

THE LAW OF THE KYRGYZ REPUBLIC

About chemicalization and plant protection

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The present Law defines general legal, economical, ecological, social and organisational grounds for chemicalization and plant protection to the benefit of protection of human health, animals, environment, preventing or liquidating of after-effects of pollution of plant or animal products or soil.

Chapter 1 General standings

Article 1. Terms and definitions

The present Law has the following basic notions:

- agricultural chemicals - are: fertilizer, food supplements, chemicals for land-reclamation, feed conservants, used for soil fertility improvement and increasing yield of agricultural crops, for improvement quality of products, as well as chemical reagents for agricultural tests and analysis for production-chemical control for the processing and canning processes of agricultural products and natural raw materials, pesticides growth regulating substances and fertilizers;

- agricultural chemical service - is a network of industrial enterprises and scientific-research technological institutions which provide chemical services for agriculture;

- agrochemical services for agriculture - is the system designed for developing and introducing into agricultural production scientifically-founded recommendations for efficient use of chemicalization products in plant cultivation and livestock breeding;

- biological preparation for plant protection- is the preparation in which a micro organism or the product of its activity is the active ingredient;

- plant disease - is malfunction of normal metabolism in the cells organs of the plant or in the whole plant under the influence of phytophagan or unfavourable environment;

- substances-pollutants - are substances getting into biosphere as a result of human activity which change environment, causing increased content of harmful effects and creating threat to human health, conditions of vegetative, animal world, soil, atmospheric air and water;

- plant pests- is a kind of an animal life able to cause damage to the plants, which is economically expedient to be avoided;

- harmful to the plants organism - is the organism causing decrease of either the yield itself or its quality. The harmful organisms are: microorganisms, insects, striking plants as well as rodents, weeds and other;

- state registration of pesticides and agrochemicals - is the registration of pesticides and agrochemicals based on which the law enforcement institution, that organizes registration tests and the state registration of pesticides and agrochemicals, issues the permission on production, use, sale, transportation, storage, disposal, advertisement import into Kyrgyz Republic and export from Kyrgyz Republic of pesticides and agrochemicals;

- active ingredient of pesticide- is the biologically active part of pesticide, the use of which in the form of different preparations leads to the impact on one or the other kind of the harmful organisms or on the growth and development of plants;
- plant disease diagnostics - is the discernment of a plant disease by aggregated signs;
- plant protection - is the division of applied biology which develops theoretical grounds and methods of preventing and decreasing losses from harmful organisms, it is also the division of agricultural production, which implements these methods;
- producer - is a physical or juridical person who produces pesticides and agrochemicals;
- quarantine of the plants - is the special regimen including the system of state actions aimed at the plant protection from import and penetration of quarantine pests and disease including plants and weeds from other regions of the republic or other states;
- mass pest of the plants - is the pest characterised by constant quantity or ability to increase its quantity and causing the yield or quality reduction of agricultural products;
- special regime - is the special regime of activity of state institutions of local governing, enterprises, agencies, organizations and farms irrespective of the form of ownership aimed at localization and liquidation of the centers of quarantine objects, admitting temporal establishments stipulated by the present law restrictions of rights of physical and juridical persons and placing additional obligations on them;
- pesticides - chemical or biological preparations used for fighting pests or diseases of plants, weeds, vermin threatening the stored agricultural products, life injurious and external animal parasites, it is also preparations for regulating growth of plants, removing leaves before harvest (defoliation), drying plants before harvest (desiccation);
- HLC - is the allowed highest level of concentration of chemical substances the maximum quantity of chemical substances in a product or yield that do not cause harmful effects on human beings or animals; the allowed highest level of concentration of chemical substances in the soil, water for fish producing ponds, the allowed highest level of remained quantities of pesticides in forage for agricultural stock;
- prognosis - forecasting the quantity, prevalence and time of appearing of pests (disease) of plants;
- growth substances (growth regulators) - are the organic compounds of different chemical composition that cause increase of growth of plants in minimum dosage, but decrease of growth of plants in high dosage;
- developer - is a physical or juridical person who receives pesticides or agrochemicals, researches its activity, toxic characteristics and influence on the environment;
- regulations for application of pesticides and agrochemicals - is obligatory requirements for conditions and order of application of pesticides and agrochemicals;
- sanitary rules - are rules regulating conditions of application of chemical substances and pesticides in agriculture in order to anticipate the intoxication of people who deal with them in the work cycle (transportation, storage, treatment of plants, animals, birds, premises, care for threatened areas and other) preventing food products, atmospheric air, populated areas, water and soil from being polluted. All of the requirements stated in sanitary rules are to be force with respect to biological means for pest disease fighting;
- weeds-are plants littering agricultural arable land and damaging agricultural crops;
- fertilizer - is a substance for plant nutrition and increase of soil fertility;
- phytosanitary - are actions aimed at decrease quantity of harmful organisms or their destruction;
- phytosanitary monitoring - is forecasting and defining the most probable level of spreading, quantity, rate of developing and harmful abilities of organisms;
- phytosanitary situation - is the condition of land, forests and plants, determined by quantity of pest plants spreading of plant disease and presence of weeds;
- chemicalization and plant protection - is the complex of state, social, economic and special activities in applying plant protecting chemicals in order to improve soil fertility, yield increasing of agricultural crops, preventing and decreasing losses from pests, diseases and weeds;
- chemicalization of farming and plant cultivation - is the application of chemical substances for increase of productivity of cultivated plants and improving quality of agricultural products;
- epiphytoxic - is a mass illness of plants.

