quarantine are defined by the legislation of Georgia.

Part VI Transitional and Concluding Provisions

Article 13. Transitional Provisions

1. The control measures envisaged by this Law shall cover only bringing products to the territory of Georgia by January 1, 2006, if established that in the country of origin of goods, are observed:

- a) facts of plant disease from harmful organisms.
- b) epidemic and epizootic.

2. The Government of Georgia, on the grounds of information obtained from relevant international organizations, shall provide systematic publication of a list of malus countries where epidemic and epizootic, also plant diseases caused by harmful organisms are observed, taking into consideration amendments made to the above list. *(24 June 2005)*.

4. Until the January 1 2007 the Ministry of Agriculture shall prepare the list of produce, materials, and objects subject to phytosanitary quarantine control.

3. Responsibilities assigned to the Customs Department of the Ministry of Finance by the Article 8 of this law shall be in force through January 1, 2009

Article 14. Effecting the Law.

This Law shall be effective upon publication.

President of Georgia
Eduard Shevardnadze
Tbilisi, 15 May, 1997 N716-IIS