

REPUBLIC OF ALBANIA

PEOPLE'S ASSEMBLY

L A W No. 7662

ON PLANTS PROTECTION SERVICE

Relying on Article 16 of the Law No. 7491, of April 29, 1991
"Main Constitutional Provisions", and on the proposal of the
Council of Ministers,

The PEOPLE'S ASSEMBLY OF
THE REPUBLIC OF ALBANIA

D E C I D E D:

C H A P T E R I

General Provisions

Article 1

In this Law:

"Inspector" means the inspector of plant protection and
quarantine.

"Minister" means the Minister of Food and Agriculture.

"Pest" means any form of plant or animal life, or any
pathogenic agent injurious or potentially injurious to plants or
plants products.

"Quarantine pest" means a pest of potential national economic
importance to the country endangered thereby and not yet identified
or identified, but not widely spread and which is actively
controlled.

"Pesticide" means each substance used in the prevention,
controlling or destruction of the plant pests. The term encompasses

chemicals used to protect the plants or the plant products.

"Registration" means the process of approval, sale and use of a pesticide by the relevant responsible Government authority, based on the complete assessment of the scientific data which prove that the pesticide is efficient in its use and does not constitute a danger for the human and animal health and the environment.

"Area" means the place where the agricultural products are cultivated, stored, and transported.

Article 2

The purpose of this Law is plant protection and especially agricultural plants, from pests and other non-parasitary causes; protection of agricultural products from different pests; avoiding the possible health risks for humans or animals originating by the use of pesticides and other plant protection measures, as well as the application of international legislation in the field of plant protection.

Article 3

The Minister by decree pronounces the list of:

1. Quarantine pests

2. Most dangerous pests, which control is obligatory and continuous.

and makes the necessary amendments when indispensable.

C H A P T E R I I

PESTS CONTROL

Article 4

All juridical or physical persons that cultivate, produce, store, process and sell plants or plant products, are obliged to take the necessary precautions against pests and prevent their spread and multiplication. They are obliged to observe the plants, the soil and plant products for the pests appearance and control them with methods, means and pesticides allowed by the acting legislation.

Article 5

When the intensive spread and multiply of a pest constitutes a hazard, the inspector or the agronomist of plant protection in the Commune obliges, through an order, the producers to apply special control measures. If the producers do not comply, the necessary action is carried out by the special bodies of plant protection and the expenses are born by the producers.

Article 6

When during cultivation, a kind of plant or variety becomes an infection source, and this infection can not be limited through other methods, the owners are obliged to limit or entirely substitute those plants or varieties with more resistant ones.

Article 7

In the case of a massive spread and infection of a pest, which control would require a big amount of means and personnel, the Minister has the right to mobilize the technical equipment and machinery, along with the service personnel of each owner that has them at his disposal, bearing the expenses of the operation to the owner.

Article 8

For pests that are specially indicated by the Minister, the Government grants free of charge, the necessary expenses for the treatment to the owners carrying out the control of these pests.

Article 9

The seeds, seedlings, grafts and other plant material serving for planting, reproduction or transplantation, may be used, only when after the phytosanitary tests they result free from quarantine pests or special hazardous pests.

When the propagative material proves to be infested with a pest above the allowed limits indicated by the relevant standards, it is rehabilitated, and if this is not possible, the material is used for processing, consumed or is destroyed, and the expenses are borne by the owner; or in special occasions by the state.

C H A P T E R I I I

PLANT QUARANTINE

Article 10

The import, export or transit in the territory of the Republic of Albania of plants, plant production is implemented according to the provisions of this Law and the phytosanitary agreements concluded with other Governments or International Organizations.

The transit is allowed to be carried out solely through the quarantine points, designated by the Minister in cooperation with the Ministry of Public Order, Ministry of Transports and Communication and the Ministry of Economic Cooperation.

Article 11

The import, admission or export of plants or plant products without the apposite control and relevant phytosanitary certificate

is prohibited.

The plants or plant products to be controlled, will be presented in such conditions that the Inspector deems necessary to carry out the inspection.

Article 12

The imported plants or plant products resulting infected with quarantine pests, are barred at the quarantine border point by the inspector, who has the right to send them back, carry out the rehabilitation process, if possible, or destroy them in the designated locations.

The expenses for the rehabilitation and destruction are born by the owner.

Article 13

The owner dealing with cultivation, production and storage of plants or plant products, observing or doubting of an pest not discovered before in the area or intensive pest infestation, is obliged to immediately notify the Government authorities of plant protection service and provide a specimen of the pest.

Article 14

Cultivation, multiplication and planting of plants infected with quarantine pests is prohibited.

