

EPPO COLLECTION OF PHYTOSANITARY REGULATIONS

RECUEIL OEPP DE REGLEMENTATION PHYTOSANITAIRE

UKRAINE

07-13429	English version of the new Law of Ukraine “Concerning alteration to the Law of Ukraine “Concerning Plant Quarantine”, which was adopted by the Verkhovna Rada of Ukraine (2006-01-19) and entered into force 2006-02-21.
07-13430	New List of Regulated Pests (adopted with the Lists A1 and A2 of EPPO and EU) implemented in Ukraine since 01.01.2007 in accordance to the Decree of the Ministry of Agricultural Politics of Ukraine (№731, 22.12.05) and its registration in the Ministry of Justice of Ukraine (№62/11936, 24.01.06).

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The Law of Ukraine:
Regarding the changes in the Ukrainian Law
"Concerning the Quarantine of Plants "

The Verkhovna Rada of Ukraine enacts:

To make alterations in the Ukrainian Law "Concerning the quarantine of plants"

(Registers of the Verkhovna Rada of Ukraine , 1993, N 34,
pg. 352; 1997, N 35, pg. 220; 1999, N 34, pg. 274; 2003,
N 28, pg. 212), stated in this version:

“THE LAW OF UKRAINE

Concerning the quarantine of plants

This Law asserts organizational and financial-economic backgrounds of the quarantine of plants, the authority of governing institutions, and their governmental personnel, rights and an obligation of legal entities and natural people, concerning the prevention of introducing and extending non-existent regulated harmful organisms on the territory of Ukraine, and forms a part of legislation of Ukraine regarding plants' life and health protection.

Section I

GENERAL PROVISIONS

Article 1. Definition of terms

In this Law underlying terms are used in the following meaning:

analysis of risks – a process of appraisal of biological, ecological and economic data for the purpose of defining the necessity of controlling the regulation of harmful organisms and necessary phytosanitary measures;

antagonist - organism (usually a pathogen), which doesn't harm the plant and can be used for making a biologically controlled;

biological control – a method to control regulated harmful organisms using biologically controlled organisms or their natural enemies, antagonists and rivals, which are self produced;

biologically controlled organism – is a natural enemy, antagonist, rival or any other microphysics item, which is self produced and is used for dealing with regulated harmful organisms;

cargo – a certain amount of regulated objects, which are being transferred from one country to another or within Ukraine and for which there is an international phytosanitary or quarantine certificate issued (the cargo can consist of one or more lots);

the definition of the phytosanitary danger – a process of defining the amount of regulated harmful organisms that can be potentially transferred to the territory of Ukraine by means of importing regulated objects;

state supervision – an activity of the state governing institutions regarding quarantined plants that is made periodically, with a purpose of ensuring that the personnel of phytosanitary measures follow the process of producing, saving, transporting, utilizing, including exporting and importing of regulated objects, established by the legislation;

additional declaration – a statement that accompanies an international phytosanitary certificate that is demanded by the importing country, where additional information is mentioned regarding the phytosanitary condition of the regulated objects;

economic threshold of damage – a level of expenditures for performing phytosanitary measures;

interested partners – Ukrainian personnel, which are members of international organizations or subjects of treaties, that regulate phytosanitary measures;

transferring – infiltration of the regulated harmful organism, that leads to its implantation;

infection – a regulated harmful organism living in a regulated object that is a threat for plants;

zone – an officially defined country, the territory of the country or the territory of several countries;

zone, free of regulated harmful organisms – a zone, where the absence of the regulated harmful organism is scientifically confirmed and this condition is officially maintained during a certain defined period of time;

a zone with the insignificant amount of the regulated harmful organisms – a zone which is defined by the State quarantine of plants service of Ukraine, where the regulated harmful organism is present in an amount, that exceeds the economic threshold of damage, and is under their supervision, control and/or destruction;

inspection – a visual examination of the regulated objects for determining the presence of the regulated harmful organisms and/or their correspondence to phytosanitary rules;

quarantine – a keeping of the regulated objects in certain places for monitoring or further inspection, phytosanitary examination and/or processing;

quarantine permission (for import or transit) – an official document, that allows import or transit of the regulated objects according to defined phytosanitary measures;

quarantine zone – a territory, where quarantine system is established as a result of the detection of the quarantine organism;

quarantine supervision – supervision of the import cargo after the completion of the customs register/arrangement and/or removing/exporting from the quarantine zone to the destination station;

quarantine organism – a harmful organism, which in the case of spreading or limited distribution on the Ukrainian territory can inflict significant damage to the plants and plant;

quarantine of plants – a system of measures, oriented for the prevention of spreading or distribution regulated harmful organisms or providing control over them (localization);

quarantine system – a special legal structure, that foresees a system of phytosanitary measures, which are carried out in the quarantine zone with the purpose of localization and liquidation of quarantine organisms;

quarantine certificate – a document, issued by the institution of the State service of quarantine of plants of Ukraine and certifies the phytosanitary state of the regulated objects, that have been exported and/or imported into the quarantine zone, transported throughout the Ukrainian territory;

liquidation – elimination of the regulated harmful organisms in accordance with the requirements of the phytosanitary measures;

localization – realization of phytosanitary measures with the purpose of prevention of the distribution of the regulated harmful organism;

monitoring – an official lasting process for the verification of the phytosanitary state or the status of harmful organisms;

supervision – a process of collecting and registering data concerning the presence or absence of the regulated harmful organism in the defined zone by the state institutions regarding quarantine of plants by means of observation, monitoring and others procedures;

extraordinary circumstances – are circumstances, by which the presence of the quarantine organism in the country of origin or transit has been confirmed or suspected, that can cause irreparable harm to the health of plants which are sensitive to this organism all over Ukraine or in a part of Ukraine in the case of importing of objects sensitive to this organism objects which can transfer the quarantined organism;

a proper level of the phytosanitary defense – the level of protection, defined for the performance of the phytosanitary measures;

seeds - seed material not intended for consumption and processing;

object – the place of growing, producing, storage and processing plants and vegetable products;

regulated objects – any plant, product of the plant origin, place of storage, packing, means of transportation, containers, soil and any other organisms, objects or materials, which are able to carry or diffuse the regulated harmful organisms;

person – is a legal entity (juridical person) or a natural person;

processing - officially confirmed procedure, directed to the destruction, growth capability, development or in future cloning of the regulated harmful organisms;

inspection – the collection and registration of observation data, monitoring and other procedures related to the determination of the presence or absence of the regulated harmful organism in this area (natural habitat);

appraisal of the phytosanitary risks – an appraisal of probability, of biological, ecological and/or economic consequences of transferring or distribution of the regulated harmful organisms;

notification concerning the risk – an exchange of information concerning the risk of the appearance or distribution of the regulated harmful organism;

recurring phytosanitary (arbitration) examination – a phytosanitary examination which is conducted on the demand of a person, who appeals the results of the previous phytosanitary examination;

procedure of verification – any activities to define the phytosanitary state of the regulated objects;

the center for the quarantine of plants – a specially equipped place, where the phytosanitary state of the object of regulation is defined;

regulated zone – a zone, where phytosanitary measures are performed with the purpose of prevention of the transferring and/or distribution of the quarantine organisms during import or export of the regulated object;

regulated non-quarantined harmful organism – is not a quarantined harmful organism, the presence of which in the seed or planted material exists an unacceptable economic influence on the expected use of these plants and is as a result subjected to regulation;

regulated harmful organism – a quarantine organism or regulated non-quarantine harmful;

risk – a possibility of the presence and reliable scale of consequences of an unfavorable event during a certain period of time;

plants – plants and their parts, including seed parts of living plants, fruit, vegetables, potatoes, potato bulbs, bulbs, onions, roots, cut flowers, branches with sprigs and leaves, cut trees, crops of plant tissues, except those, to which the method of freezing or thermo processing are being used;

list A1 – list of quarantined organisms, which are absent in the countries – members of the European and Mediterranean organization of plant protection (EOPP);

list A2 – list of the quarantined organisms, present at least in one country – member of (EOPP), but are not widespread, that are officially controlled (localized);

supervision – a process of collecting and processing of data regarding the presence or absence of the regulated harmful organism;

status of the harmful organism (in a zone) - recognizing by the state institutions in the field of quarantine of plants of the presence or absence of the harmful organism in the zone at the present time, including necessary data concerning its geographical distribution, on the basis of expert opinion, that is based on current and previous reports regarding the harmful organism and other information;

risk control – a process of determining which measures shall be taken with the purpose of diminishing the risk level (risk level reducing);

phytosanitary examination – a check out and analysis of the regulated objects in the laboratory regarding the presence or absence of the regulated harmful organisms;

phytosanitary certificate – the certification of the phytosanitary state of the regulated objects;

phytosanitary state – the presence or absence of the regulated harmful organisms in the regulated objects;

phytosanitary measures – any activities, including all correspondent laws, normative-legal deeds, phytosanitary rules, requirements and procedures which are obligatory for institutions of state governing and personnel implementation;

phytosanitary rules – rules established by normative-legal deeds for transferring and/or distribution of the quarantined organisms and prevention and restriction of the economic influence of the regulated non-quarantine organisms, including procedures of the phytosanitary certification;

phytosanitary procedure – a procedure, established by the institution of the central governing of the executive authority regarding agrarian policy in the field of quarantine of plants, and a method of application of the phytosanitary rules, including performance of the observation, examination, analysis, inspection and control of the uninfected regulated objects;

fumigation – a process of treatment with a gaseous chemical agent that fully engulfs a commodity;

harmful organism – any kind, strain or biotype of plants, animals, pathogenic agents that are harmful to plants or products of the vegetable origin including insects, funguses, bacteria, viruses, eelworms and weeds.

Article 2. Legislation concerning the quarantine of plants

Legislation concerning the quarantine of plants is based on the Constitution of Ukraine (**254r/96-BP**) and consists of this Law and other normative-legal deeds, which are accepted in accordance with them.

