

Appendix 2

The Law On Application of Chemicals and Crop Protection

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The present Law defines general legislative, economic, social and administrative basis of application of chemicals and crop protection with the aim to protect human and animal health and to avoid pollution of environment, soil and crops.

Article 1. Application of Chemicals and Crop Protection

Application of chemicals and crop protection is a set of state, social, economic and specific activities aimed at protection of environment, human and animal health, soil, crop produce from pollution above accepted levels of chemicals, provision of good quality crop and livestock production, prevention of human diseases caused by application of chemicals and solution of environmental problems in general.

Application of chemicals in agriculture is exercised by the State service of MAWR of the Kyrgyz Republic and appropriate services of other ministries, agencies, organisations, enterprises, JSC, and private specialists.

Article 2. Legislation on Application of Chemicals and Crop Protection

Legislation on application of chemicals and crop protection comprises the present law, other laws of the Kyrgyz Republic, Presidential Decrees, related Government Decrees and by-laws issued by the Republican body of the State Service of chemicals application and crop protection under MAWR which shall be mandatory for all ministries, agencies, organisations, enterprises, JSC, private specialists, authorities and citizens regardless the type of subordination, mode of ownership.

Article 3. Organisation of Agrochemical Service

Agrochemical service in the Kyrgyz Republic shall be organised by the Ministry of Agriculture and Water Resources. Ministry of Agriculture and Water Resources represented by a special authority shall be responsible for the management of agrochemical service and implementation of the present Law and other by-laws on application of chemicals and crop protection.

Article 4. The Bodies of the State Service of Chemicals Application and Crop Protection

The management bodies of Department of chemicals application and crop protection in MAWR shall be the bodies of the State service of chemicals application and crop protection of the Kyrgyz Republic which constitute a uniform network comprising republican, oblast, town, rayon services of chemicals application and crop protection, prospecting stations of chemicals application, plant protection stations, toxicological and biological control laboratories, bioproduct factories and committees.

Article 5. The Mandate of the State Service of Chemicals Application and Crop Protection

The mandate of the state service of chemicals application and crop protection includes:

- organisation and management of the state service of chemicals application and crop protection on the territory of the Kyrgyz Republic;
- prevention from importing of agrochemicals prohibited for application in the Kyrgyz Republic;
- adoption of by-laws on application of chemicals and crop protection;
- development of programmes for prevention of dangerous pathogenic organisms of plants from dissemination as well as mitigation of consequences of emergency situations caused by enormous spread of pests and crop diseases, natural and ecological calamities;
- submission of documents to executive power bodies concerning the imposition or lifting of quarantine or special mode of economic activities in order to control dangerous plant diseases and pests or in case of emergency;
- collaboration between the service of chemicals application and crop protection and other ministries in order to organise uniform supervision and take preventive measures and provide for co-operation with the state sanitary control bodies in relation to prevention and control of diseases, pests, weeds, pollution of environment and crop products by chemicals above accepted levels;
- formal supervision of phytosanitary and agrochemical state of the territory of the Kyrgyz Republic, import, transportation, storage, requirements for handling of chemicals, issuance of licences to enterprises for provision of agrochemical services;
- control of the production of chemicals for farming and biological agents, registration and analysis of imported chemicals proposed for application in agriculture;
- issuance of licences (certificates) to perform activities related to application of chemicals as well as provision of private agrochemical services;
- participation in the development of training programmes for agrochemists, soil scientists and specialists in plant protection against pests, diseases and weeds and improvement of their competence level;
- determination of priorities in scientific research in application of chemicals in agriculture in collaboration with research institutes;
- representation of state interests in the area of chemicals application in international organisations and in the process of co-operation with appropriate services of foreign countries.