Article 2. The Legislation of the Kyrgyz Republic about chemicalization and plant protection

The Legislation of the Kyrgyz Republic about chemicalization and plant protection comprises the present Law and other normative legal documents of Kyrgyz Republic.

The Legislation of the of the Kyrgyz Republic regulates relations that take place when administrating in the sphere of pesticide and agrochemicals handling, and also when developing, producing, selling, storing, transporting, applying,

neutralizing, utilizing, exterminating, buryng, advertising when importing in or exporting pesticides and agrochemicals from the Kyrhyz Republic.

Article 3. Circulating ability of pesticides and agrochemicals

Pesticides and agrochemicals can be freely expropriated or passed on from one person to the other according to the procedure of legislation of the Kyrhyz Republic provided that they had not been withdrawn from circulation or restricted in circulating.

The circulation of pesticides and agrochemicals that have not been included into the State catalogue of pesticides and agrochemicals licensed for use within the Kyrghyz Republic is prohibited.

Chapter 2

State administration in the field of chemicalization and plant protection, supervision and control for safe handling of pesticides and agrochemicals

Article 4. State administrating in the field of chemicalization and plant protection

State administrating in the field of chemicalization and plant protection is implemented by the Government of the Kyrghyz Republic itself or through especially commissioned by the Government executive authorities.

The especially commissioned in the field of chemicalization and plant protection executive authorities carry out their activities in the field of chemicalization and plant protection in accordance with the statutes approved by the Government of the Kyrghyz Republic.

Article 5. The registration tests of pesticides and agrochemicals

The registration tests of pesticides and agrochemicals are to be held in order to develop and substantiate the regulations of application of pesticides and agrochemicals. The specified regulations provide effective application of pesticides and agrochemicals and their safety for the health of human beings and environment.

The registration tests of pesticides and agrochemicals are to be conducted by juridical personnel who has the necessary scientific, material and technical resources, specialists of proper profile and qualification and who is permitted to conduct these tests by the especially commissioned executive authority that organizes registration tests and state registration of pesticides and agrochemicals.