Section II

STATE ADMINISTRATION IN THE FIELD OF QUARANTINE OF PLANTS

Article 3. Institutions which perform state management in the area of the quarantine of plants

State management in the field of quarantine of plants is performed by the Cabinet of Ministers of Ukraine, central governing body of the executive authority regarding agrarian policy, institution of the State quarantine of plants service of Ukraine.

Article 4. Authority of the Cabinet of Ministers of Ukraine regarding the quarantine of plants

Among the authorities of the Cabinet of Ministers of Ukraine regarding quarantine of plants are:

to support the performance of the state policy regarding quarantine of plants;

development and realization of the proper national programs;

direction and coordination of the State institution service of the quarantine of plants of Ukraine;

agreement of international treaties on behalf of the Government of Ukraine, including agreements concerning the declaration of uniformity of certain phytosanitary measures;

introduction and elimination of the quarantine system in the order established by this Law;

establishment of the State institution service quarantine of plants of Ukraine a list of requiring payment services and their amount;

approval of the list of regulated objects, order of issue of the quarantine permission, quarantine certificate, phytosanitary certificate, phytosanitary certificate for the re-export and period of their validity;

performance of other authorities in the field of quarantine of plants according to the Constitution (254к/96-BP) and Laws of Ukraine.

Item 5. Authority of the central institution of the executive power regarding questions of the agrarian policy in the field of quarantine of plants

To the authorities of the central institution of the executive power regarding questions of the agrarian policy in the field of quarantine of plants belong:

dissemination of orders from the management in the field of quarantine of plants;

performance of public policy regarding quarantine of plants;

appointing and dismissing the post of supervisor and deputies of the supervisor of the Main state inspection on the quarantine of plants of Ukraine;

approval of the list of the regulated harmful organisms;

approval of the organization structure and regular quantity of the State service on the quarantine of plants of Ukraine;

performance of other authorities in the field of quarantine of plants in accordance with the Law.

Article 6. Assignment and coordination of the State service concerning the quarantine of plants of Ukraine

Tasks of the State service concerning the quarantine of plants of Ukraine are:

protection of the territory of Ukraine from transferring of the regulated harmful organisms;

discovery, localization and liquidation of the regulated harmful organisms;

prevention of the penetration of the regulated harmful organisms into the zones free of such regulated harmful organisms on the territory of Ukraine;

awareness of the state control for execution of the quarantine system and holding activities on the quarantine of plants during their growing, storage, exporting and importing, transportation, storage, processing, utilizing and usage of the regulated objects;

registration of the personnel who perform the economic activities related to the production and circulation of the regulated objects.

State service on the quarantine of plants of Ukraine includes:

The main state inspection of the quarantine of plants of Ukraine is being submitted to the central institution of executive power regarding questions of the agrarian policy, which is situated in the area of management;

Central research quarantine laboratory which is controlled by the Main state inspection of the quarantine of plants of Ukraine;

state inspections of the quarantine of plants of the Autonomous Republic of Crimea, regions, cities of Kiev and Sevastopol, points of quarantine of plants in the districts, marine, river ports (on piers), at the central railway stations, in the air ports (on the airfields), in the post offices, highways, bus stations, auto stations, on the state border of Ukraine, zone and regional quarantine laboratories.

In case of necessity, the quarantine of plant stations can be created also in other areas, which activity of is connected with the storage, exporting and importing, transportation, utilizing and usage of the regulated objects.

Article 7. Authorities of the Main state inspection concerning the quarantine of plants of Ukraine

The authorities of the Main state inspection on the quarantine of plants of Ukraine entail:

definition accordance to the law of order of import, export and usage of the plants and plant products, including the approval with quarantine services of other countries according to the international treaties of Ukraine;

studying (researching) of the species structure, biology and ecology of the regulated harmful organisms, development of the prognosis of their distribution with a purpose of prevention of the transferring and/or their distribution;

development of projects and normative-legal acts in the field of quarantine of plants;

managing of the databases and informing the community and interested partners concerning the exposure, presence, distribution, localization and in the case of the necessity of liquidation of the regulated harmful organisms;

the inspection and phytosanitary examination of the regulated objects;

performance of the state control after implementation of the phytosanitary measures;

delivery of the quarantine permissions in accordance with the law;

the coordination of the monitoring, discovery and identification of the regulated harmful organisms in Ukraine;

preparation of the list of the regulated harmful organisms;

preparation of the list of the regulated objects;

realization of control after the usage of biologically controlled organisms;

presenting to the Cabinet of the Ministers of Ukraine the introduction or elimination of the quarantine system;

detailing the scientific-research regarding the quarantine of plants;

be in charge of after the administration of the fumigation (disinfestations) by the personnel of the regulated objects, which are moving through the state border of Ukraine and/or borders of the quarantine zones;

nomination and dismissal of the post of supervisors of the quarantine of plants state inspections (their deputies) of the autonomous Republic of Crimea, regions, cities of Kyiv and Sevastopol;

representative office of Ukraine in the international organizations according to the order established by the law;

control of the special research conducted jointly with national organizations on quarantine and plant protection of other countries according to the evaluation of the correspondence or non-correspondence of the regulated objects to the phytosanitary rules;

grant of reports to the interested partners concerning the phytosanitary prohibitions or restrictions;

establishment of the individually defined percentage of the cargo, which are subject to the selective phytosanitary boundary test;

The establishment of the national register of persons whose activity is being subjected to the registration according to Article 27;

answering questions in relation to phytosanitary measures.

fumigation (disinfestations) of the regulated objects, which are moving through the state border of Ukraine and quarantine zones, subject to licensing accordance to the law.

State quarantine of plants service of Ukraine for the performance of their authorities interact with the central institutions of the executive power, Rada of the Ministers of the Autonomous Republic of Crimea and local state administrations.

Article 8. Authority of state inspections from the quarantine of plants of the Autonomous Republic Crimea, regions, cities of Kiev and Sevastopol

Authorities of the Main state inspection on the quarantine of plants inspection of the Autonomous Republic of Crimea, regions, cities of Kyiv and Sevastopol entail:

delivery of the phytosanitary and quarantine certificates for plants, products of the plant origin and other regulated objects;

inspection and holding of the phytosanitary examination of the plants, products of the plant origin and other regulated objects, that are moving on the territory of Ukraine, through the state border of Ukraine and quarantine zones (including those which are in the cargo, postal mail and carry-on baggage of passengers);

registration of the personnel, whose activity according to the Article 27 of this law is being subjected to the registration;

organization and control for the process of treatment and fumigation (disinfestations) of plants, products of the plant origin and other regulated objects, which are moving through the state border of Ukraine and quarantine zones;

performance of the state control for the holding of phytosanitary measures, which are being used to quarantine organisms in accordance with the law and international treaties of Ukraine;

organization and holding of systematic inspections of the lands of the agricultural designation and lands of forest funds, stations of the quarantine of

plants and neighboring territory, places of plant circulation, products of the plant origin and other objects of regulation;

performance of the state control for the activity of nurseries, state warehouses, hot houses and green-houses, which activity is connected with the circulation of plants, seeds and material;

performance of the state control after the producing and circulation of plants, products of the plant origin and other regulated objects;

use in accordance with the legislation of urgent measures for the localization and liquidation of the quarantine organisms, and prevention of their distribution;

performance of urgent activities for the localization and/or liquidation of the quarantine organisms;

distribution of information regarding the quarantine of plants among the personnel;

distribution of information and if there's a necessity of the introduction of the study of the plant producers, products of the plant origin and other objects of the regulation regarding the identification of the quarantine organisms;

making presentations to the proper state administrations concerning the establishment and canceling of the quarantine system.

Article 9. Government personnel who perform state control of the quarantine of plants

organization and performance of the state control depend on the Main state quarantine of plants inspector of Ukraine, main state quarantine of plants inspectors of the Autonomous Republic of Crimea, regions, cities of Kiev and Sevastopol, and their deputies and state inspectors of the quarantine of plants.

Main state quarantine of plants inspector of Ukraine is a supervisor of the Main state quarantine of plants inspection of Ukraine, who is being nominated and retired from the post by the central institution of the executive power regarding questions of agrarian policy.

The supervisor of the Main state quarantine inspection of Ukraine has deputies, including the first one (main one), which are being nominated and retired from the post for the request of the supervisor of the Main state quarantine of

plants inspection of Ukraine by the central institution of the executive power regarding questions of agrarian policy.

The supervisors of the Main state quarantine of plants inspector of Ukraine (their deputies) Autonomous Republic of Crimea, regions, cities of Kiev and Sevastopol are being nominated and retired from the post of the supervisor of the Main State quarantine of plants inspection of Ukraine. Supervisors of the state quarantine of plants inspections of the Autonomous Republic of Crimea, regions, cities of Kiev and Sevastopol are main state quarantine of plants inspectors according to the Autonomous Republic of Crimea, regions, cities of Kiev and Sevastopol.

State quarantine of plants inspectors are the specialists from the quarantine of plants service of Ukraine.

For the government personnel, which were given the authority of the state quarantine of plants inspectors, action of the Law of Ukraine "About the state service" (3723-12) is extended.

For the government personnel, which were given the authority of the state quarantine of plants inspectors, length of the state service is being enrolled from the day of entry in force of the Law of Ukraine "About the quarantine of plants".

Directors of the Central scientific research, zonal, regional and city quarantine laboratories, by points of quarantine of plants in the districts, in sea, river ports (on piers), at the corresponding railway stations, in the airports (on the air fields), post offices, highways, bus stations, markets, points of admission, on the state border of Ukraine, customs officials are being nominated and retired from the post by the supervisor of the Main state quarantine inspection of Ukraine.

State quarantine of plants inspectors are supplied with a uniform at the expense of the State budget of Ukraine.

The standards of the uniform and signs of distinctions, length of wearing the uniform and the order in which it is provided, are set by Cabinet of Ministers of Ukraine.

Article 10. Rights and obligations of the government personnel, who perform state control and supervision

The Main state quarantine of plants inspector of Ukraine, The Main state quarantine of plants inspector of the Autonomous Republic of Crimea, the main state quarantine of plants inspectors of the regions, cities of Kiev and Sevastopol

head the proper inspection of the quarantine of plants, perform state control to follow legislation in the field of quarantine of plants.