Article 6. Objectives of the State Service of Chemicals Application and Crop Protection

The objectives of the State service of chemicals application and crop protection includes:

- prevention of mass emergence of pests, diseases and weeds of crops and their eradication;
- provision of agrochemical and phytosanitary supervision of soil, crop produce, plants, import of chemicals, meeting the requirements of handling, storage and transportation of chemicals, export and import of chemicals to the Kyrgyz Republic;
- conducting of agrochemical and phytosanitary tests for trading of crop products, analysis of soil and water for irrigation, checking the conformity of chemicals to state standards, technological and other requirements;
- organisation and implementation of measures for crop protection against pests, diseases and weeds as well as in case of emergency;

- investigation of the dynamics of pests, diseases and weeds emergence and spread, drawing up of forecasts of their possible emergence, plans and systems for prevention and elimination of crops pests, diseases and weeds as well as plans of likely changes in agrochemical situation of soil and plants;
- practical implementation of phytosanitary and agrochemical procedures, scientific achievements and advanced experience, dissemination of the necessary information.

Article 7. The Bodies of the State Service of Chemicals Application and Crop Protection (inspectorate)

The management bodies of the State service of chemicals application and crop protection under MAWR represent the bodies of state phytosanitary and agrochemical control of the Kyrgyz Republic as well.

The uniform system of state phytosanitary and agrochemical control of the Republic comprises state oblast crop protection stations, prospecting research chemical stations, toxicological and biological control laboratories, bioproduce factories, rayon agrochemical laboratories and state production amalgamations.

The Regulations on State Service of chemicals application and crop protection shall be endorsed by the Government of the Kyrgyz Republic.

Article 8. Authorities Responsible for Phytosanitary and Agrochemical Control

The following authorities shall be empowered to perform state phytosanitary and agrochemical control:

The Chief state inspector on application of chemicals and crop protection of the Kyrgyz Republic, who acts as the Head of the Department of chemicals application and crop protection under MAWR shall be appointed by the Minister;

Chief state inspectors on application of chemicals and crop protection in oblasts, who act as Managers of oblast crop protection stations of the Department of chemicals application and crop protection under MAWR shall be appointed by the Chief state inspector on application of chemicals and crop protection of the Kyrgyz Republic in consultation with oblast executive power bodies;

Chief state inspectors on application of chemicals and crop protection of towns and rayons who act as managers of town and rayon management bodies of the Department of chemicals application and crop protection shall be appointed by the Chief state inspector on application of chemicals and crop protection of oblast level in consultation with town/rayon executive power bodies.

Chief state inspectors on application of chemicals and crop protection shall be supported by Deputies, the latter shall be appointed in the order prescribed to Chief state inspectors on application of chemicals and crop protection.

Managers of other structures on application of chemicals and crop protection under MAWR of the Kyrgyz Republic shall combine exercising of their primary responsibilities with those of the state inspectors on application of chemicals and crop protection.

Article 9. The Main Safeguards of Authorities Exercising State Supervision of Chemicals Application and Crop Protection

The authorities of chemicals application and crop protection bodies under MAWR of the Kyrgyz Republic exercising supervision of chemicals application and crop protection shall be independent and guided by the Law on chemicals application and crop protection and protected by the state.

Any pressure on authorities exercising supervision of chemicals application and crop protection from the part of Government bodies, other authorities, public agencies and citizens with the aim to affect exercising of their powers under the law shall not be accepted and may result in legal action as provided by the legislation.

State power and management bodies shall provide practical assistance to inspectors of chemicals application and crop protection in exercising their powers through taking legal steps against any person impeding state inspectors in the due exercise of their powers.

Article 10. Duties and Responsibilities of Authorities Exercising State Supervision of Chemicals Application and Crop Protection

Authorities exercising state supervision of chemicals application and crop protection shall observe the Constitution, Laws, and by-laws of the Kyrgyz Republic safeguarding the rights of enterprises, agencies, organisations and citizens.

Failure to fulfil the duties by authorities exercising state supervision of chemicals application and crop protection leads to disciplinary, administrative and criminal liability.

Unlawful actions of authorities responsible for state supervision of chemicals application and crop protection shall be appealed under the provisions of the legislation of the Kyrgyz Republic.

Article 11. The Right to Provide Private Agrochemical Services

The right to provide private agrochemical services shall be granted to:

persons having a degree of higher or secondary education in agriculture provided with a license (a certificate) by an appropriate management body of chemicals application and crop protection under MAWR. The order of issuance shall be defined by the Government of the Kyrgyz Republic.

