



Annex to the Decision №30

AGREEMENT

of the Customs Union on plant quarantine

Governments of states-members of the Customs Union within the Eurasian Economic Community (hereinafter - the Customs Union), hereinafter referred to as the Parties,

for the purpose of formation of the Customs Union,

based on the Agreement for a coordinated policy in technical regulations, sanitary and phytosanitary measures of January 25, 2008,

recognizing the expediency of a coordinated policy in the field of application of phytosanitary quarantine requirements and measure,

having regard to the rules and principles of the International Quarantine and Plant Protection Convention (Rome, 1951, as amended in 1997) (hereinafter - the Convention), the Agreements on Technical Barriers to Trade and the Agreements on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization, adopted following the results of the Uruguay Round of multilateral trade negotiations, on April 15, 1994 in Marrakesh,

in order to ensure the protection of the customs territory of the Customs Union from the delivery and spread of quarantine objects and to reduce losses caused by them, as well as to remove barriers to international trade in goods under quarantine,

have agreed as follows:

Clause 1

For the purposes of this Agreement the following basic terms are used:

"Quarantine objects (quarantine noxious organisms)" - harmful organisms which are absent or stenotopic in the territories of states of the Parties and entered in the national lists of quarantine objects;

"Phytosanitary quarantine control (supervision)" - the activity of authorized national bodies of the states of the Parties in the field of plant quarantine, aimed at detection of quarantine objects, determination of phytosanitary quarantine condition of quarantineable products and fulfillment of international obligations of states of the Parties and of the plant quarantine laws of the appointing state;

"Quarantineable products (quarantineable goods, quarantineable materials, quarantineable goods) (hereinafter – the quarantineable products)" - the plants, products of vegetable origin, tare, packaging, cargo, soil, organisms, or materials carried across the customs border of the Customs Union and customs territory of the Customs Union, which can be carriers of quarantine objects and (or) facilitate their spread, and for which it is necessary to take phytosanitary quarantine measures;

"Batch of quarantineable products" - quantity of quarantineable products intended for shipment by a vehicle to a destination at the address of one consignee.

Terms not specifically defined in this Agreement are used in the meanings set by the Convention, international phytosanitary quarantine measures, and other international agreements concluded within the framework of the Customs Union and the Eurasian Economic Community.

Clause 2

This Agreement applies to quarantineable products included in the List of quarantineable products (quarantineable goods, quarantineable materials,

quarantineable goods) subject to phytosanitary quarantine control (supervision) at the customs border of the Customs Union and in the customs territory of the Customs Union (hereinafter - the List of quarantineable products).

Phytosanitary quarantine control (supervision) at the customs border of the Customs Union shall be carried out in accordance with the Regulation on the procedure for phytosanitary quarantine control (supervision) at the customs border of the Customs Union,

Phytosanitary quarantine control (supervision) in the customs territory of the Customs Union shall be carried out in accordance with the Regulation on the procedure for phytosanitary quarantine control (supervision) in the customs territory of the Customs Union,

Clause 3

The bodies of the states of the Parties exercising functions of phytosanitary quarantine control (supervision) (hereinafter - the authorized bodies) shall be authorized national bodies of the states of the Parties on the implementation of this Agreement.

The Parties shall take measures necessary to prevent the importation into the customs territory of the Customs Union and spread in it of the quarantine objects (quarantine noxious organisms), and bear responsibility for international obligations compliance of the states of the Parties and compliance with the plant quarantine laws of the appointing state.

Clause 4

1. The authorized bodies of the Parties shall carry out phytosanitary quarantine control (supervision) when moving quarantineable products across the customs border of the Customs Union in the checkpoints of states of the Parties, or in other places, where, in accordance with the laws of the states of

the Parties, plant quarantine stations (phytosanitary supervision stations) are equipped.

2. Quarantineable products shall be imported into the customs territory of the Customs Union on the basis of an import quarantine permit issued by an authorized body of an importing Party in the form prescribed by laws of a state of the importing Party, and accompanied by an export or re-export phytosanitary certificate issued by a competent authority of an exporting (re-exporting) country in the form prescribed by the Convention.

3. Each batch of quarantineable products transported from the territory of a state of one Party into the territory of a state of the other Party, shall be accompanied by a phytosanitary certificate of a Party of origin in the form prescribed by the Convention.

