

Plant Quarantine System for the Cooperation Council for the Arab States of the Gulf

Royal Decree No. M/9, dated 27-02-1426 / 06 Apr 2005

Article (1)

The purposes of this Law are to prevent the introduction and spread of plant pests, to protect the environment and plant resources, and to facilitate trade.

Article (2)

For the purposes of this Law, the following terms are hereby defined:--

Agricultural land: means farms, gardens, forests and grazing lands and any location where plants are planted;

Beneficial organism: means any organism (including fungi, bacteria, viruses, virus-like organisms and invertebrates) which is declared by the Minister to be beneficial to the flora or agricultural production of the country;

Competent authority: means the national authority responsible for plant protection;

Consignment: means a lot of plants and/or plant products and/or any other material subjected to phytosanitary measures transported from one country to another and covered by one phytosanitary certificate (a shipment may consist of one or more consignments);

Container: means a box, bag or other receptacle in which plant products that be placed, which may carry plant pests during or after transportation;

Containment: means the application of phytosanitary measures in and around an infested area to prevent the spread of a pest;

Conveyance: means any vessel, aircraft, train, vehicle, cart, container, animal or other thing which can convey plants, plant products, regulated articles, pests, beneficial organisms, soil or from one place to another;

Country: means a member country of the GCC and countries means member countries of the GCC;

Eradication: means implementation of phytosanitary measures to eliminate a pest from a certain area;

Executive regulations: means ministerial decrees related to plant quarantine issued from time to time by the Minister.

GCC: means the Cooperation Council for the Arab States of the Gulf, also known as the Gulf Cooperation Council;

General Secretariat: means the General Secretariat of the GCC;

Holder: means the owner, tenant or occupant of the agricultural land, including the driver and means of transport;

Importer: means anyone who, whether as owner, consignor, consignee, agent, broker or otherwise, is in possession of or in any way entitled to the custody of any plants, plant products, regulated articles, pests, beneficial organisms, soil, or packing materials landed or likely to be landed from another country;

Inspector: means a person appointed under Article 6(1);

Minister: means the Minister responsible for agriculture;

Packing material: means any material used to pack, contain or keep plants, plant products,

beneficial organisms, soil or pests;

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

Pest risk analysis: means 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 certificate: means a certificate designed to conform with the IPPC model certificate;

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

Phytosanitary Regulated Article: means any organism, object or material capable of harboring pests;

Plants: means living plants and parts thereof, including seeds and germplasm;

Plant products: means unmanufactured material of plant origin (including grains) and those manufactured products that, by their nature or that of their processing, may create a risk for the introduction and spread of pests to GCC Countries;

Point of entry: means an air or sea port or a border point set as an official point of entry for the import of consignments and/or the entry of passengers;

Post-entry quarantine: means quarantine applied to a consignment after entry;

Quarantine area: means an area where there is a pest subject to agricultural quarantine, within which a quarantine pest is present and is being official controlled;

Quarantine pest: means 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, and listed in Schedule 1;

Regulated non-quarantine pest: means 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, and listed in Schedule 2;

Regulated pest: means a quarantine pest and a regulated non-quarantine pest;

Soil: means material wholly or partly derived from the upper layer of the earth's crust which is capable of sustaining plant life;

Storage area: means any place where plants, plant products, beneficial organisms or regulated articles are kept, contained or held;

Supreme Council: means the Supreme Council of the GCC;

Surveillance: means an official process which collects and records data on pest occurrence or absence by survey, monitoring or other procedures;

Survey: means a formal procedure conducted to characterize a pest population or to identify species that occur in an area;

Transit consignment: means any consignment that arrives in a country and is destined for another country, and which will not be broken into smaller units or have its containers changed in the first country;

Treatment: means authorized official measures to destroy, eliminate or sterilize pests.

Article (3)

The Minister may delegate any power (excluding any power to make executive regulations) under this Law to other government officials as he or she deems appropriate.

Article (4)

The competent authority in the country shall be responsible for applying this Law.

Article (5)

Announcing quarantine pests and non-quarantine pests subject to regulations to include the two unified (2,1) lists of these pests published as annexes to this law (regulation).

Article (6)

- (1) The competent authority may appoint or designate inspectors to enforce this Law.
- (2) Inspectors appointed or designated shall have the powers, duties and responsibilities granted or assigned to such inspectors under this Law.

Article (7)

Inspectors may :--

- (a) inspect agricultural land and plants and plant products under cultivation, as well as plants, plant products, beneficial organisms and regulated articles in storage or in transit, in order to report the existence, outbreak and spread of regulated pests;
- (b) inspect consignments of plants, plant products, beneficial organisms and regulated articles destined for import into or export from the country;
- (c) require the treatment of consignments of plants, plant products or regulated articles destined for import into or export from the country, as well as their containers, packing material, storage places and conveyances;
- (d) ensure the safe disposal of waste from:--
 - (i) conveyances arriving in the country; and
 - (ii) premises which process or wash imported plant products.
- (e) issue phytosanitary certificates;
- (f) distribute information about regulated pests and how to prevent and control them;
- (g) attend to such other matters as the Minister or the competent authority may prescribe.

