Republic of Latvia

Cabinet

Regulation No. 230

Adopted 12 April 2022

**By-law of the State Plant Protection Service**

*Issued pursuant to*

*Section 16, Paragraph one of the State Administration Structure Law*

**I. General Provisions**

1. The State Plant Protection Service (hereinafter – the Service) is an institution of direct administration under supervision of the Minister for Agriculture.

2. The purpose of the activity of the Service is to ensure the sustainable development of the crop production sector and the management of agricultural land in order to protect the country from outbreaks of diseases caused by plant quarantine organisms, to promote the conservation of biological diversity, and to enhance the competitiveness of plants and products thereof in the international market.

**II. Functions, Tasks, and Competence of the Service**

3. The Service shall perform the following functions:

3.1. monitor and control the plant protection and phytosanitary measures;

3.2. ensure the registration of intellectual property rights in the field of plant variety protection and carry out other activities related to plant variety protection;

3.3. monitor and control the circulation of seeds and plant varieties;

3.4. monitor and control the circulation and use of fertilisers;

3.5. perform the functions of the competent authority in the fields of plant protection, phytosanitary monitoring, monitoring of organic farming, and fertiliser circulation;

3.6. ensure the supervision of the requirements necessary for the receipt of the State aid and European Union aid in the fields of environment, climate change, plant health, and seed quality;

3.7. obtain, manage, and maintain data on the fertility level of agricultural land and changes thereof;

3.8. carry out official control in the fields of integrated cultivation of agricultural products, circulation of seeds of genetically modified crops and plant propagating material, and cultivation of genetically modified crops;

3.9. inform and educate the public about plant protection and phytosanitary measures, safe use of fertilisers and plant protection products, and also containment of harmful organisms in integrated agriculture, and other issues within the competence of the Service;

3.10. perform any other functions laid down in laws and regulations.

4. In order to perform the functions referred to in Paragraph 3 of this Regulation, the Service shall carry out the following tasks:

4.1. take samples for diagnosing quarantine organisms and regulated non-quarantine organisms and determine phytosanitary measures to eradicate or contain them;

4.2. develop survey programmes for plant quarantine organisms, contingency plans, and action plans for eradicating priority quarantine organisms, and also organise training for simulation of contingency plans;

4.3. implement temporary phytosanitary measures to prevent the spread of a potentially dangerous harmful organism (pest);

4.4. carry out pest-risk analysis;

4.5. submit an application to the European Commission for the recognition of a site as a protected zone in respect of a specific harmful organism;

4.6. establish and maintain a database regarding the spread of invasive alien plant species and ensure State supervision and monitoring of such species;

4.7. issue the following permits:

4.7.1. to carry out phytosanitary control at control points;

4.7.2. to control wood packaging material at recognised control sites;

4.7.3. to certify the heat treatment process of wood packaging material and also to mark wood packaging material;

4.7.4. to import quarantine organisms, plants, and plant products for official testing of invasive alien plant species, scientific and educational purposes, trials, or breeding or selection of varieties;

4.7.5. to establish quarantine stations or containment blocks and supervise operation thereof;

4.7.6. to use and print plant passports;

4.7.7. for the distribution of plant protection products;

4.7.8. for the training of persons involved in the use and distribution of plant protection products and of plant protection advisers;

4.7.9. for the use of plant protection products for research and development purposes;

4.7.10. for the parallel trade of plant protection products;

4.7.11. for the placement of plant protection products on the market for limited and controlled use in case of a special threat;

4.7.12. for the marketing of seed mixtures for the preservation of the natural environment;

4.7.13. to temporarily market seeds that do not meet the minimum germination requirements;

4.7.14. for the marketing of seeds of varieties not listed in the catalogue of plant varieties of Latvia or another European Union Member State but in respect of which an application has been submitted for inclusion thereof in the catalogue of plant varieties;

4.7.15. for the use of conventional seeds and vegetative propagating material in organic farming;

4.7.16. for the inspection of plant protection product application equipment;

4.7.17. for the conducting of trials to test the effectiveness of plant protection products;

4.7.18. for the import or marketing of fertilisers and substrates;

4.7.19. for the aerial application of plant protection products;

4.8. ensure phytosanitary certification of plants and plant products for export;

4.9. issue plant passports for the distribution of plants, plant products, and other objects;

4.10. ensure the certification and supervision of circulation of propagating material of fruit plants, ornamental plants, and vegetables;

4.11. verify the qualification of professional users of plant protection products and plant protection product application operators;

4.12. take samples of plant protection products to detect the presence of active substances and to perform quality control of plant protection products;