The Main state quarantine of plants inspectors within the limits of their authority has a right:

to conduct phytosanitary procedures on the regulated objects;

to detain regulated objects for inspection and phytosanitary examination, if they are transferring without proper correspondent phytosanitary documents or don't respond to the phytosanitary demands;

to perform state control and supervision, inspection and monitoring of the certain territory, regulated objects;

to receive the necessary information for the performance of the authorities in accordance to the law;

to select samples from a collection of plants and plant products for the holding of the phytosanitary examination in accordance to the law;

to give orders that are being subjected to the obligatory implementation of the phytosanitary measures within the limits of their authority;

to give summations to the insurance institutions regarding the inflicted harm as the result of the liquidation of the quarantined organisms;

to impose, in the order set by law, administrative penalties on personnel, guilty of violating the legislation concerning the quarantine of plants;

the unimpeded access to powers of the (objects) of production and circulation of the regulated objects of the plants having the reasons for the verification by these and other laws of Ukraine, and by the condition to grant the official direction for verification to the personnel, where the data of its delivery is mentioned, the name of the plant state quarantine inspections of Ukraine, the purpose, type of verification, reasons, the date of the beginning and end of the verification, positions, ranks and surnames of the government personnel of the quarantine of plants state inspections of Ukraine who will conduct the verification. Direction for the verification is conditions of the presence of the signature of the supervisor of the quarantine of plants state inspection of Ukraine, by the seal of the quarantine of plants state inspections of Ukraine. The absence of these documents or their presence of the breaking of the demands, set in this Article, is a reason for the non-admission of the government personnel of the quarantine of plants state inspections of Ukraine for the holding of the verification. Holding of the

verification by the quarantine of plants state inspection of of Ukraine should not break this set regime of the personnel work.

The Main state quarantine of plants inspector of Ukraine, The Main state quarantine of plants inspector of the Autonomous Republic of Crimea, the main state quarantine of plants inspectors of the regions, cities of Kiev and Sevastopol and state inspectors concerning the quarantine of plants are obligated:

in the case of discovery of quarantine organisms, they have 24 hours to submit all necessary presentations concerning the establishment of the quarantine system;

to act on the basis, within the limits of the authorities and in a way which is statutory, and to keep the demands of the normative-legal acts regarding quarantine of plants;

to guarantee the confidentiality of any information, that is of a commercial secret, except cases that are statutory;

to give documents, which certify their authority;

to give to the proprietors of the regulated objects, which are being subjected to the state control, acts concerning the results of the supervision, inspection and monitoring.

For violating the requirements of this law and other normative-legal deeds the quarantine of plants state inspectors bear statutory responsibility.

Article 11. Guarantees of the activities of Government Institutions, which perform the state control and supervision

The Main state quarantine of plants inspector of Ukraine, The Main state quarantine of plants inspector of the Autonomous Republic of Crimea, the main state quarantine of plants inspectors of the regions, cities of Kiev and Sevastopol, state inspectors, from the quarantine of plants state inspectors of Ukraine are independent in their activities and follow the Constitution of Ukraine (254к/96-BP), this Law and other normative-legal deeds.

A decision of the quarantine of plants state inspector regarding the prohibition of growing, exporting and importing, transportation (including exporting and importing, transit), storage, utilizing or usage of the regulated objects, are accepted within the limits of his authority, are obligatory for implementation.

Offenses of the government person, who performs the state control of quarantine of plants, and also pressures, threatens violence and other activities, which prevent the performance, duties and obligations and authorities, accordance to the law.

Article 12. Rights and duties of persons in relation to the quarantine of plants

Personnel, who perform economic activity, related to the production, processing, storage, transporting and trade of the plants and plants products, have a right to receive the information concerning phytosanitary state on the certain territory from the quarantine of plants state inspection of Ukraine.

Personnel, who suffer from the harm as a result of the establishment of the quarantine system or connected with the performance of the activities regarding the liquidation of the quarantine organisms, are being compensated in accordance to the law.

Personnel property which is being used with the purpose of prevention of the distribution and liquidation of the quarantine organisms have a right for the compensation of their damage in accordance with the law and in order and sizes approved by the Cabinet of the Ministers of Ukraine.

Personnel who perform economic activity, connected with the production, processing, storage, transportation, trade of the plants and plant products, are obligated:

to follow the phytosanitary rules and perform phytosanitary measures;

to perform the order of the quarantine of plants state inspections of Ukraine regarding the holding of the certain quarantine activities;

to be registered in the proper quarantine of plants state inspection, if it is required according to Article **27** of this Law;

to submit on the demand of the specialists of the quarantine of plants state inspections of Ukraine information concerning the regulated objects;

to perform a systematical monitoring of the land, which belong to them on the rights of the ownership or usage, and also powers (objects) on which a production and/or circulation of the plants, products of plant origin with a purpose of discovery of the regulated harmful organisms are performed;

to give unimpeded access to the quarantine of plants inspectors to the regulated objects on any stage of the production, processing or circulation for holding of the examining, checking of the documentation and selection of the

samples of the regulated objects for defining their phytosanitary state in the order, foreseen by this Law;

to be instrumental in the support of the quarantine measures in the quarantined and neighboring zones in case of exposure of the quarantine organisms;

to keep all the phytosanitary certificates, quarantine certificates and quarantine permissions during one year starting from the day of their delivery.

The rules of phytosanitary control are mandatory for the performance by the institutions of the state government and personnel.

Personnel and institutions of the state government are obliged to support the quarantine of plants state inspectors in the performance of their authorities.

Article 13. Phytosanitary examination

Phytosanitary examination of the regulated objects is being held with a purpose of discovery and/or identification of the regulated harmful organisms. Phytosanitary examinations being held in the quarantine laboratory of the quarantine of plants State inspections of Ukraine accredited pursuant to the law and authorities by the Main quarantine of plants State inspections of Ukraine to hold the necessary analysis according to the international standards, instructions and recommendations.

A central research quarantine laboratory organizes the performance of the scientific-experimental work in the field of quarantine of plants, analysis of risk, gives support to the quarantine laboratories, which are mentioned in the first part of this issue, with methodical help on the questions of quarantine laboratory diagnostics.

A central research quarantine laboratory examines a second phytosanitary examination upon request of a person. The result of the second phytosanitary examination is considered final.

The performances of the second phytosanitary examination expertise are being approved by the central institution of the executive power regarding questions of agrarian policy.

Section III

DEVELOPMENT AND APPLICATION OF THE PHYTOSANITARY MEASURES

Article 14. Purposes of the phytosanitary measures

Institutions that perform state management regarding the quarantine of plants use the necessary phytosanitary measures with a purpose of:

protection of life and health of the plants on the territory of Ukraine against the risks as a result of the transferring and/or distribution of the regulated harmful organisms in Ukraine or to reduce these risks;

prevention or restriction of any harm as a result of the transferring and/or distribution of the regulated harmful organisms.

Article 15. Proper level of the phytosanitary protection

The central institution of the executive power regarding the agrarian policy determines the proper level of the phytosanitary protection.

The proper level of the phytosanitary protection defined is based on:

confirmed presence of the regulated harmful organisms in Ukraine;

forecasting of the evaluation of the economic expenses for the agricultural and/or wood production, connected with the transferring or further distribution of the regulated harmful organisms in Ukraine;

defining the acceptable level of risk for the neighboring countries and interested partners;

international standards, instructions and recommendations;

minimizing the negative influences of the phytosanitary measures on the international and domestic trade.

Article 16. Development, revision, introduction of the changes and acceptance of the phytosanitary measures

Phytosanitary measures are being developed and/or are being reviewed by the Main state plant quarantine inspections of Ukraine and accepted by the proper institutions of the state power according to their authorities.

Development and review of the phytosanitary measures are being held on the basis of:

scientific principles, certain processes and methods of production;

correspondence to the methods of the inspections, selection of the samples and holding of the phytosanitary examination;

a decision of the distribution of the regulated harmful organisms, presence of the zones, where the regulated harmful organisms are not present, or zones with the insignificant quantity of them;

ecological conditions and conditions of the natural environment;

methods of the processing;

international standards in the field of quarantine and protection of plants;

the results of the risk analysis, which was held by the method, developed by the international organizations;

information, received from the international organizations, which is used by the interested partners.

During the development and performance of the phytosanitary measures regarding the imported regulated objects it is necessary to take into the consideration the status of the regulated harmful organisms in Ukraine comparing them with the status of the regulated harmful organism in the country of their origin.

It is arbitrarily forbidden to discriminate against any interested partners, who import the regulated objects to Ukraine from the countries, where the status of the regulated harmful organism is the same as in Ukraine.

Phytosanitary measures, which are being performed in other country, are considered equal to those that are used in Ukraine, if this country objectively proves that these activities correspond to or exceed the level of the plant protection currently being performed in Ukraine.

Phytosanitary measures, including phytosanitary rules, are subject to review and updating to the extent of receiving new and substantial scientifically important information/commentaries from interested partners.

Phytosanitary measures are reviewed within six months after their acceptance or last revision.

All phytosanitary measures accepted after urgent circumstances, will be reviewed and renewed not later than six months after the date of their assumption or last review, with a purpose of providing that these activities reached, but did not exceed an appropriate level of the phytosanitary protection.

Performance of the review, examining, analysis, disinfestations and inspections (legalization of the phytosanitary and quarantine certificates) regulated objects that are performed by the order set by the Cabinet of Ministry of Ukraine.

Article 17. Performing an analysis of risk and risk management

The results of the analysis of risk on the objects of regulation will be in written form and must contain the following information:

the purpose of performing the analysis;

facts concerning the discovery of the regulated harmful organisms and means of penetration (transmitters, type of transmission), rooting and distribution;

sources of information;

conclusions regarding the evaluation of phytosanitary risk, including the verification of the harm and its consequences that can be caused to plants;

various forms of risk management and reasons why the alternative choices are being declined.

results, in written and electronic form, of the analysis of risk shall be accessible for all interested parties – both Ukrainian, and foreign.

the analysis of risk is performed by the Main state quarantine of plants inspection of Ukraine.