The registration tests of pesticides and agrochemicals include:

- determining the effectiveness of application of pesticides and agrochemicals and working out the regulations of their application;
- estimating of danger of negative influence of pesticides and agrochemicals on the health of human beings and developing of hygienic standards, sanitary quota and rules;
- ecological estimation of pesticide and agrochemical application regulations;
- expertise of results of the registration tests of pesticides and agrochemicals;
- Physical or juridical persons who applied for the State registration of pesticides and (or) agrochemicals are obliged;
- to provide free samples of pesticides and (or) agrochemicals for registration tests of pesticides and (or) agrochemicals to be included;
- to cover expenses for the registration tests of declared pesticides and/or agrochemicals.

Article 6. The Expertise of results of the registration tests of pesticides and agrochemicals

The Expertise of results of the registration tests of pesticides and agrochemicals include:

- the State ecological expertise of pesticides and agrochemicals conducted by especially commissioned executive authority in the field of environment protection;
- the toxic-hygienic expertise conducted by especially commissioned executive authority in the field of the State sanitary-epidemiological supervision;
- the expertise of regulations of application of pesticides and agrochemicals organized by the especially commissioned executive authority organizing the registration tests and the State registration of pesticides and agrochemicals.

Article 7. The expertise results principles of registration tests
of pesticides and agrochemicals

The expertise of results of the registration tests of pesticides and agrochemicals is based on the principles:

- of necessity of its conduction;
- of scientific grounding of its inferences;
- of independence of experts when executing their authority;
- of chargeable conduction.

The term of expertise conduction must not exceed six months.

Physical or juridical persons applied for the state registration of pesticides and (or) agrochemicals as well as developers do not have rights to participate in the expertise of results of the registration tests of pesticides and agrochemicals.

The conclusion of the expertise of results of the registration tests of pesticides and agrochemicals can be appeared against in the legal form.

The procedure and organisation for exercising the expertise of results of the registration tests of pesticides and agrochemicals is determined by the especially commissioned executive authority organising registration tests and the State registration of pesticides and agrochemicals in concordance with especially commissioned executive authority in the field of safe handling of pesticides and agrochemicals.

Article 8. The State registration of pesticides and agrochemicals

The State registration of pesticides and agrochemicals is exercised by the especially commissioned executive authority organising registration tests and the State registration of pesticides and agrochemicals based on the conclusions of expertise of results of the registration tests of pesticides and agrochemicals with the validity term of two years in case of additional research for estimation of danger of negative influence of pesticides and agrochemicals on human health and environment is needed. In all other respects the validity term of the State registration of pesticides and agrochemicals is five years.

The procedure of the State registration of pesticides and agrochemicals is set by the especially commissioned executive authority organising registration tests and the State registration of pesticides and agrochemicals.

The registration certificate on the State registration of pesticides and (or) agrochemicals is issued to a physical or juridical person by decision of the especially commissioned executive authority organising the registration tests and the State registration of pesticides and agrochemicals. The form of the above mentioned certificate is designed by the especially commissioned executive authority organising the registration tests and the State registration of pesticides and agrochemicals.

A pesticide or agrochemical is entered into the State catalogue of pesticides and agrochemicals permitted for use within the Kyrgyz Republic.

The State catalogue of pesticides and agrochemicals permitted for use within the Kyrgyz Republic is being kept by especially commissioned executive authority organising the registration tests and the State registration of pesticides and agrochemicals.

Article 9. Standardisation and certification of pesticides and
agrochemicals

Pesticides and agrochemicals are produced according to standards and other normative documents coordinated by the especially commissioned executive authority and approved according to the procedure established by the legislation of the Kyrgyz Republic. Pesticides and agrochemicals are subject to be certified to comply with the requirements for safe handling of pesticides and agrochemicals in accordance with the procedure established by the especially commissioned executive authority organising the registration tests and the State registration of pesticides and agrochemicals.

Article 10. The agencies of the State supervision and control for
safe handling of pesticides and agrochemicals

The State supervision and control for safe handling of pesticides, agrochemicals, phytosanitary and agrochemical situation is exercised by the especially commissioned executive authority.