4.13. monitor the use of plant protection product application equipment and recognise certificates of plant protection product application equipment issued in another European Union Member State;

4.14. prepare a draft assessment report on active substances of plant protection products and submit it to the European Food Safety Authority, and also submit to the European Commission an application for approval of the active substance, review or cancellation of the approval, and request permission from the European Commission to use additional phrases in the marking of plant protection products;

4.15. evaluate plant protection products and living organisms and register them in the Register of Plant Protection Products;

4.16. decide to expand the application of plant protection products for minor applications;

4.17. evaluate the potential harmful or undesirable effects of plant protection products and, if necessary, take temporary emergency measures;

4.18. compile and submit to the Central Statistical Bureau the data on plant protection products placed on the market;

4.19. perform the administrative functions stipulated in laws and regulations that concern the export and import of hazardous chemical substances contained in plant protection products;

4.20. collect information on harmful organisms, forecast the development of harmful organisms, inform the public about spread thereof, and provide recommendations for the containment and eradication thereof;

4.21. approve the results of variety examinations conducted in Latvia and recognise the results of variety examinations conducted in other Member States of the International Union for the Protection of New Varieties of Plants;

4.22. decide on the registration of variety denomination and inclusion thereof in the Latvian Catalogue of Plant Varieties, and also ensure that the plant varieties registered in Latvia are included in the European Union common catalogues of varieties of agricultural plant and vegetable species and the European Union common list of varieties of fruit trees and berry bushes (FRUMATIS);

4.23. decide on the granting of breeder’s right and register license agreements in the field of breeders’ rights;

4.24. provide materials and technical facilities for the operation of the National Plant Variety Council;

4.25. certify seeds and assess seed quality;

4.26. perform State supervision and control of the closing and labelling of seed packaging;

4.27. implement the schemes of the Organisation for Economic Co-operation and Development with respect to the certification of cereal, grass, and legume varieties for the circulation of seeds on the international market, and also participate in the comparative tests and trials of seed quality;

4.28. maintain original seed samples;

4.29. evaluate the potential harm of growing a specific variety and take the decision to prohibit growing of the relevant variety within the national territory;

4.30. decide on the registration of fertilisers and substrates and inclusion thereof in the list of notified fertilisers and substrates, and also evaluate the conformity of the fertilisers and substrates to the requirements laid down in laws and regulations regarding organic production and labelling of organic products;

4.31. control the conformity of the quality of fertilisers and substrates to the requirements laid down in the laws and regulations regarding circulation of fertilisers;

4.32. monitor mineral nitrogen in soils and provide recommendations for adjusting the dose of additional nitrogen fertiliser to prevent water, soil, and air pollution caused by agricultural activity;

4.33. control the conformity of the use of fertilisers to the requirements laid down in the laws and regulations regarding protection of water, soil, and air from pollution caused by agricultural activity;

4.34. provide information specified in laws and regulations to the Rural Support Service which is necessary to administer the European Union direct payments to farmers;

4.35. take decisions on the allocation of de minimis aid in accordance with its competence;

4.36. ensure agro-chemical research of soils in a representative sample frame of agricultural holdings, and also determine the fertility level of agricultural land and changes thereof upon request of the land owner or legal possessor;

4.37. carry out carbon monitoring;

4.38. decide on the inclusion of a person in the Register of Integrated Cultivation of Agricultural Products and control compliance with the integrated cultivation requirements;

4.39. monitor the co-existence of genetically modified crops and also control the circulation of seeds of genetically modified crop varieties and plant propagating material;

4.40. perform the functions of a reference laboratory for the detection of plant quarantine and regulated non-quarantine organisms and also provide laboratory services in the field of seed and soil quality;

4.41. maintain and oversee the State Information System for Monitoring of Agricultural Plants that integrates the databases specified by laws and regulations;

4.42. provide paid services within the scope of its activity;

4.43. participate in the meetings of working groups and committees of the European Commission, the Council of the European Union, the European Food Safety Authority, the Organisation for Economic Co-operation and Development, the International Union for the Protection of New Varieties of Plants, the Community Plant Variety Office, the International Seed Testing Association, the International Plant Protection Convention, and the European and Mediterranean Plant Protection Organisation;

4.44. cooperate with other State administration institutions, non-governmental organisations, international organisations, the European Commission, and European Union Member States, and provide them with information by using also the Electronic Information Management System for Official Controls established by the European Commission;

4.45. conduct administrative offence proceedings in accordance with its competence;

4.46. provide opinions on draft laws and regulations prepared by other institutions within the competence of the Service;