Management of the risk consists in reducing the risk for plants' life and health in accordance to the proper level of phytosanitary protection, which is set in Ukraine.

During the observation of the alternative choices of diminishing the risk of transferring of quarantine organisms certain phytosanitary activities shouldn't limit trade more than it is necessary for achieving the proper level of phytosanitary protection, taking into consideration the technical and economical viability of the suggested alternative activities.

Article 18. Determination of the efficiency of the foreign national organization of plant protection

Determination of the efficiency of the foreign national organization of the plant protection is based on the objective criteria, established by the Secretary of the International plant protection convention.

Determination of the efficiency of the foreign national organization of plant protection periodically acknowledges invalid phytosanitary certificates, which certify the absence of the regulated harmful organisms in the load with the regulated objects, that are being imported and were issued by the, authorized public servant of the foreign national plant protection organization for the cargo with the regulated objects, that have been imported but were defined as invalid as a result of the phytosanitary examination of the samples of this load.

All observed factors and corresponding conclusions made during the evaluation of the efficiency of the foreign national plant protection organization are being documented and given to the foreign national plant protection organization by its inquiry. In case a foreign country inquires concerning the conducting (holding) of the consultations and commentaries regarding the evaluation of its efficiency, the consultations begin, and the results and explanations are analyzed for the purpose of the presence of the motive of the revision of the evaluation of the efficiency of the foreign national plant protection organization.

Article 19. Notification concerning the performance of the phytosanitary measures

For the notification concerning the performance of the phytosanitary measures the Main state quarantine of plants inspection of Ukraine:

within a three day period after the completion of the development of the phytosanitary measures an appropriate notification in periodicals shall be placed ;

inform the center of the processing of the requirements concerning phytosanitary measures of the countries – members of the World Trade Organization (processing center of inquiries), which brings them to the countries – members of this organization with a purpose to reduce the influence on the export possibilities of the interested partners.

Reports shall be published not later than 60 days after the actualization of the phytosanitary activity. Notification is in a format and follows the requirements corresponding to the international organizations or international treaties. In the notification the regulated objects are mentioned, that are concerned by and/or are influenced by the phytosanitary activity, with a short summary and explanation regarding the actualized activity.

Upon the written request of the personnel or interested partners, the Main state quarantine of plants inspection of Ukraine gives information regarding the

phytosanitary measures stating the necessary principles that are essentially different from the international standards.

The Main quarantine of plants inspection of Ukraine examines written commentaries regarding the extraordinary phytosanitary activity, received from the interested partners and personnel, and by their written requirement discusses such commentaries and takes into consideration the results of their discussions during the consideration of the query concerning changes regarding the extraordinary phytosanitary activity.

In the case of extraordinary circumstances materializing and, as a result of the accomplishment of the phytosanitary activity, the notifications will be published in the official printed editions of the state institutions.

The Main state quarantine of plants inspection of Ukraine defines the influence by the extraordinary phytosanitary activity on the export possibilities of the interested partners.

Article 20. Documentation of phytosanitary activities

The Main state quarantine of plants inspection of Ukraine within 10 calendar days will respond to all questions and requirements connected with the phytosanitary measures and processing requirements received from the Center and shall include:

accepted or offered phytosanitary requirements;

procedures of control, inspection and acceptance;

procedures of the evaluation of the phytosanitary risk, factors which are taken into the consideration, and methods of the defining of the proper level of the phytosanitary protection;

membership and participation of Ukraine in the proper international organizations or proper international treaties regarding phytosanitary measures and texts of such activities.

The Cabinet of Ministers of Ukraine determines the size of the fee that will be received from the interested partners and personal for granting of information.

Article 21. Publication and performing of the phytosanitary measures

Phytosanitary measures will be published within three days in the official printed editions after being accepted by the proper institutions of the state authority.

Phytosanitary measures shall not be performed until 6 months have expired after their publication, except for extraordinary phytosanitary measures.

Article 22. Principles of the application/use of the phytosanitary measures

The main state quarantine of plants inspection of Ukraine during the performance of the phytosanitary measures takes into consideration:

extents, necessary for reaching the goal, mentioned in the **Article 15** of this Law;

prohibition of the covert restriction for international trade;

avoiding the arbitrary establishment or discrimination of international trade.

Article 23. Treaties regarding the equivalence of phytosanitary measures

The Main state quarantine of plants inspection of Ukraine on the demand of the interested partners conducts consultations concerning the acknowledgement of the equivalency of the phytosanitary measures with a purpose of subsequent conclusions of the treaties regarding such equivalency in accordance to the law.

Article 24 Principles of procedures of verification, inspection and acceptance

The Main state quarantine of plants inspection of Ukraine provides the verification, inspection and acceptance of the phytosanitary measures on the grounds:

in accordance to the requirements of the international standards in the area of quarantine and plant protection;

control for their implementation;

selection of samples from the regulated objects;

appeal of personnel regarding the control, inspection and acceptance;

notification of the personnel concerning the expected time of the completion of these procedures;

previous results concerning the phytosanitary state;

information based on scientific research, necessary for the control, inspection and acceptance;

protection of the commercial interests of the applicant;

payment for the control procedures, inspection and acceptance.

Section IV

DISCOVERY, MONITORING AND STRUGGLING WITH THE REGULATED HARMFUL ORGANISMS

Article 25. Establishment of a list of the regulated harmful organisms

State quarantine plant service of Ukraine prepares the list of the regulated harmful organisms, which includes:

quarantined organisms, absent in Ukraine (list 1);

quarantined organisms, not widespread in Ukraine (list 2);

regulated non-quarantined harmful organisms.

The list of the regulated harmful organisms is being defined on the basis of the list of the harmful organisms, which are brought to the lists of A1 and A2 by the European and Mediterranean organization of the plant protection and/or lists of other appropriate international organizations, if on the basis of the evaluation of the phytosanitary risk a high level of danger of the transferring or distribution of these harmful organisms for the plants on the territory of Ukraine is defined.

The level presence of the regulated non-quarantine harmful organisms presence, which sets the infection, is defined for each kind of seed and plant material.

The list of the regulated harmful organisms is being approved by the central institution of the executive power concerning the questions of the agrarian policy and being published in the official printed editions of the institutions of the state power.

The list of the regulated harmful organisms is being renewed when necessary in accordance with the status of harmful organisms in Ukraine and changes in the list A-1 and A-2 of the European and Mediterranean organization of the plant protection and being approved in a term, that doesn't exceed 30 days, and is published in the official printed editions of the institutions of the state power as well as in the internet.

Article 26. Definition of the list of the objects of regulation

The Cabinet of the Ministers of Ukraine by the presentation of the central institution of the executive power regarding the agrarian policy approves the list of the regulated objects.

The list of the regulated objects is being formed in accordance with international standards, instructions and recommendations.

In the list of regulated objects from certain countries or zones of the countries of the origin are being defined, which are forbidden for import as a result of the status of the regulated harmful organisms on the territory, where the regulated objects are coming from.

Alterations to the list of regulated objects are made in accordance to the change of status of the regulated harmful organisms of the foreign country, new scientific information and international standards.

Article 27. Registration of the personnel, who perform economic activity, connected with the production and circulation of the regulated objects

Registration in the proper state quarantine of plants inspections of the Autonomous Republic of Crimea, regions, cities of Kyiv and Sevastopol the personnel which are subjected to:

perform economic activity of the circulation of the regulated objects in the quarantine and regulated zones;

produce seed and plant material;

perform biological controls using biologically controlled organisms;

perform economic activity with the production and marking of the wooden packing material;

perform the storage and processing of corn.

Registration of the personnel is conducted on the basis of the results of verification of the objects of regulation by the state quarantine plant inspector.

Personnel, who are registered with the state quarantine service of Ukraine, are given a registration number.

The fee for the registration is not taken.

The order of the personnel registration is defined by the central institution of the executive power regarding the questions of agrarian policy.

Article 28. The system of early warning concerning the quarantine of organisms

The personnel who perform the inspection of plants that grow on the lands of the agricultural designation, in the nurseries, gardens, forests, open soil, green houses and other places, including places for storage, processing and transport equipment for the transportation of the regulated objects.

In the case of the suspicion of the infection of the regulated objects by the regulated harmful organisms a person should inform the state quarantine plant inspector within 24 hours.

The state quarantine plant inspector performs phytosanitary procedures with the purpose of verifying the suspicion of the presence of the regulated harmful organism. In the case of confirmation of this suspicion the state quarantine plant inspector determines the phytosanitary measures, directed for the prevention of the distribution, localization and/or liquidation of the regulated harmful organisms, which should be performed by the personnel.

Article 29. Control for the movements of the regulated objects

Regulated objects are moving throughout the territory of Ukraine having a quarantine certificate in the cases of:

export and/or import of the regulated objects in the quarantine zone;

transportation of the imported regulated objects, which are saved, repacked, divided into parts, mixed with other cargo.

Quarantine certificates are issued by the state quarantine plant inspector not earlier, than 14 days before the day of transportation of the regulated objects on the territory of Ukraine on the basis of the performed phytosanitary procedures.

The state quarantine plant inspector is obligated to make a decision concerning the issuing or refusal of the quarantine certificate within 5 days.

The decision concerning the refusal of issuing the quarantine certificate is giving in the written form.

reasons for making the decision concerning the refusal in issuing the quarantine certificate are:

inconsistency of the regulated objects to the demands of the phytosanitary measures;

the discovery of infection of the regulated objects by the regulated harmful organisms;

the absence of the person's registration, foreseen by Article 27 of this Law;

inconsistency of the present regulated objects, informed by the person for transferring over the territory of Ukraine;

non-performance of orders of the state quarantine of plants inspector concerning the application of phytosanitary measures;

missing payment for issuing the quarantine certificate.

Reasons for the cancellation of the quarantine certificate are:

a person violating the requirements of the phytosanitary measures, which are defined in the quarantine certificate;

report of a person concerning the loss of the quarantine certificate;

the damage of the quarantine certificate, that doesn't allow the definition of the phytosanitary state of the regulated objects;

forgery of the quarantine certificate.