Article 11. The officials exercising the State supervision and
control for safe handling of pesticides,

agrochemicals, phytosanitary and agrochemical situation

The following officials are entrusted to organise and execute the State supervision and control for safe handling of pesticides, agrochemicals, phytosanitary and agrochemical situation:

- chief state inspector of chemicalization and plant protection of the Kyrghyz Republic who at the same time is the head of the especially commissioned executive authority;
- chief state inspector of chemicalisation and plant protection of oblasts and Bishkek city;
- chief state inspector of chemicalisation and plant protection of towns and regions.

Chapter 3 General requirements for the safe handling of pesticides and agrochemicals

Article 12. Developing new pesticides and agrochemicals

When new pesticides and agrochemicals are being developed, such working conditions, means for health protection of people, environment and methods of control in this field must be employed that totally eliminate or reduce to minimum the danger of negative influence of pesticides and agrochemicals on human health and environment.

The developer is obliged to conduct research of obtained pesticides or agrochemicals to reveal their toxic characteristics, influence on the environment in order to provide measures for safe handling.

Article 13. Information about safe handling of pesticides and agrochemicals

For the purpose of securing the customer with information about safe handling of pesticides and agrochemicals, physical and juridical person, who applied for the state registration of pesticides and (or) agrochemicals, is to provide during the State registration recommendations for transporting, applying and storing of pesticides and agrochemicals and packing labels with forewarning marking.

The requirements for the form and procedure of approving the recommendations for transporting, applying and storing of pesticides and agrochemicals and for the packing label are to be set by the especially commissioned executive authority organising the registration tests and the State registration of pesticides and agrochemicals.

When selling pesticides and agrochemicals the seller (supplier) is obliged to provide every unit of capacity containing pesticide and agrochemical with the recommendations about application, transportation and storage of pesticides and agrochemicals as well as with packing label.

The advertisement of pesticides and agrochemicals that did not pass the State registration is prohibited.

The following is not permitted in advertising of pesticides and agrochemicals:

- indication of regulations for application of pesticides and agrochemicals that do not comply with the requirements defined by the State catalogue of pesticides and agrochemicals permitted for use within the Kyrghyz Republic;
- incorrect comparison of advertised pesticides and agrochemicals with the analogous pesticides and agrochemicals included in the State catalogue of pesticides and agrochemicals permitted for use within the Kyrghyz Republic;
- use of such notions as "safe", "harmless", "non toxic", "Environment friendly" and other similar notions;
- text, video and audio information about potentially dangerous practise of handling of pesticides and agrochemicals.

Article 14. Production of pesticides and agrochemicals

The producer is obliged:

- to provide production of pesticides and agrochemicals in conformity with normative documentation;
- to provide output of pesticides and agrochemicals in packing convenient for customers including the packing for retail sale;
- to provide issuing of the analytical standards (tests) in order to control the microquantities of pesticides and agrochemicals in agricultural products, raw materials for drugs and food and environment;
- to cease sale of pesticides and agrochemicals and conduct their utilisation in case if safe application of the present pesticides and agrochemicals is impossible provided that recommendations for application, transportation and storage or restrictions for application of pesticides and agrochemicals are followed.

The production of pesticides and agrochemicals that did not pass the State registration is prohibited.

Article 15. Import into the Kyrghyz Republic and export out of

the Kyrgyz Republic of pesticides and agrochemicals

Import into the Kyrgyz Republic and export out of the Kyrgyz Republic of pesticides and agrochemicals is executed in accordance with the procedure established by the law and other normative legal deeds of the Kyrgyz Republic in the presence of registration certificate about the State registration of pesticide and (or) agrochemical issued by especially commissioned executive authority organising the registration tests and the State registration of pesticides and agrochemicals.