In the cases, the Inspector considers that the plants or plant products are infected or are endangered to be infested with a quarantine pest, he has the authority to bar their owner to transport or transfer the material, for a period of time he deems necessary.

Article 15

In the case an area results infected with a quarantine pest, that may spread, the inspector declares by a written statement that the area with its surroundings is infected and will be denominated as such till a further decision of the Minister.

Copy of the declaration is given to the owner or user and the Minister. When deemed that the pest may spread to another area, the inspector declares through a written statement that the other area is infected.

Article 16

In case, after issuing the written statement according to Article 15, the Inspector deems that immediate action is needed to be undertaken in order to control the quarantine pest, he has the right to bar or limit for not more than 90 days the transit of persons, plants or plant products within or outside the boundaries of the infected area. With the elimination of the causes the barring or limitation has taken place, the Inspector invalidates the decision.

Article 17

The Minister by written order may:

a. Annul the statement of the area declared infected, according to Article 15.

b. Declare infected each area not comprised in the declaration according to article 15.

c. Designate and latter on change the territory of each infected area.

d. Prohibit or limit the transit of persons, plants or plant productions, inbound or outbound of the area declared infected.

e. Allow the transit of persons, plants or plant products, inbound or outbound the area, prohibited by this Article or Article

Article 18

The Order of the Minister or of the Inspector to bar or limit, according to Article 16 supercedes every order issued by the local authorities in incongruity with the former.

Article 19

The inspector has the right to bar plants or plant products, in case he observes infringements of this law. Immediately after barring the products or plants he informs in writing the owner or user about the time and the reasons of such an action.

Article 20

In the cases when the Inspector bars the plants or plant products, he compelles their owner or user to store, treat or destroy them at the location where the goods have been barred, or transport them in another location for storage, treatment or destruction, specifying the ways of action to be undertaken.

In each case the necessary expenses are born by the owner or user.

Article 21.

The Inspector will bar plants or plant products, or act according to Article 20, for such a period of time as deemed necessary that the provisions of this law are infringed.

Article 22

In the case the Inspector bars plants or plant products within the effect of this Law, he will be assisted by the public order forces.

Article 23

The inspector and other bodies of plant protection, to enforce this Law, have the right to:

a) Control the plants or plant products at their cultivation site, storage or other facility where the products are stored for different periods of time, as well as the means serving for their transport.

b) Obtain through a verbal, without payment, specimen from the plants or plant products for the necessary analyses.

Article 24

Conservation or multiplication of the pests (indicated in Article 3, paragraph a), for research and experiment purposes is allowed solely through special authorization issued by the Minister.

CHAPTER IV

PESTICIDES

Article 25

All pesticides predetermined to be used for phytosanitary purposes within the territory of the Republic of Albania are submitted to registration by the Ministry of Agriculture and Food in cooperation with the Ministry of Health and Environment Protection.

The registration document is signed by the Minister. The technical opinion for the approval or denial of the registration, is provided to the Minister by the apposite State Pesticide Commission set up under his auspices.

Article 26

The State Pesticide Commission exercises its activity in compliance with this law and other by-laws and regulations for this purpose, as well as the regulations approved by the Minister. Its functioning is implemented through regular meetings and a permanent secretariat at the Directorate of Plant Protection in the Ministry of Agriculture and Food.

Article 27

The Institute of Plant Protection cooperates with the Institute of Hygiene and Epidemiology, and the Institute of veterinary Research for the observation of the pesticide registration scheme and submits to the Pesticide Committee the relevant proposals.

Article 28

The Minister in cooperation with the Minister of Health and Environment Protection has the right to review, postpone, annul or amend a registration decision, as well as authorize when he deems necessary, the use of an unregistered pesticide.

Article 29

Every physical or juridical person, national or extra-national, requesting to register a pesticide, is obliged to bear the administrative expenses of the registration, the expenses for biological-agronomical tests, medical-toxicological and other expenses after the registration on collecting information on the effect and use of this pesticide.

The quota of the administrative expenses is designated by the Minister of Agriculture and Food, the Minister of Health and Environment Protection and the Minister of Finances and Economy.

Article 30

The physical or juridical persons, national or extra-nationals, dealing with pesticide import, must have a special import license, issued by the minister for designated periods of time.

Article 31

The Minister has the right to annul the import license, when observes infringements of this Law or other by-laws originating from it, as well as extend the period of use of the license on the basis of requests submitted two months before its expiry date.

Article 32

Juridical or physical persons, nationals or extra-nationals, can deal with the commerce of pesticides, only after being licensed by the Directorate of Agriculture of the district.

