

Ο περί της Διεθνούς Σύμβασης Φυτοπροστασίας (Κυρωτικός) Νόμος του 2007 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 17(ΙΙΙ) του 2007

ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗ ΔΙΕΘΝΗ ΣΥΜΒΑΣΗ ΦΥΤΟΠΡΟΣΤΑΣΙΑΣ

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Διεθνούς Σύμβασης Φυτοπροστασίας (Κυρωτικός) Νόμος του 2007. Συνοπτικός τίτλος.

2. Στον παρόντα Νόμο, εκτός αν από το κείμενο προκύπτει διαφορετική έννοια— Ερμηνεία.

«Σύμβαση» σημαίνει τη Διεθνή Σύμβαση Φυτοπροστασίας (International Plant Protection Convention), η οποία υιοθετήθηκε από τη Γενική Συνέλευση του Οργανισμού Τροφίμων και Γεωργίας (FAO), κατά την έκτη σύνοδό της το Νοέμβριο του 1951, η οποία τέθηκε σε ισχύ στις 3 Απριλίου 1952 και την οποία η Κυπριακή Δημοκρατία επικύρωσε στις 11 Φεβρουαρίου 1999.

3.—(1) Με τον παρόντα Νόμο κυρώνεται η Σύμβαση, της οποίας το αυθεντικό κείμενο στην αγγλική εκτίθεται στο Μέρος Ι του Πίνακα και η ελληνική μετάφρασή του στο Μέρος ΙΙ αυτού. Κύρωση της Σύμβασης. Πίνακας. Μέρος Ι, Μέρος ΙΙ.

(2) Σε περίπτωση διαφοράς μεταξύ των κειμένων που εκτίθενται στα Μέρη Ι και ΙΙ του Πίνακα, υπερισχύει το κείμενο που εκτίθεται στο Μέρος Ι αυτού.

4. Ως αρμόδια αρχή για την εφαρμογή των διατάξεων της Σύμβασης ορίζεται ο Υπουργός Γεωργίας, Φυσικών Πόρων και Περιβάλλοντος ή οποιοσδήποτε Λειτουργός του Τμήματος Γεωργίας του Υπουργείου Γεωργίας, Φυσικών Πόρων και Περιβάλλοντος, δεόντως εξουσιοδοτημένος από τον Υπουργό. Αρμόδια αρχή.

5. Το Υπουργικό Συμβούλιο δύναται να εκδίδει κανονισμούς για τον καθορισμό οποιουδήποτε θέματος χρειάζεται ή είναι δεκτικό καθορισμού για την καλύτερη εφαρμογή των διατάξεων της Σύμβασης. Εκδοση Κανονισμών.

6. Ο παρών Νόμος τίθεται σε ισχύ από την ημερομηνία δημοσίευσής του στην Επίσημη Εφημερίδα της Δημοκρατίας. Εναρξη ισχύος.

ΠΙΝΑΚΑΣ

(Άρθρο 3)

ΜΕΡΟΣ Ι

INTERNATIONAL PLANT PROTECTION CONVENTION
New revised text approved by Resolution 12/97 of the 29th Session of the FAO
Conference in November 1997

PREAMBLE

The Contracting Parties,

- recognising the necessity for international cooperation in controlling pests of plants and plant products and in preventing their international spread, and especially their introduction into endangered areas,
- recognising that phytosanitary measures should be technically justified, transparent and should not be applied in such a way as to constitute either a means of arbitrary or unjustified discrimination or a disguised restriction, particularly on international trade,
- desiring to ensure close coordination of measures directed to these ends,
- desiring to provide a framework for the development and application of harmonised phytosanitary measures and the elaboration of international standards to that effect,
- taking into account internationally approved principles governing the protection of plant, human and animal health, and the environment, and
- noting the agreements concluded as a result of the Uruguay Round of Multilateral Trade Negotiations, including the Agreement on the Application of Sanitary and Phytosanitary Measures,

HAVE AGREED AS FOLLOWS:

*Article 1***Purpose and responsibility**

1. With the purpose of securing common and effective action to prevent the spread and introduction of pests of plants and plant products, and to promote appropriate measures for their control, the Contracting Parties undertake to adopt the legislative, technical and administrative measures specified in this Convention and in supplementary agreements pursuant to Article XVI.

2. Each Contracting Party shall assume responsibility, without prejudice to obligations assumed under other international agreements, for the fulfilment within its territories of all requirements under this Convention.