In the agreements of purchase - sale or transportation of pesticides and agrochemicals there must be a condition about presence of the registration certificate of the State registration of pesticide and (or) agrochemical issued by the especially commissioned executive authority organising the registration tests and the State registration of pesticides and agrochemicals or about presence of the reference document from an organisation exercising control for application of pesticides provided that it is licensed for use within the Kyrgyz Republic.

The order for import/export of pesticides and agrochemicals in the Kyrgyz Republic is established by an executive authority in the sphere of custom affairs and by the especially commissioned executive authority organising the registration tests and the State registration of pesticides and agrochemicals in accordance the legislation of the Kyrgyz Republic.

The export of pesticides and agrochemicals from the territory of the Kyrgyz Republic is conducted in accordance with the legislation of the Kyrgyz Republic.

Article 16. The transportation and storage of pesticides and agrochemicals

The transportation of pesticides and agrochemicals is permitted only in the specially equipped transporting vehicles.

The storage of pesticides and agrochemicals is permitted in the special depots intended for pesticides storing only.

The storage of pesticides without packing is prohibited.

When pesticides and agrochemicals are stored it is necessary to conform to the requirements helping to exclude damaging human health or environment.

The requirements for the transportation and storage of pesticides and agrochemicals are set by an executive authority in the field of safe handling of pesticides and agrochemicals.

Article 17. Selling pesticides and agrochemicals

Physical and juridical persons who based on special permissions (licenses) issued by the especially commissioned executive authority in the field of safe handling of pesticides and agrochemicals practice whole or retail sale have rights to purchase and sell pesticides and agrochemicals passed through the State registration and entered into the catalogue of pesticides and agrochemicals permitted for application within the Kyrgyz Republic. Sale of pesticides of limited use is exercised only by people who have special professional training.

The sale (resale) of empty containers from pesticides and agrochemicals is prohibited.

Article 18. Application of pesticides and agrochemicals

The order of pesticide and agrochemical application is set by an executive authority in the field of pesticide and agrochemical handling with the regard for phytosanitary, sanitary and ecology situation, the plants need in pesticides, fertility condition of the land (soil), animal food allowance.

The safe application of pesticides and agrochemicals is secured by maintenance of established regulations and rules for pesticide and agrochemical application excluding their negative influence on human health and environment.

The pesticides and agrochemicals are to be applied only if the special technique and equipment is used.

The application of pesticides and agrochemicals of limited use must be exercised based on the special permissions issued by the especially commissioned executive authority and only by those people who have special training.

Article 19. Neutralizing, utilizing, exterminating and burying pesticides and agrochemicals and their packing that became spoilt (or) prohibited for application

Neutralizing, utilizing, exterminating and burying pesticides and agrochemicals and their packing that became spoilt and (or) prohibited for application is exercised by physical and juridical persons in accordance with the normative deeds of the Kyrgyz Republic.

Methods of destruction of pesticides and agrochemicals and their packing that became spoilt and (or) prohibited for application are to be developed by the developers of pesticides and agrochemicals in agreement with the especially commissioned authority in chemicalization and plant protection together with the especially commissioned executive authority in the field of environment protection and the especially commissioned executive authority in the field of State sanitary-epidemiological supervision.

Chapter 4 Duties and responsibilities for violation of the legislation of the Kyrghyz Republic in the sphere of chemicalization and plant protection

Article 20. Duties and responsibilities of the officials exercising the State supervision on chemicalisation and plant protection

The officials exercising the State supervision on chemicalization and plant protection are obliged to keep the Constitution of the Kyrghyz Republic and other legislative deeds of the Kyrghyz Republic.

Appealing against illegal actions of the officials of the State supervision on chemicalization and plant protection is to be made in accordance with the legislation of the Kyrghyz Republic.