The order of registration of quarantines certificates is defined by the Cabinet of Ministers of Ukraine.

The fee for receiving the quarantine certificate is set by the Cabinet of Ministers of Ukraine.

A person, who submitted all the necessary documents to the state quarantine of plants inspector and issued a payment and didn't receive the decision concerning the permission or refusal concerning the getting of the quarantine certificate, has a right to perform a decelerated transportation of the regulated objects.

Regulated objects, which enter the zone, where the regulated harmful organisms are absent, have to be inspected with a purpose of definition:

absence of the infection by the regulated harmful organisms;

their correspondence to the phytosanitary rules.

Regulated objects can transfer within a zone, free of the regulated harmful organisms, without a quarantine certificate.

The decision concerning the refusal in issuing the quarantine certificate can be appealed to the Main state quarantine plant inspection of Ukraine or to the court.

Statement concerning appealing the case regarding the refusal in issuing of the quarantine certificate has to be handed to the Main state quarantine of plants inspection of Ukraine within a term, which is not exceed 10 days after the receiving of the proper decision. The statement will be examined during this 10 day period.

Concerning the results of the examination the declarant will be informed in written form.

Article 30. Inspection of the regulated objects

Regulated objects are being inspected with a purpose of checking their phytosanitary state according to the order, defined by the institution of the executive power regarding agrarian policy.

Custom registration of the regulated objects is performed only after the inspection.

If during an inspection the threat of distribution of the regulated harmful organisms is discovered, the state quarantine plant inspector gives the person an order concerning performance of certain phytosanitary procedures.

The Main state quarantine inspection of Ukraine determines the methods of inspection, selection of the samples and performing of the phytosanitary examination.

Item 31. Places of production or productions areas free of the regulated harmful organisms

The places of production or production areas, free of the regulated harmful organisms, are areas, where on the basis of the inspection the absence of the regulated harmful organisms is officially defined and if there is a necessity that their absence is officially supported during a certain period.

The places of producing or producing areas, free of the regulated harmful organisms, is defined on the person's demand, who deals with the producing of the regulated objects.

A proper state quarantine plant inspection is a person who deals with the producing of regulated objects, performs procedures for defining and/or supporting of the status of the place of the production or production area free of the regulated harmful organisms.

The order of official establishment and/or supporting of the status of the place of the production or the production area, free of the regulated harmful organisms, deprived of such status, its renewing and other conditions of the official defining of the place of production or production area is defined by the central institution of the executive power regarding agrarian policy.

The Cabinet of the Ministry of Ukraine defines the size of the payments for granting services, mentioned in this issue, according to the current legislation.

Item 32. Biological control of harmful organisms

Biologically controlled organisms, which can be used with a purpose of the biologically controlled of the regulated harmful organisms, and also demands to the objects and equipment, which are used by the personnel who perform the biological controls, are defined by the central institution of the executive power regarding agrarian policy

The use of biologically controlled organisms can be considered as phytosanitary measures with localization and liquidation of the quarantine organisms, which are performed under the control of the Main state quarantine plant inspection of Ukraine.

The state quarantine plant of Ukraine registers the importing and usage of biologically controlled organisms.

Item 33. The order of establishment and cancellation of the quarantine system in Ukraine

In case of the discovery of the quarantine organisms on the territory of Ukraine the quarantine system will be brought into use: in the boundary of the several regions by the Cabinet of the Ministry of Ukraine after consideration of the Main state quarantine plant inspector of Ukraine; on the territory of the Autonomous Republic of Crimea, regions, several districts, a district, populated settlement or on the territory of the separate economy – according to the Rada of Ministry of the Autonomous Republic of Crimea, local state administration

according to the main state quarantine plant inspectors or state quarantine plant inspectors.

The quarantine system will be in place within 24 hours from the time of the detection of the quarantine organism.

An institution that makes decisions concerning the establishment or cancellation of the quarantine system, informs the personnel who are located, staying or living in the regulated zone within 24 hours.

In the decision concerning the establishment of the quarantine system the following issues should be mentioned:

circumstances that caused the establishment of the quarantine system, including the identification of the specific quarantined organism;

the boundaries of the quarantine and regulated zones, where the quarantine system is being established;

time during which the quarantine system is established;

phytosanitary measures that are performed in the quarantine zone, and the institutions that perform them.

Item 34. Phytosanitary measures that are being applied in the quarantine and regulated zones

On the basis and in the order set by the law, in the quarantine and regulated zones, such special activities are performed:

inspection and phytosanitary examination of the regulated objects;

performing control for the localization and liquidation of the quarantine organisms by personnel;

prohibition of the transferring from the quarantine and regulated zones, regulated objects infected by the quarantine organisms;

fumigation of the regulated objects;

technical processing of the regulated objects, infected by the quarantine organisms.

Plants, products of vegetable origin and other regulated objects, infected by the quarantine organisms, which are impossible to disinfect or relegate with technical processing, are being subjected to elimination in the order set by the law.

Local state administrations, proprietors (representative institutions) of sea and river ports and (harbors), railway stations, airports (air fields), post offices, bus stations, custom service employees and points of entry via highways at the national boundaries of Ukraine, shall give assistance to the state quarantine plant inspectors in the performing of the quarantine activities.

Compensation for damages which result because of illegal activities of the institutions and public servants which provide the quarantine activities will be carried out in accordance to the law.

Section V

INTERNATIONAL TRADE

Article 35. Prohibition or restriction of import

The import of regulated objects is prohibited if they:

are infected by the regulated harmful organisms;

can cause transferring of the quarantine organisms on the territory of Ukraine;

can increase the population of local regulated harmful organisms to a level which doesn't correspond to the level of the phytosanitary protection.

The import of biologically controlled organisms for scientific investigations or biological controlled is performed only if there is the quarantine permission.

The import of harmful organisms, which are being brought for the scientific-investigative and other specific purposes, is allowed by order of the central institution of the executive power regarding the agrarian policy.

Item 36. Requirements concerning foreign and transit cargos

Foreign and transit cargos containing regulated objects shall adhere to the following requirements:

be free of the quarantine organisms;

carry the original phytosanitary certificates;

be accompanied by quarantine permissions;

not to have originated from an object or area of production or be transported through an area where the quarantine system is being extended, that is confirmed by the foreign national plant protection organization of the country – exporter or transit.

In case if foreign or transit cargo with regulated objects was delivered or stored, repacked or separated in another country, except the original phytosanitary certificate for the re-export it is followed by the original international phytosanitary certificate from the country of origin or its notarized copy.

If the foreign or transit cargo which contain regulated objects was imported into several countries and because of this several phytosanitary certificates for the re-export were assigned, such cargos, except the original or notarized copy of the phytosanitary certificate assigned in the country of origin, should be followed by the original phytosanitary certificate for re-export.

If the country of designation, unlike the country of the re-export, does not demand a phytosanitary certificate of the country of origin for the certain cargo, then this cargo is followed by the original phytosanitary certificate for the re-export.

Article 37. Quarantine permission for import or transit

Foreign and transit cargos with regulated objects are being transferred on the territory of Ukraine with the presence of the quarantine permission.

Quarantine permission is being granted by the Main state quarantine plant inspection of Ukraine.

The order of the legalization of the quarantine permission and establishment of the size of the payment for the handing out of the quarantine permission is defined by the Cabinet of the Ministers of Ukraine.

Quarantine permission for transit is not required for the regulated objects, which are transited on the territory of Ukraine in air tight, isothermal, isolated transport vehicles, on the condition that the seal placed by the custom institution of the export country is not broken. This statement is not applied to the re-export cargos.

During the registration of the quarantine permission the following is taken into the consideration:

the foreseen use of the regulated objects;

geographical and other characteristics of Ukraine, country of origin, country of the re-export and transit, which influence the ability of the regulated harmful organisms to survive, be rooted and spread;

the existence in the country of zone origin, free of quarantine organisms, or areas with their insignificant presence, import or transit from which doesn't cause the risk of the transferring of the quarantine organism;

efficiency of the foreign national plant protection organization in the country of origin or re-export concerning Ukraine, is being defined according to the Article 18 of this Law;

efficiency of the phytosanitary measures, which are performed in the country of origin or re-export, and requirements concerning the origin of the regulated objects from the production areas, free of the quarantine organisms, results of performing the phytosanitary examination in the country of origin or re-export;

efficiency and risk related to the quarantine supervision with the purpose of monitoring of load.

Quarantine permissions for import and transit define phytosanitary measures that must be performed by the importer before the cargo departure and after its import.

Quarantine permission for the import of biologically controlled organisms is issued according to the instructions and recommendations of the correspondent international organizations.

A person who submitted all the necessary documentation and made the proper payment to the Main state quarantine of plants inspection of Ukraine and didn't receive a decision concerning the issuing or refusal regarding the quarantine permission, has a right to carry out the declared transportation of the regulated objects.

The Main state quarantine plant inspection of Ukraine is obliged to make a decision concerning issuing or refusal regarding the quarantine permission during 5 days.

The decision concerning the refusal of the handing out of the quarantine permission is issuing to the person in the written form.

The reasons for the refusal of issuing the quarantine permission are:

appearing of the regulated objects from the territories of the countries, where the quarantine organisms are extended;

appearing of the regulated objects from the territories of the countries, where the quarantine organisms are extended, which are restrictedly extended on the territory of Ukraine, in the zones, free of the quarantine organisms on the territory of Ukraine;

not following the phytosanitary measures during the performing of circulation of the regulated objects by a person;

a person not meeting the conditions for the placing of the seed and plant material during the verification procedure;

prohibition of the transferring of the regulated objects by the country of the origin, officially announced to the Main state quarantine plant inspection of Ukraine or foreseen by the international treaty;

absence of the person's registration, foreseen by Article 27 of this Law;

noncompliance of the orders of the main state quarantine plant inspector regarding the use of the phytosanitary measures;

missing payment for delivery of the quarantine permission.