The Parties shall recognize phytosanitary certificates issued by the authorized bodies of the states of the Parties.

Phytosanitary quarantine control (supervision) at destinations of quarantine products in the territories of States Parties shall be carried out in accordance with Clause 2 of this Agreement.

Clause 5

1. The list of quarantineable products, the Regulations on the procedure for phytosanitary quarantine control (supervision) at the customs border of the Customs Union, the Regulations on the procedure for phytosanitary quarantine control (supervision) in the customs territory of the Customs Union shall be approved by the decision of the Commission of Customs Union (hereinafter – the Commission).

2. Maintenance of the documents referred to in paragraph 1 of this clause shall be carried out by the Commission from the date of delegation to it by the Parties of the relevant plant quarantine authority.

For the purposes of this article the document maintenance by the Commission shall be understood to mean introduction of amendments and

additions to the documents specified in paragraph 1 of this clause in the prescribed manner, their subsequent approval and notification to the Parties.

Proposals for amendments and additions to the documents referred to in paragraph 1 of this clause shall be made to the Commission in the prescribed manner on the proposal of the authorized bodies of the states of the Parties.

Clause 6

The authorized bodies of the States Parties:

in case of detection and spread of quarantine objects (quarantine noxious organisms) in the customs territory of the Customs Union shall send about them as well as on them as well as on sanitary measures taken to the Information system of the Eurasian Economic Community in the field of technical regulations, sanitary and phytosanitary measures, and to to the Integrated information system of external and mutual trade of the Customs Union;

in a timely manner shall inform each other on cases of detection and spread of quarantine objects (quarantine noxious organisms) in the territories of their states, and on introduction of temporary phytosanitary quarantine measures;

in a timely manner shall notify the states of the Parties of the adopted in their states Lists of quarantine objects;

shall render each other scientific, methodological and technical assistance in the field of plant quarantine assurance;

shall annually exchange statistical information for the past year regarding the detection and spread of quarantine objects in the territories of their states.

Clause 7

1. The authorized bodies of the State Parties, if necessary and by mutual agreement, shall:

carry out the exchange of information;

send experts to conduct a joint inspection of areas of production (manufacturing), classification, processing, storage and packaging of quarantineable, products moved from the territory of the state of one Party into the territory of the state of another Party;

jointly carry out certain types of phytosanitary quarantine control (supervision) established by the Regulations on the procedure for phytosanitary quarantine control (supervision) at the customs border of the Customs Union and the Regulations on the procedure for phytosanitary quarantine control (supervision) in the customs territory of the Customs Union;

cooperate on other issues in the field of phytosanitary quarantine control (supervision).

2. The Parties shall bear costs associated with the implementation of paragraph 1 of this clause within the funds as required by the laws of the States Parties, unless another procedure is agreed upon in each case.

Article 8

Each Party shall have the right to develop and implement temporary phytosanitary quarantine measures in cases:

of deterioration in the phytosanitary quarantine situation in the territory of their states;

of obtaining information from relevant international organizations, of the Parties, and (or) third countries on the phytosanitary quarantine measures taken;

when the relevant scientific justification for the application of phytosanitary quarantine measures is inadequate or can not be represented in the required time frame;

Article 9

Disputes between the Parties concerning the interpretation and (or) the application of this Agreement shall be settled through consultations and negotiations.

If the dispute is not settled by the Parties within six months from the date of receipt of a formal written request for consultations and negotiations sent by a Party to the other Party, then, in the absence of the other agreement between the Parties concerning the method of resolving the dispute, either party shall refer the dispute to the Court of the Eurasian Economic Community.

Clause 10

As the Parties agree, amendments which are executed by separate protocols may be made in this Agreement.

Clause 11

Procedure for the entry into force of this Agreement, accession to and withdrawal from it shall be defined by the Protocol on the procedure of entry into force of international agreements which are intended to form a contractual legal framework for the Customs Union and for withdrawal from and accession to them of October 6, 2007.

Done at St. Petersburg on December 11, 2009 in one original copy in Russian.

The original copy of this Agreement shall be stored in the Commission of the Customs Union which as the depositary of this Agreement shall send a certified copy to each Party.

**On behalf of
the Government
of the Republic of
Belarus**

**On behalf of
the Government
of the Republic of
Kazakhstan**

**On behalf of
the Government
of the Russian
Federation**