Article 33

The Directorate of Agriculture in the district has the right to declare void the commerce license, when infringement of this Law or other by-laws deriving by it are observed.

Article 34

The physical or juridical persons, nationals or extra-nationals, dealing with the import and commerce of pesticides, or the persons employed by them, should have the necessary qualifications to carry out this activity, according to the criteria signified in the regulations.

Article 35

It is recommended that the pesticides be used in compliance

with the specifications of the registration document.

Article 36

The pesticides are sold only in their original undamaged packing, with labels in Albanian language, which content is determined when the registration document is approved.

People dealing with the commerce of pesticides are responsible for the physical and chemical parameters of the pesticides pronounced in the labels.

Article 37

The Institute of Plant Protection is the institution appointed to carry out the quality control of the pesticides.

It has the right to obtain without payment from the physical or juridical persons, nationals or extra-nationals, trading pesticides, specimen for the analyses of the physical and chemical parameters pronounced in their labels.

Article 38

The pesticides are transported, stored, sold or used in accordance with the provisions of the law or apposite regulations concerning health protection of persons and animals as well as fire protection regulations.

Article 39

The pesticides are allowed to be used in the cropped areas, fruit plantations, vines, forests and grazing areas or their use may be forbidden near the costal areas, lakes or reservoirs.

Article 40

The expired or useless pesticides and their packing are

disposed of in apposite places, according to the rules and procedures set by the Ministry of Health and Environment Protection in cooperation with the Ministry of Agriculture and Food.

Article 41

The Inspector and the plant protection agronomist of the Commune have the right to exercise control in the storage, sale and places of use of the pesticides, as well as their transport means.

C H A P T E R V

ORGANIZATION OF THE PLANT PROTECTION SERVICE

Article 42

The Plant Protection Service is organized and directed by the Minister, through the functional bodies of this service (mentioned in the Articles 43, 44, 45, 46, 47)

Article 43

The Directorate of Plant Protection in the Ministry of Agriculture and Food observes the practical exercise and the scientific accuracy of this service in country scale.

To watch the application of this law is the Inspectorate of Plant Protection and Quarantine at the Directorate of Plant Protection with branches in the agriculture bodies in the districts.

Article 44

The Institute of Plant Protection carries out scientific research in this field, diagnostics and forecasting, elaborates the ways of fighting and quarantine, and recommends control or quarantine measures against the plant pests, carries out the

biological-agronomical tests for the registration of pesticides, as well as their quality control.

Article 45

The inspector of plant protection and quarantine at the Directorate of Agriculture in the district surveys at district scale the application of this law and issues the relevant phytosanitary certificate for the plant products.

The agronomist of plant protection in the district laboratory diagnoses, forecasts and signalizes the development of pest infections at district level, as well as advises ways and measures for their control.

Article 46

The agronomist of plant protection in the Commune surveys and evidences the phytosanitary state of the plants in the Commune, technically assists and checks the application of the pest control measures and administration of pesticides according to the legislation.

Article 47

The quarantine Inspector at the border points controls that the plant products be free of quarantine agents, as well as the imported pesticides, and points out the necessary measures according to the law.

In each case the control is carried out before unloading from the transport means (boats, coaches, lorries, etc.)

Article 48

Each Inspector is provided with a document signed by the Minister, certifying his appointment as an Inspector, and submits

it whenever requested by the person being controlled for the purposes of this law.

C H A P T E R VI

FINAL PROVISIONS

Article 49

When the infringement of the below-listed provisions does not constitute a penal act, it constitutes an administrative trespass and is punishable by the inspector with a fine of 5000-20000 leks for the articles 4, 5, 6, 7, 9, 11, 13, 14, 16, 17, 19, 20, 35, 38, 39, 40, and 20000 - 50000 for the articles 10, 24, 25, 30, 32.

The right to apply fines from 1000 leks to 10000 leks for trespassing the provisions of the articles 4, 5, 6, 9, 13, 14, 16, 36, 38, 39, and 40 rests with the agronomist of plant protection in the Commune.

Complaints may be lodged against such a decision within 5 days from the day of its notification, with the Minister for the case of Inspector, and the Director of Agriculture in the District in the case of the agronomist of plant protection at the Commune, whose decisions are final.

Article 50

Detailed rules for the application of this Law will be designated through a special decision of the Council of Ministers.

Article 51

The Law No. 7188 of December 29, 1987 "On Plant Protection Service" and the regulations deriving from it are superseded.

Article 52

**This Law shall come into force 15 days after its publication
in the Official Book.**

Tirana, January the 19th, 1993

Law Number: 7662

Chairman

Pjeter Arbneri