The grounds for cancellation of the quarantine permission are:

discrepancy of the current regulated objects declared by a person for the transferring over the territory of Ukraine;

violating the demands of the phytosanitary measures by a person, which are defined in the quarantine permission;

forgery of the quarantine permission;

person's report concerning the loss of the quarantine permission;

damage to the quarantine permission that does not allow the contents of the document to be defined.

The decision concerning the refusal in issuing the quarantine permission can be appealed to the central institution of the executive power regarding the agrarian policy or to the court.

The statement concerning an appeal of a decision concerning the refusal in issuing the quarantine permission is given to the central institution of the executive power regarding agrarian policy in the period that is not more than 10 days after receipt of the proper decision. The statement will be examined during this 10 day term.

Regarding the results of the observations, the applicant will be informed in writing.

Article 38. Stations of the quarantine of plants in the centers of pass control at the state border of Ukraine

Phytosanitary control of the imported and transit cargos with regulated objects is being performed by the state quarantine plant inspectors in the defined quarantine plant pass stations on the state border of Ukraine (further - border quarantine plant stations).

The boundary point of quarantine plant stations are being established in the pass station on the state border of Ukraine and equipped from expenses of the state budget of Ukraine:

Means of transportation for the inspection of the transport vehicles and regulated objects, selection of the samples, performing of the phytosanitary examination and fumigation (disinfestations);

resources of communication, including the Internet.

Quarantine plant stations at the borders should have specially appointed and equipped places accordance to the law for the abolishment of the regulated objects, infected by the regulated harmful organisms.

Regulated objects, which are located in the pass station on the state border of Ukraine, where the border quarantine plant stations are absent, will be redirected to the nearest border quarantine plant station.

Item 39. Standard phytosanitary control

All imported or transit cargos with the regulated objects are subject to the standard phytosanitary border control, which is performed by the means of inspection, with a purpose of the ascertainment that:

quarantine permission, accompanies the object of regulation, is effectual, if it is required pursuant to the active phytosanitary measures;

object of the regulation is followed by the phytosanitary certificate, if it is demanded according to the active phytosanitary measures;

regulated objects correspond to the documents which accompany it;

missing quarantine organisms and features of the cargo damage.

Import of the cargo to Ukraine or transit through its territory is permitted by such conditions:

accompanied by a valid quarantine permission;

existence of a complete and valid phytosanitary certificate;

absence of quarantine organisms and any signs of being infected by them;

presence of the undamaged/intact seal of the transit cargo, placed by the custom institution of the export country;

previous cargos with similar regulated objects from the country of origin and/or concrete object of origin were accompanied by the complete and actual phytosanitary certificates;

cargo corresponds to the requirements of the quarantine permission and phytosanitary measures.

If a cargo of regulated objects, which has to be accompanied by the quarantine permission and/or phytosanitary certificate, arrives to the border quarantine plant station without such documents, it is subjected to the delay by the state quarantine plant inspector while performing procedures, foreseen by the Article 41 of this Law.

In cases, where the state quarantine plant inspector determines that a phytosanitary certificate, by which the object of the regulation is followed, is incomplete or counterfeit or falsified in any way, or if he comes to the conclusion that the regulated objects in this cargo do not correspond to those that are identified in the phytosanitary certificate, the cargo has to be delayed on the appropriate border quarantine plant station, and the Main state quarantine plant inspector of Ukraine or his representative should be informed.

The Main state quarantine plant inspector of Ukraine or his representative

within 24 hours contacts the foreign national plant protection organization of the country of the origin or re-export for a consultation and forms a mutual decision concerning the activities, which should be performed regarding this cargo.

In case a quarantine organism is discovered visually in the cargo the state quarantine plant inspector informs this to the owner of the cargo and the Main state quarantine plant inspection of Ukraine within 24 hours and performs procedures, foreseen by Article 41 of this Law.

Standard phytosanitary border control can be performed according to the order set by the Main state quarantine plant inspection of Ukraine, in the specially defined place on the territory of Ukraine on the condition that this cargo is staying under the custom control.

Cargos with regulated objects can be inspected by the state quarantine plant inspector or a representative of the state quarantine plant service of Ukraine by personnel in the places of loading in the country of origin or re-export on the demand and expenses of the importer. In these cases phytosanitary control is performed by the place of appointment of the cargo.

Item 40. Selective phytosanitary control

The main state quarantine plant inspection of Ukraine on the basis of the data regarding the discovery of the quarantine organisms in the cargos with the regulated objects of any origin, which are being imported, and also on the basis of the other factors, that can have an influence on the life and health of the plants, constitutes a specially defined percentage of cargos, which are being subjected to the obligatory broadened phytosanitary control.

Obligatory broadened phytosanitary border control is being used according to the order concerning the selective phytosanitary control that is being constituted by the Main state quarantine plant inspection of Ukraine by the beginning of the new calendar year for the next year.

Specially defined percentage of the cargo with the regulated objects by the categories is constituted according to the order concerning the selective phytosanitary control:

live plants of any origin;

products of the plant origin;

other regulated objects of any origin.

Item 41. Broadened phytosanitary control of the cargos with regulated objects, which are being imported

The reasons for broadening the phytosanitary control of the cargos with the regulated objects which are being imported on the border quarantine of plants station are:

the absence of the quarantine permission and/or phytosanitary certificate, if the regulated objects should be accompanied by such documents;

counterfeit or falsified phytosanitary certificate that accompanies the regulated objects;

discrepancy of the regulated objects to the phytosanitary certificate in the cargo;

visually discovered infection of the cargo by the regulated harmful organisms or signs indicating their infection;

visible signs of cargo damage and/or transport vehicle where the cargo is located.

The decision concerning the cargo delay, for performing the broadened phytosanitary control, is made by the main state quarantine of plants inspector if there are any of the above mentioned reasons present.

Thus the main state quarantine plant inspector informs the owner of the cargo concerning the reason of its delay and performs the selection of cargo samples according to the procedure of the phytosanitary examination.

Cargos which are subject to the extended phytosanitary control are being isolated during the phytosanitary examination on the border quarantine plant station.

If the results of the phytosanitary examination confirm the infection by the quarantine organism, the owner of the cargo shall be informed.

If the phytosanitary examination does not confirm the infection of the quarantine organism, further custom procedures will be performed, and the quarantine certificate will be issued.

The importer has a right to demand a second phytosanitary (arbitration) expertise during 48 hours after the announcement concerning the infection by the quarantine organism.

If the results of the second phytosanitary (arbitration) expertise are different from the results of the first phytosanitary examination, the results of the second phytosanitary (arbitration) expertise will be used.

Item 42. Handling of cargos which were refused importation

After the confirmation concerning the infection by the quarantine organism of the import and transit cargos with regulated objects, the Main state quarantine plant inspection of Ukraine contacts a foreign national plant protection organization of the country of origin or re-export with the purpose of definition of the phytosanitary measures regarding this cargo.

For cargos infected by the quarantine organisms, transferring of the regulated objects will be allowed if all possible phytosanitary procedures are being used with the owner's agreement and at his expense.

If it is impossible to apply phytosanitary procedures to the cargo that would allow the transfer of the regulated objects, the Main state quarantine plant inspection of Ukraine informs concerning giving this cargo back to the foreign national plant protection organization of the country of origin or re-export and the owner of the cargo.

If the nature of the quarantine organism by which the object of regulation is infected, does not allow the performance of the necessary procedures and will lead to the improper level of phytosanitary protection (that is there is a high risk of the transferring of the quarantine organism to Ukraine), a cargo can be destroyed in a safe and secure manner without any consultations with a foreign national plant protection organization of the country of origin or re-export or with the owner of the cargo.

During the phytosanitary procedure the Main quarantine of plants inspection of Ukraine informs the owner of the cargo, foreign national plant protection organization of the country of origin or re-export and in case it is necessary, the country of transit within 24 hours.

Item 43. Discovery of a breeding ground of the quarantine organism in the country of origin, or re-export or transit

After the confirmation of the breeding ground, discovery and distribution of the quarantine organism on the physical terrain or production area in the country of origin or transit, importing or transit of the cargo is not allowed with the regulated objects which can cause the transferring and distribution of this quarantine organism, in spite of the presence of the quarantine permission.

A discovery of a breeding ground of the quarantine organism and their distribution should be confirmed by the appropriate international organizations or foreign national plant protection organization of the country of origin, re-export or transit.

When receiving these cargos the main state quarantine plant inspector stops them on the border and informs the Main state quarantine plant inspection of Ukraine for using means, foreseen by the Article 41 of this Law.

If there is a risk of transferring the quarantine organism in Ukraine or bringing it by the export or transit cargos of Ukraine or through cargos which are moving through the territory of the neighboring country as a result of the uncontrolled spread of this quarantine organism on the neighboring territories, the Main state quarantine plant inspection of Ukraine confirms:

control after the presence of the quarantine organisms on the border territories, if there is a threat to the regulated objects which are sensitive to the existing quarantine organism or can transfer it;

banning or restriction of the import, export or transit of the regulated objects connected with a risk of the cargo infection as a result of its transferring through such territory.

Item 44. Quarantine supervision of the plants which are being imported

With a purpose of monitoring and verification of the phytosanitary state of the foreign regulated objects they have to be subjected to the quarantine supervision as it is being foreseen in the quarantine permission.

The duration of the quarantine supervision and methods of the monitoring and verifying of the phytosanitary state of the plants are being defined according to the existent phytosanitary rules, which are being confirmed by the central institution of the executive power regarding the agrarian policy.

The place of the quarantine control is being defined by the Main state quarantine inspection of Ukraine and controlled by the state quarantine of plants inspector.

Item 45. Phytosanitary procedures of the cargos at custom control

Regarding the cargos with regulated objects at the custom designation or custom storages phytosanitary procedures are used, foreseen by Articles 39-41, 44 of this Law.

The state quarantine plant inspector performs the quarantine supervision for providing of the accordance of the phytosanitary measures during the storage, packaging, unpacking, repackaging, reprocessing and processing of the regulated objects at the custom designations and custom storage facilities.