4.47. examine information requests of private individuals, ensuring public availability of generally accessible information which is at the disposal of the Service, and also ensure access to specific type of generally accessible information on the Service’s website upon its own initiative, following the principle of good governance;

4.48. examine the documents addressed to the Service which contain requests, complaints, suggestions, or questions, and ensure reception of persons;

4.49. organise and conduct training within educational institutions, and also for representatives and experts from non-governmental organisations, international institutions, and organisations within fields of its competence;

4.50. participate in international twinning projects of the European Union within fields of its competence;

4.51. perform private transactions on behalf of the State which are necessary for ensuring the operation of the Service;

4.52. preserve the State properties that are in the balance sheet of the Service;

4.53. perform scientific research work in soil science and analytical chemistry, and also in relation to organisms harmful to plants (pests of plants);

4.54. prepare and, in accordance with the procedures laid down in laws and regulations, submit proposals on the financing from the State budget necessary for the performance of the tasks of the Service;

4.55. carry out other tasks specified in laws and regulations.

5. In accordance with its competence, the Service may:

5.1. prepare and submit proposals to the Ministry of Agriculture regarding the measures to be taken within the field of competence of the Service;

5.2. request and receive free of charge from State and local government institutions, and also, in the cases specified in laws and regulations, from private individuals the information necessary for the fulfilment of the tasks of the Service;

5.3. cooperate with State administration institutions, non-governmental organisations, and also other representatives of society, international institutions and organisations, representatives and experts thereof, including enter into cooperation agreements with foreign institutions, transnational or international organisations;

5.4. receive a fee for the services provided in the amount specified in the laws and regulations regarding the price list of paid services;

5.5. take decisions and issue administrative acts in the cases specified in laws and regulations;

5.6. exercise other rights prescribed in laws and regulations.

**III. Ensuring of the Rule of Law of the Operation of the Service and Provision of Reports**

6. The rule of law of the operation of the Service shall be ensured by the Director of the Service. The Director of the Service shall establish a system for internal control and verification of decisions of the Service.

7. The Director of the Service has the right to revoke decisions of officials of the Service, and also internal regulatory enactments.

8. Administrative acts issued by or actual action of the officials of the Service may be contested and appealed in accordance with the Administrative Procedure Law in accordance with the following procedures:

8.1. the administrative acts issued by or actual action of the officials of regional divisions may be contested by lodging a submission to the director of the relevant department, except for the cases referred to in Sub-paragraph 8.2 of this Regulation. The decisions of the director of the department may be appealed to the court;

8.2. the administrative acts issued by or actual action of the officials of regional divisions which is related to suspension or prohibition of distribution of plant protection products or fertilisers (substrates) may be contested by lodging a submission to the Chief Inspector. The decisions of the Chief Inspector may be appealed to the court;

8.3. the administrative acts issued by or actual action of the officials of the department may be contested by lodging a submission to the director of the relevant department. The decisions of the director of the department may be appealed to the court;

8.4. the administrative acts issued by or actual action of other units may be contested by lodging a submission to the Chief Inspector. The decisions of the Chief Inspector may be appealed to the court;

8.5. the administrative acts issued by or actual action of the director of the department and Chief Inspector may be contested by lodging a submission to the Director of the Service. The decisions of the Director of the Service may be appealed to the court;

8.6. administrative acts issued by or actual action of the Director of the Service may be contested to the Ministry of Agriculture. The decisions of the Ministry of Agriculture may be appealed to the court.

9. Decisions in administrative offence cases in accordance with the Law on Administrative Liability may be appealed in accordance with the following procedures:

9.1. the decisions of the officials of regional divisions in administrative offence cases may be appealed by lodging a complaint to the Chief Inspector. The decisions of the Chief Inspector may be appealed to the court;

9.2. the decisions taken by the Chief Inspector in administrative offence cases may be appealed by lodging a complaint to the Director of the Service. The decisions of the Director of the Service may be appealed to the court.

10. The financial resources of the Service shall consist of:

10.1. subsidies from general revenue of the State budget;

10.2. income from provided paid services and other own income;

10.3. financing from the European Union funds and other financial instruments.

11. The Service shall prepare a report on utilisation of budget resources and an annual public account. The Director of the Service shall provide a report on the operation of the Service to the Minister for Agriculture not less than once a year. The Minister for Agriculture has the right to request the report on activity of the Service at any time.

**IV. Closing Provision**

12. Cabinet Regulation No. 944 of 16 November 2004, By-law of the State Plant Protection Service (*Latvijas Vēstnesis*, 2004, No. 185; 2013, No. 119), is repealed.

Prime Minister A. K. Kariņš

Minister for Agriculture K. Gerhards