Article 12. The Responsibilities of Crop Producers

Crop producers (regardless the mode of ownership) shall:

- implement economic and phytosanitary activities preventing from mass emergence of dangerous diseases, pests and weeds, accumulation of chemicals in the soil above accepted levels, degradation of soil and providing the production of good quality crop produce;
- on request of an inspector of chemicals application and crop protection furnish land plots, seedlings for examination and prophylactic treatment, facilitate the implementation of specific activities;
- import and apply pesticides, growth stimulators and other chemicals prohibited to use in the Kyrgyz Republic unless permitted by specialists on chemicals application and crop protection;

- in case of sudden mass outbreak of plant diseases or emergence of pests and weeds communicate it to the service of chemicals application and crop protection;
- observe the prescriptions of state agrochemical service while implementing phytosanitary rules and application rates;
- maintain fields and land plots, facilities for storage and processing of raw materials and products of vegetable origin, agricultural machinery used to apply pesticides and growth stimulators in accordance with phytosanitary requirements.

The legislation of the Republic may provide for the other responsibilities of land owners and enterprises in the area of crop processing.

Article 13. Penalties for Infringement of the Law on Chemicals Application and Crop Protection

Persons guilty of infringement of the law on chemicals application and crop protection shall be subject to disciplinary, administrative and criminal liability under the provisions of existing legislation of the Kyrgyz Republic.

Article 14. Types of Administrative Penalties Applied by State Inspectors of Chemicals Application and Crop Protection

State inspectors of chemicals application and crop protection shall be entitled to issue a prescription in writing to persons guilty of violation of license terms and other phytosanitary and agrochemical regulations and in case of failure to fulfil the prescription to lodge a claim on the stay or recall of the license to the appropriate body if the infringement is beyond the scope of criminal or other liability.

Administrative fines shall be imposed by:

Chief state inspector of chemicals application and crop protection and his/her deputies in the equivalent of 10 minimum salaries.

State inspectors of the Republic and chief oblast inspectors in the equivalent of 5 minimum salaries.

State inspectors of oblasts and chief towns and rayon inspectors in the equivalent of 3 minimum salaries.

The order of imposition and exaction of penalties for abuses of the legislation on chemicals application and crop protection shall be regulated by the Code of administrative offences of the Kyrgyz Republic or in the court.

Article 15. Emergency Anti-epizootic Committees

The Government of the Kyrgyz Republic, oblast, town and rayon power bodies shall establish Emergency committees acting under the approved regulations in order to provide for operational management and co-ordination of organisations, enterprises and citizens in prevention and elimination of pests and diseases mass spread.

Article 16. Quarantine

Quarantine is a system of restrictive activities allowing to prevent from pests and diseases mass spread.

Quarantine shall be imposed in individual households, farms, territories of settlements, rayons, towns, oblasts. The list of plant pests and diseases subject to quarantine shall be defined by the Republican management body on chemicals application and crop protection under MAWR.

Quarantine shall be imposed following the decisions made by appropriate rayon, town and oblast power bodies or Governmental decrees on request of a territorial body of the service of chemicals application and crop protection.

Article 17. Financing of the State Service of Chemicals Application and Crop Protection

The divisions of the Department of chemicals application and crop protection of MAWR exercising state regulatory functions shall be financed and provided with logistics support at the expense of budgetary resources.

Agencies providing agrochemical services to the public and enterprises may be financed either at the expense of budgetary resources or through resources obtained for provided services.

Non-budgetary resources shall not be accounted when the amount of budgetary allocations is defined, besides budgetary resources unspent within a year shall not be subject to withdrawal.

The amount of deductions of the state service of chemicals application and crop protection shall not be set.

Activities on prevention of emergence, spread and control of listed plant pests and diseases approved by the Government of the Kyrgyz Republic shall be financed at the expense of the republican and local budgets.

Article 18. International Agreements

In case of conflict between the provisions of international agreements entered by the Kyrgyz Republic and those of legislation on chemicals application and crop protection the former shall apply.

President of the Kyrgyz Republic

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