During the export of such cargos the phytosanitary certificate for the re-export is issued.

Item 46. Phytosanitary control of the cargos with regulated objects which are being exported

Regulated objects, which are being exported or re-exported, are followed by the original phytosanitary certificate or a phytosanitary certificate for the re-export and/or other documentation inquired by the country of the designation.

A phytosanitary certificate or phytosanitary certificate for the re-export are issued by the state quarantine plant inspector not earlier than 14 days from the date of transportation of the regulated objects on the basis of the phytosanitary procedures.

The state quarantine of plants inspector is obliged to make a decision concerning the issue or refusal of the phytosanitary certificate or a phytosanitary certificate for the re-export during 5 days.

The decision concerning the refusal to give out the phytosanitary certificate or the phytosanitary certificate for the re-export is given to a person in the written form.

Grounds making a decision concerning the refusal of issuing the phytosanitary certificate or a phytosanitary certificate for the re-export are:

discrepancy of the regulated objects to the demands of the phytosanitary measures;

discovery of the infection of the regulated objects by the regulated harmful organisms regarding the demands of the importer's country;

the absence of the person's registration foreseen by the Article 27 of this Law;

discrepancy of the regulated objects present declared by the person for the transferring;

nonperformance of the orders of the state quarantine of plants inspector regarding the use of the phytosanitary measures;

non-payment of the fee for issuing the phytosanitary certificate or the phytosanitary certificate for the re-export.

The grounds for cancellation of the phytosanitary certificate or the phytosanitary certificate for the re-export are:

person's announcement concerning the loss of the phytosanitary certificate or the phytosanitary certificate for the re-export;

change of method of transporting or transport vehicle;

falsification of the phytosanitary certificate or a phytosanitary certificate for the re-export;

damage of the phytosanitary certificate or the phytosanitary certificate for the re-export that does not allow the determination of the phytosanitary state of the regulated objects.

The order of the registration of the phytosanitary certificate or the phytosanitary certificate for the re-export is being defined by the Cabinet of Ministers of Ukraine.

The payment for issuing the phytosanitary certificate or the phytosanitary certificate for the re-export are being performed in the order established by the Cabinet of Ministers of Ukraine.

The decision concerning the refusal of issuing the phytosanitary certificate or the phytosanitary certificate for the re-export can be appealed to the Main state quarantine of plants inspection of Ukraine or to the court.

The statement concerning the appealing a decision concerning the refusal of issuing the phytosanitary certificate or a phytosanitary certificate for the re-export has to be given to the Main state quarantine plant inspection of Ukraine during the term that does not exceed 10 days after the receiving of the appropriate decision. The statement will be examined during this 10 day term.

Concerning the results of the examination the applicant will be informed in written form.

A person who gave all the necessary documents to the state quarantine plant inspector in the established order and made a payment and did not receive a decision concerning the issuing or a refusal of issuing of the phytosanitary certificate or a phytosanitary certificate for the re-export, has a right to declare transferring of the regulated objects.

The phytosanitary certificate or the phytosanitary certificate for the re-export has to have a serial number and correspond to representative certificates of the international organizations and if necessary contain an additional declaration determined by the country of the designation.

Section VI

RESPONSIBILITY FOR VIOLATION OF LEGISLATION CONCERNING THE QUARANTINE OF PLANTS

Item 47. Responsibility for violation of legislation concerning the quarantine of plants

Persons found guilty of violating legislation concerning the quarantine of plants bear responsibility pursuant to law.

Persons are responsible for violating legislation in the field of quarantine of plants are guilty if:

distribution of quarantine organisms;

violation of the requirements of the phytosanitary measures;

nonperformance of the order of the state quarantine of plants inspector regarding the performance of the certain quarantine activities;

nonperformance of the registration according to the Article 27 of this Law;

nondisclosure to the state quarantine of plants inspector concerning the discovery of the regulated harmful organisms;

transferring to the Ukrainian territory, exporting from the quarantine zones of regulated objects which did not pass phytosanitary control and their usage of;

nonperformance of the legal demands of government personnel who perform state control for the legislation concerning the quarantine of plants.

By the laws of Ukraine responsibility can be placed and for other infringements regarding the quarantine of plants.

Section VII

SCIENTIFIC AND FINANCIAL SUPPORT

IN THE FIELD OF QUARANTINE OF PLANTS

Item 48. Scientific support of the State quarantine of plants service of Ukraine

State quarantine of plants service of Ukraine organizes in accordance with law and carries out the scientific support in the field of quarantine of plants, through scientific institutions, establishments and organizations.

Item 49. Financing of phytosanitary measures

Financing of phytosanitary measures comes from the state budget of Ukraine, expenditures of personnel and other sources which are not forbidden by the laws of Ukraine.

The comprehensive list of services requiring payment to the State quarantine of plants service of Ukraine is being defined exclusively by this law and includes the viewing, examining, analysis, disinfestations, inspection, processing, organization and the performance of the control for the fumigation (disinfestations) mechanisms of the regulated objects.

The amounts of the required payments, which are being confirmed by the Cabinet of the Ministers of Ukraine, have to be equal to the actual expenses for their performance.

Item 50. Financing and logistical support of the institutions of the State quarantine of plants service of Ukraine

Financing and logistical support of the institutions of the State quarantine of plants service of Ukraine is coming from the monies of the general and special funds of the State budget of Ukraine.

The sources of the financing of the State quarantine of plants service of Ukraine which come from the special fund of the State budget of Ukraine can be expenses, which are given for the paying of services, defined in Article 49 of this Law.

Chapter VIII

INTERNATIONAL COOPERATION IN THE AREA OF THE QUARANTINE OF PLANTS

Item 51. International agreements

If by the international agreement of Ukraine, consent for the necessity of which is giving by the Verkhovna Rada of Ukraine, other rules are being

established, other than those that are foreseen by this Law, the rules of the international agreement are being used.

Item 52. Participations in international organizations

The Main quarantine of plants inspector of Ukraine represents Ukraine in the appropriate international organizations and their specialized institutions with a purpose of the protection of Ukrainian interests in the established order, cooperation for the solutions of the common problems and providing of the effective change of the information, methods and technologies, which harmonize phytosanitary measures and provide plant protection and the development of the international trade.

Section IX

CONCLUDING STATEMENTS

1. This Law goes into effect from the day of its publication.

2. The Cabinet of Ministers of Ukraine shall execute within six months from the day the law goes into effect:

to give for consideration propositions regarding the validity of the legislative deeds of Ukraine to the Verkhovna Rada of Ukraine in correspondence with this Law;

to give normatively-legal acts to conform with this Law;

to provide revision and cancellation by the ministries and other central institutions of the executive power and their normative-legal deeds that contradict this Law ".

The President of Ukraine
V. Yushchenko

Kyiv, 19th January 2006 poky
N 3369-IV

A New National List of Regulated Pests (adopted with the Lists A1 and A2 of EPPO and EU) is implemented in Ukraine since 01.01.2007 in accordance to the Decree of the Ministry of Agricultural Politics of Ukraine (№731, 22.12.05) and its registration in the Ministry of Justice of Ukraine (№62/11936, 24.01.06).

LIST
of regulated pests

A-1 Quarantine pests absent from the territory of Ukraine

Insects

1. *Aeolesthes sarta* Sols.
2. *Aleurocanthus spiniferus* Quaint.
3. *Aleurocanthus woglumi* Ashby
4. *Anoplophora chinensis* Forst.
5. *Anoplophora glabripennis* Motsh.
6. *Bactrocera dorsalis* Hend.
7. *Bactrocera zonata* Saund.
8. *Bemisia tabaci* Gen.
9. *Callosobruchus chinensis* Linn.
10. *Callosobruchus maculatus* Fabr.
11. *Carposina niponensis* Wals.
12. *Caryedon gonagra* Fabr.
13. *Ceratitis capitata* Wied.
14. *Ceratitis cosyra* Walk.
15. *Ceratitis rosa* Karch.
16. *Conotrachelus nenuphar* Herb.
17. *Cydia packardi* Zell.
18. *Cydia prunivora* Wals.
19. *Dendrolimus sibiricus* Tschetv.
20. *Diabrotica barberi* Smith & Lawr.
21. *Diabrotica speciosa* Germ.
22. *Diabrotica undecimpunctata* Man.
23. *Dinoderus bifoveolatus* Woll.
24. *Ips hauseri* Reit.
25. *Ips subelongatus* Motsch.
26. *Liriomyza huidobrensis* Blanc.
27. *Liriomyza sativae* Blanc.
28. *Liriomyza trifolii* Burg.
29. *Monochamus alternatus* Hope
30. *Monochamus carolinensis* Oliv.
31. *Monochamus marmorator* Kirb.
32. *Monochamus mutator* Le Cont.
33. *Monochamus nitens* Bat.
34. *Monochamus notatus* Drury
35. *Monochamus obtusus* Cas.
36. *Monochamus scutellatus* Say
37. *Monochamus titillator* Fabr.
38. *Naupactus leucoloma* Boh.
39. *Pissodes nemorensis* Germ.
40. *Pissodes strobi* Peck.
41. *Pissodes terminalis* Hop.
42. *Popillia japonica* Newm.
43. *Premnotrypes latithorax* Pier.
44. *Premnotrypes suturicallus* Kusch.
45. *Premnotrypes vorax* Hust.
46. *Rhagoletis pomonella* Walsh.

47. *Rhagoletis cingulata* Loew.
48. *Rhagoletis indifferens* Cur.
49. *Scolytus morawitzi* Sem.
50. *Sinoxylon conigerum* Gers.
51. *Spodoptera eridania* Cram.
52. *Spodoptera frugiperda* Smith
53. *Spodoptera littoralis* Boisd.
54. *Spodoptera litura* Fabr.
55. *Tetropium gracilicorne* Reit.
56. *Thrips palmi* Karn.
57. *Trogoderma granarium* Ev.
58. *Xylotrechus altaicus* Geb.
59. *Xylotrechus namanganensis* Heyd.