3. The division of responsibilities for the fulfilment of the requirements of this Convention between Member Organisations of FAO and their Member States that are Contracting Parties shall be in accordance with their respective competencies.

4. Where appropriate, the provisions of this Convention may be deemed by Contracting Parties to extend, in addition to plants and plant products, to storage places, packaging, conveyances, containers, soil and any other organism, object or material capable of harbouring or spreading plant pests, particularly where international transportation is involved.

Article II **Use of terms**

1. For the purpose of this Convention, the following terms shall have the meanings hereunder assigned to them:

'Area of low pest prevalence' : an area, whether all of a country, part of a country, or all or parts of several countries, as identified by the competent authorities, in which a specific pest occurs at low levels and which is subject to effective surveillance, control or eradication measures;

'Commission' - the Commission on Phytosanitary Measures established under Article XI;

'Endangered area'- an area where ecological factors favour the establishment of a pest whose presence in the area will result in economically important loss;

'Establishment' - perpetuation, for the foreseeable future, of a pest within an area after entry;

'Harmonised phytosanitary measures' - phytosanitary measures established by Contracting Parties based on international standards;

'International standards' - international standards established in accordance with Article X, paragraphs 1 and 2;

'Introduction' - the entry of a pest resulting in its establishment;

'Pest' - any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products;

'Pest risk analysis' - the process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it;

'Phytosanitary measure' - any legislation, regulation or official procedure having the purpose to prevent the introduction and/or spread of pests;

'Plant products' - unmanufactured material of plant origin (including grain) and those manufactured products that, by their nature or that of their processing, may create a risk for the introduction and spread of pests;

'Plants' - living plants and parts thereof, including seeds and germplasm;

'Quarantine pest' - a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled;

'Regional standards' - standards established by a regional plant protection organisation for the guidance of the members of that organisation;

'Regulated article' - any plant, plant product, storage place, packaging, conveyance, container, soil and any other organism, object or material capable of harbouring or spreading pests, deemed to require phytosanitary measures, particularly where international transportation is involved;

'Regulated non-quarantine pest' - a non-quarantine pest whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated within the territory of the importing Contracting Party;

'Regulated pest' - a quarantine pest or a regulated non-quarantine pest;

'Secretary' - Secretary of the Commission appointed pursuant to Article XII;

'Technically justified' - justified on the basis of conclusions reached by using an appropriate pest risk analysis or, where applicable, another comparable examination and evaluation of available scientific information.

2. The definitions set forth in this Article, being limited to the application of this Convention, shall not be deemed to affect definitions established under domestic laws or regulations of Contracting Parties.

Article III

Relationship with other international agreements

Nothing in this Convention shall affect the rights and obligations of the Contracting Parties under relevant international agreements.

Article IV

General provisions relating to the organisational arrangements for national plant protection

1. Each Contracting Party shall make provision, to the best of its ability, for an official national plant protection organisation with the main responsibilities set out in this Article.

2. The responsibilities of an official national plant protection organisation shall include the following:

- (a) the issuance of certificates relating to the phytosanitary regulations of the importing Contracting Party for consignments of plants, plant products and other regulated articles;
- (b) the surveillance of growing plants, including both areas under cultivation (*inter alia* fields, plantations, nurseries, gardens, greenhouses and laboratories) and wild flora, and of plants and plant products in storage or in transportation, particularly with the object of reporting the occurrence, outbreak and spread of pests, and of controlling those pests, including the reporting referred to under Article VIII paragraph 1(a);
- (c) the inspection of consignments of plants and plant products moving in international traffic and, where appropriate, the inspection of other regulated articles, particularly with the object of preventing the introduction and/or spread of pests;
- (d) the disinfestation or disinfection of consignments of plants, plant products and other regulated articles moving in international traffic, to meet phytosanitary requirements;
- (e) the protection of endangered areas and the designation, maintenance and surveillance of pest-free areas and areas of low pest prevalence;
- (f) the conduct of pest risk analyses;
- (g) to ensure through appropriate procedures that the phytosanitary security of consignments after certification regarding composition, substitution and reinfestation is maintained prior to export; and
- (h) training and development of staff.

3. Each Contracting Party shall make provision, to the best of its ability, for the following:

- (a) the distribution of information within the territory of the Contracting Party regarding regulated pests and the means of their prevention and control;
- (b) research and investigation in the field of plant protection;
- (c) the issuance of phytosanitary regulations; and
- (d) the performance of such other functions as may be required for the implementation of this Convention.