Article (8)

- (1) Any inspector who suspects that any container or conveyance entering or moving within the country may harbour a regulated pest, may stop and without a warrant search such container or conveyance, and seize or detain any plants, plant products, beneficial organisms, soil or other thing infected or suspected of being infected with a regulated pest.
- (2) An official receipt must be provided to the owner of any item seized or detained under sub-section (1), and an official report must be provided to the competent authority within the time periods set by executive regulation.
- (3) Upon instruction from the competent authority, the inspector may order the treatment, destruction or disposal of any item seized under sub-section (1), where the circumstances so warrant.
- (4) If the importer does not carry out or does not agree to the ordered treatment under subsection (3), the competent authority shall have the right to destroy the items.
- (5) The costs and responsibility for any action taken under this Article shall be borne by the owner.
- (6) Neither the state, nor the Minister, nor the competent authority, nor any inspector shall be liable for any damage or loss suffered because of the destruction or disposal of any items under this Article.
- (7) All conveyances originating from or transiting through an area deemed to be infested with a regulated pest must be decontaminated if such conveyance is capable of providing a pathway for the introduction or spread of a regulated pest.

Article (9)

An inspector may, in the performance of his or her functions under this Law, be accompanied and assisted by a police officer.

Article (10)

- (1) If the Minister believes that a quarantine pest may be present on agricultural land or at any other place, he or his representative may:--
- (a) enter into such place at any reasonable time;
 - (b) inspect any plants, plant products, beneficial organisms, regulated articles, conveyances, storage places and packing material;
 - (c) take such samples as he or she may consider necessary; and
 - (d) declare a quarantine area, and, where necessary, cause a written notice to be served on the owner or occupier of such place and, if he or she deems it appropriate, on the owner or occupier of any land or premises in the vicinity, ordering each of them, within a period of time specified in the notice, to take whatever measures on their land the Minister considers appropriate to eradicate, contain or restrict the spread of the quarantine pest;
 - (e) prohibit or restrict the movement of persons, animals, conveyances or other items into or out of the quarantine area.
- (2) If an owner or occupier either fails to or is unable to comply with any term of a notice issued under sub-section (1)(d) and the Minister is so informed, or if the Minister determines that urgent action is required because of the level of the risk, the Minister may authorise an inspector or other person to enter upon the land or premises in question in order to carry out the requirements of the notice.

Article (11)

The Minister shall regularly review the situation in respect of any quarantine area. As soon as either:--

- (a) the relevant quarantine pest is considered no longer to be present; or
 - (b) the Minister is of the opinion that it is no longer appropriate for the quarantine to be maintained in respect of some or all of the quarantine area;
- he or she shall, by written notice served on all affected owners or occupiers of land, lift the quarantine from some or all of the quarantine area.

Article (12)

In the case of introduction of any quarantine pest into the country, the Minister shall take all necessary measures to secure its eradication and deter its spread.

Article (13)

- (1) In the face of an emergency or unexpected situation that appears to pose a substantial threat to plant health, the Minister may take immediate measures to reduce or eliminate the threat.
- (2) As soon as the threat has been eliminated or reduced, the Minister shall modify or repeal any measures taken under sub-section (1).

Article (14)

- (1) Any person entering the country with plants, plant products, beneficial organisms or regulated articles shall declare such to a Customs official at the point of entry, and, if required, such Customs official may detain such items.
- (2) Any Customs official who is notified or who otherwise becomes aware of the arrival in

the country of any item referred to in sub-section (1), shall have the duty to notify the competent authority.

(3) Any item detained by a Customs official under sub-section (1) shall not be released until so authorized by the competent authority.

Article (15)

(1) No consignment shall be allowed entry into the country without an import permit and a phytosanitary certificate issued by the competent authority of the exporting country.

(2) The competent authority shall have the right to set required phytosanitary conditions which must be met before shipment of a consignment from the exporting country.

(3) The competent authority may waive such requirements for certain items based on the level of risk associated with those items.

Article (16)

Imported shipment of honeybee shall be accompanied by a health certificate issued and certified by the competent authority of the exporting country, declaring that it is free of pests and diseases.

Article (17)

Importers shall have a duty to declare all plants, plant products, beneficial organisms and regulated articles immediately upon arrival at a point of entry into the country.

Article (18)

(1) Imported plants, plant products, beneficial organisms and regulated articles shall, upon importation into the country, be subject to an inspection by an inspector at the point of entry or, if the container is sealed and marked as prescribed by executive regulation, at the final destination or some other place designated by the competent authority.

(2) Except where prescribed by other legislation, inspections under sub-section (1) shall be carried out during regular business hours, unless the items are in transit or extremely perishable, in which case, on application by the importer and against payment of any fee prescribed by executive regulation, the inspector may carry out an inspection at any other time.

(3) If, upon inspection carried out under this Article, the imported item presents any risk for the introduction and spread of pests, or does not otherwise satisfy the provisions of this Law, the competent authority may require by written notice served on the importer that the imported item shall be subject within one week to:--

- (a) appropriate treatment in order to remove the risk;
- (b) re-exportation to the originating country or another country; or
- (c) destruction by a means specified in the notice.