Plant diseases

Fungi

1. *Ceratocystis fagacearum* (Bretz) Hunt
2. *Cronartium coleosporioides* J.C. Arthur
3. *Cronartium comandrae* Peck
4. *Cronartium comptoniae* J.C. Arthur
5. *Cronartium fusiforme* Hed. & Hunt ex Cum.
6. *Cronartium himalayense* Bagchee
7. *Cronartium kamtschaticum* Jorstad
8. *Cronartium quercuum* (Berkeley) Miyabe ex Shirai
9. *Didymella ligulicola* (K.F. Baker, Dimock & L.H. Davis) von Arx.
10. *Endocronartium harknessii* (J.P. Moore) Y. Hiratsuka
11. *Monilinia fruticola* (Winter) Honey
12. *Mycosphaerella laricis-leptolepidis* K. Ito, K. Sato & M. Ota
13. *Mycosphaerella populorum* G.E. Thompson
14. *Ophiostoma wagneri* (Goheen & Cobb) Harrington
15. *Phialophora cinerescens* (Wollenweber) van Beyma
16. *Phellinus weirii* (Murrill) R.L. Gilbertson
17. *Phoma andigena* Turkensteen
18. *Phyllosticta solitaria* Ellis & Everhart
19. *Plasmopara halstedii* (Farlow) Berlese et de Toni
20. *Puccinia horiana* P. Hennings
21. *Stenocarpella macrospora* (Earle) Sutton
22. *Stenocarpella maydis* (Berkeley) Sutton
23. *Thecaphora solani* (Thirumulachar & O'Brien) Mordue
24. *Tilletia indica* Mitra

Bacteria

1. *Burkholderia caryophylli* (Burkholder) Yabuuchi et al.
2. *Corynebacterium tritici* (Hutch) Burkh.
3. *Erwinia stewartii* (Smith) Dye., *Xanthomonas stewartii* (Smith) Dowson
4. *Ralstonia solanacearum* (Smith) Yabuuchi et al
5. *Xanthomonas campestris* pv. *hyacinthi* (Wakker) Dowson.
6. *Xanthomonas oryzae* pv. *oryzae* (Ishyama) Swings et al.
7. *Xanthomonas oryzae* pv. *oryzicola* (Fang et al.) Swings et al
8. *Xylella fastidiosa* Wells et al.
9. *Xylophilus ampelinus* (Panagopoulos) Willems et al.

Viruses

1. **Chrysanthemum stem necrosis tospovirus**
2. **Maize dwarf mosaic virus**
3. **Potato Andean latent tymovirus**
4. **Potato Andean mottle comovirus**
5. **Potato black ringspot nepovirus**
6. **Potato Ttrichovirus**
7. **Potato yellow dwarf nucleorhabdovirus**
8. **Potato yellow vein crinivirus**

Nematodes

1. **Bursaphelenchus xylophilus (Steiner and Buhrer) Nickle**
2. **Globodera pallida (Stone) Behrens**
3. **Heterodera glycines Ichinohe**
4. **Meloidogyne chitwoodi Golden, O'Bannon, Santo & Finley**
5. **Meloidogyne fallax Karssen**
6. **Nacobbus aberrans (Thorne) Thorne & Allen**

Weeds

1. **Ambrosia psilostachya D.C.**
2. **Ambrosia trifida L.**
3. **Helianthus californicus D.C.**
4. **Helianthus ciliaris D.C.**
5. **Iva axillaris Pursh.**
6. **Solanum carolinense L.**
7. **Solanum elaeagnifolium Cav.**
8. **Solanum triflorum Nutt.**
9. **Striga lutea Lour.**
10. **Striga euphrasioides Benth.**
11. **Striga hermontica Benth.**

A-2 Quarantine pests locally presented in Ukraine

Insects

1. **Diabrotica virgifera virgifera Le Conte**
2. **Frankliniella occidentalis Perg.**
3. **Hyphantria cunea Drury**
4. **Phthorimaea operculella Zell.**

Plant diseases

Fungi

1. **Mycosphaerella linicola Naumov**
2. **Synchytrium endobioticum (Schilbersky) Percival**

Bacteria

1. **Erwinia amylovora (Burrill) Winslow et al.**

Viruses

1. **Beet necrotic yellow vein furovirus**
2. **Plum pox potyvirus**

Nematodes

1. *Globodera rostochiensis* (Wollenweber) Behrens

Weeds

1. *Acroptilon repens* L.
2. *Ambrosia artemisiifolia* L.
3. *Cenchrus pauciflorus* Benth. (*C. tribuloides* L.)
4. *Cuscuta alba* J. Presl et C. Presl
5. *Cuscuta approximata* Bab.
6. *Cuscuta australis* R. Br.
7. *Cuscuta basarabica* Buia
8. *Cuscuta campestris* Yunck.
9. *Cuscuta epilinum* Weihe
10. *Cuscuta epithymum* L.
11. *Cuscuta europaea* L.
12. *Cuscuta gronovii* Willd.
13. *Cuscuta lupuliformis* Krock.
14. *Cuscuta monogyna* Vahl.
15. *Cuscuta suaveolens* Ser.
16. *Cuscuta trifolii* Bab.
17. *Cuscuta viciae* Schultz
18. *Cuscuta Lehmanniana* Bge.
19. *Sorghum halepense* (L.) Pers.
20. *Solanum rostratum* Dunal.

Regulated non-quarantine pests (plants for planting)

Mites

1. *Aculops fuchsiae* Keifer
2. *Oligonychus perditus* Pritchard & Baker

Insects

1. *Acleris gloverana* Wals.
2. *Acleris variana* Fern.
3. *Amauromyza maculosa* Mall.
4. *Anthonomus bisignifer* Schen.
5. *Anthonomus quadrigibbus* Say
6. *Anthonomus signatus* Say
7. *Aonidiella aurantii* Mask.
8. *Aonidiella citrina* Coq.
9. *Cacoecimorpha pronubana* Hubn.
10. *Choristoneura conflictana* Walk.
11. *Choristoneura fumiferana* Clem.
12. *Choristoneura occidentalis* Freem.
13. *Choristoneura rosaceana* Har.
14. *Diaphorina citri* Kuw.
15. *Dryocosmus kuriphilus* Yas.
16. *Epitrix cucumeris* Har.
17. *Epitrix tuberis* Gent.
18. *Limonius californicus* Mann.
19. *Liriomyza bryoniae* Kalt.

20. *Listronotus bonariensis* Kus.
21. *Lepidosaphes ussuriensis* Bork.
22. *Lopholeucaspis japonica* Cock.
23. *Maconellicoccus hirsutus* Green
24. *Malacosoma americanum* Fabr.
25. *Malacosoma disstria* Hub.
26. *Malacosoma parallella* Staud.
27. *Margarodes vitis* Philippi
28. *Melanotus communis* Gyll.
29. *Numonia pyrivorella* Mats.
30. *Opogona sacchari* Boj.
31. *Parasaissetia nigra* Niet.
32. *Pseudaulacaspis pentagona* Targ.
33. *Quadraspidiotus perniciosus* Comst.
34. *Rhizoecus hibisci* Kaw. & Tak.
35. *Scirtothrips aurantii* Faure.
36. *Scirtothrips citri* Moul.
37. *Scirtothrips dorsalis* Hood.
38. *Sirex ermak* Sem
39. *Tecia solanivora* Pov.
40. *Toxoptera citricida* Kirk.
41. *Trioza erythrae* Del Guer.
42. *Tuta absoluta* Meyr.
43. *Unaspis citri* Comst.
44. *Viteus vitifolii* Fitch.
45. *Zabrotes subfasciatus* Boh.

Plant diseases

Fungi

1. *Apiosporina morbosa* (Schweinitz) von Arx
2. *Ceratocystis fimbriata* Ellis & Halsted f.sp. *platani* Walter
3. *Chrysomyxa arctostaphyli* Dietel
4. *Colletotrichum acutatum* Simmonds
5. *Gymnosporangium asiaticum* Miyabe ex Yamada
6. *Gymnosporangium clavipes* (Cooke & Peck) Cooke & Peck
7. *Gymnosporangium globosum* (Farlow) Farlow
8. *Gymnosporangium juniperi-virginianae* Schwein
9. *Gymnosporangium yamadae* Miyabe ex Yamada
10. *Melampsora farlowii* (J.C. Arthur) J.J. Davis
11. *Melampsora medusae* Thümen
12. *Mycosphaerella dearnessii* M.E. Barr
13. *Mycosphaerella gibsonii* H.C. Evans
14. *Mycosphaerella pini* E. Rostrup
15. *Phytophthora fragariae* Hickman
16. *Phymatotrichopsis omnivora* (Duggar) Hennebert

Bacteria

1. *Clavibacter michiganensis* subsp. *sepedonicum* (Spieckermann & Kotthoff)
2. *Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin et al.
3. *Xanthomonas vesicatoria* (ex Doidge) Vauterin et al.

Viruses

1. American plum line pattern ilarvirus
2. Apple mosaic ilarvirus
3. Cherry leafroll nepovirus
4. Cherry little cherry closterovirus (non-European)
5. Cherry rasp leaf nepovirus
6. Chrysanthemum stunt pospoviroid
7. Impatiens necrotic spot tospovirus
8. Peach rosette mosaic nepovirus
9. Potato spindle tuber pospiviroid
10. Raspberry ringspot nepovirus
11. Strawberry latent C virus
12. Tobacco ringspot nepovirus
13. Tomato ringspot nepovirus
14. Tomato spotted wilt tospovirus

Nematodes

1. *Aphelenchoides besseyi* Christie
2. *Ditylenchus destructor* Thorne
3. *Ditylenchus dipsaci* Filipjev
4. *Radopholus citrophilus* Huettel et al.
5. *Radopholus similis* (Cobb) Thorne

Weeds

1. *Ailanthus altissima* (Mill.) Swingle
2. *Bidens pilosa* L.
3. *Bidens bipinnata* L.
4. *Ipomea hederaseae* L.
5. *Ipomea lacunosa* L.
6. *Polygonum pensylvanicum* L.
7. *Raimania laciniata* Hill.