Article 21. Responsibilities of producers in plant cultivation

Producers in plant cultivation (regardless of form of ownership) are obliged:

- to take actions for fighting with weeds, pests and diseases;
- at the request of the specialists of chemicalization and plant protection, present for inspection, diagnostic research the arable lands of agricultural crops for prophylactic treatments, prepare conditions to hold special activities;
- not to import and apply the pesticides and other agrochemicals that did not pass the State registration and were not entered into the State catalogue of pesticides and agrochemicals permitted for use within the Kyrghyz Republic. Not to sell plant cultivation products without the certificate of conformity;
- to fulfill instructions of the State service of chemicalization and plant protection to obey the phytosanitary and agrochemical rules and regulations of pesticide and agrochemical application;
- in case of sudden mass illness of plants, mass increase of pests and weeds to inform the chemicalization and plant protection service about it.

Chapter 5 Responsibility for violation of the legislation of the Kyrghyz Republic about chemicalization and plant protection

Article 22. Responsibility for the violation of the present Law

Person guilty in violating of the present law is to be responsible in accordance with the legislation of the Kyrghyz Republic.

Article 23. Measures of administrative responsibility applied to the State inspectors of chemicalization and plant protection

The State inspectors of chemicalization and plant protection have rights to issue the written instruction to persons guilty in violating of the terms of a license, other phytosanitary and agrochemical rules and, in case of disobeying present the proposal to the especially commissioned executive authority about stopping or withdrawal of license in case the violation do not cause criminal or other responsibility. They also have rights to arrest and seal the depots and production premises. The administrative penalty is imposed in accordance with the Code of the Kyrghyz Republic "About administrative responsibility". The procedure of imposing and collecting of penalties for violation of the legislation of the Kyrghyz Republic about chemicalization and plant protection as well as appealing against them are regulated by the Code of the Kyrghyz Republic "About administrative responsibility".

Article 24. The state of emergency antiepiphytoxics commissions

During the emergency status the state of emergency commissions are formed for efficient administration and coordination of organization, industry and people activities for preventing and liquidating the mass spread of pests and diseases, centers of polluting plants, soil and irrigation water with agrochemicals. The state of emergency commissions are formed by the Government of the Kyrgyz Republic and oblast, city and regional executive authorities acting in accordance with the statutes approved by the Government of the Kyrgyz Republic.

Article 25. Quarantine

The epiphytotoxic and agrochemical quarantine is imposed to the separate yards, dairy, farms, territories of populated areas, regions, cities, oblasts. The list of pests, weeds and diseases of plants, emergency statutes and ecological disasters under which the quarantine and the special regime are imposed is set by the especially commissioned authority in chemicalization and plant protection.

The imposing of quarantine and special regime is exercised by the decision of the appropriate regional, city, oblast authorities or by the legislation of the Government of the Kyrgyz Republic after introduction of especially commissioned authority in the field of chemicalization and plant protection or its territorial agency.

Article 26. Financing of the agencies of the State chemicalization and plant protection services

Financing material and technical provision of especially commissioned authority in the field of chemicalization and plant protection and its departments performing duties of the State inspection is provided from the State budget.

Financing of institutions that provide agrotechnical services for people and enterprises can be performed from either the State budget or special means accumulated from the payment for the executed works.

The activities for fighting with diseases, pests and weeds as well as for preventing their emergence and spreading and polluting with chemical elements and their compound the agricultural products, soil and irrigation waters according to the list that is approved by the Government of the Kyrgyz Republic are financed from the Local and Republic budget.

Chapter 6 International agreements of the Kyrgyz Republic about chemicalization and plant protection

Article 27. International agreements

In case the international agreement states different rules from those that contained in the law of the Kyrgyz Republic about chemicalization and plant protection the rules of international agreement are exercised then.

Chapter 7 Conclusive statements

Article 28. The present law coming into force procedure

1. The present law comes in force from the date of its publishing.
2. The Government of the Kyrgyz Republic is to comply its normative-legal deeds in conformity with the present law.

President of the Kyrgyz Republic A.Akaev