(4) The competent authority may forgo notice under sub-section (3) where it determines that destruction of the items is urgently required or the giving of the notice is impracticable.

(5) If re-export is not possible, or if the importer does not agree to the re-export or the ordered treatment, the competent authority shall have the right to destroy the items.

(6) The costs and responsibility for any action taken under this Article, including the cost of unloading, loading, transport, re-export, treatment and destruction, shall be borne by the importer.

(7) Neither the state, nor the Minister, nor the competent authority, nor any inspector shall be liable for any damage or loss suffered because of the destruction or disposal of any item imported into the country in contravention of this Law.

Article (19)

- (1) The cost of treatment for consignments, if required, shall be determined by executive regulation.
- (2) In the absence of means of treatment at the point of entry, the importer, at its own expense and under the supervision of the competent authority, shall transport the consignment to the nearest point of entry where treatment means are available.

Article (20)

Importation of sand, soil or untreated or unsterilized organic fertilizers is prohibited.

Article (21)

The Minister may:--

- (a) designate certain places as quarantine stations where plants, plant products or beneficial organisms may be kept for phytosanitary observation, research, inspection, testing, detention, reconsignment or destruction;
- (b) require that imported plants, plant products or beneficial organisms be kept at a plant quarantine station, or at any officially designated location under the supervision of officials of the competent authority, for such time as he or she deems necessary.

Article (22)

Notwithstanding anything in this Law, to protect plant resources and/or the environment of the country the Minister may:--

- (a) prohibit or restrict the importation, sale, cultivation, propagation or movement of any plant, plant product, pest, beneficial organism, soil or any other item capable of harboring or spreading a pest;
- (b) permit the importation of any plant, plant product, pest, beneficial organism or other item for scientific or experimental purposes subject to such terms and conditions as the Minister may consider appropriate to safeguard public health, agriculture and the environment in the country.

Article (23)

Items temporarily in the territory or territorial waters of the country which are prohibited or restricted entry for importation under this Law, are subject to such executive regulations as may be deemed necessary by the Minister to carry out the purposes of this Law.

Article (24)

Plants or plant products entering the country in the possession of travelers and not imported for planting or multiplication purposes, may be exempted from the requirement of a phytosanitary certificate, but shall be subject to inspection.

Article (25)

- (1) Transit consignments must be accompanied by required phytosanitary certificates.
- (2) All applicable provisions of this Law shall apply to transit consignments that are found to carry any pest that endangers agricultural land.
- (3) Where a transit consignment is found to cause a risk of the introduction or spread of a pest, an inspector may order the importer at its own expense to place the consignment into packing material that prevents any consequent introduction or spread of pests during transit.

Article (26)

Any exporter that desires to export or re-export a consignment conforming with an importing country's requirements shall submit an application to the competent authority in order to obtain a phytosanitary certificate.

Article (27)

- (1) All export consignments must be properly placed into packing material for export.
- (2) The cost of inspection for purposes of export shall be borne by the exporter.
- (3) No exporter shall open any part of a consignment after it has been inspected for export.

Article (28)

- (1) Consignments must be exported within one week from the date of issuance of the phytosanitary certificate.
- (2) An inspector may extend the time period referred to in sub-section (1), according to the type of consignment, its storage conditions and transport requirements.

Article (29)

It shall be an offence for any person, either personally or indirectly through an employee or agent to:--

- (a) grow, possess, sell, offer for sale, transport or distribute in any manner any plant, plant product, pest, soil, beneficial organism or other item in the knowledge that it has been imported contrary to this Law;
- (b) assault, resist, threaten or willfully obstruct any inspector exercising lawful powers under this Law;
- (c) fail to declare imported plants, plant products, beneficial organisms or regulated articles at the point of entry;
- (d) fail to comply with any order or direction lawfully made or given under this Law;
- (e) fail to allow a search or inspection authorized under this Law;
- (f) knowingly or recklessly provide information which is false, for the purpose of obtaining any document under this Law;
- (g) alter, forge, counterfeit, deface or destroy any document issued under this Law; or
- (h) contravene any provision of this Law.

Article (30)

Any person who commits an offence under this Law shall be punished by a penalty to be established by each member state.

Article (31)

- (1) The Minister may make executive regulations to bring this Law into effect, provided that all measures and procedures adopted conform with the standards, guidelines and recommendations set forth in the International Plant Protection Convention and the World Trade Organization Agreement on Sanitary and Phytosanitary Measures.
- (2) The Minister shall notify the General Secretariat of any executive regulations issued under this Law or any amendments introduced to them.

Article (32)

Any person aggrieved by an official action under this Law may file an appeal under an appeals procedure established by the Minister.

Article (33)

Any changes to this Law made by the Supreme Council shall be communicated to the appropriate parties in accordance with the requirements of the World Trade Organization Agreement on Sanitary and Phytosanitary Measures.

Article (34)

This Law shall be called the Plant Quarantine Law and shall come into force and become mandatory six months following adoption by the Supreme Council.