

Plant Protection Rules, 2066 (2010)

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In exercise of the powers conferred by Section 35 of the Plant Protection Act, 2007, the Government of Nepal has framed the following Rules:

Chapter-1

Preliminary

1. **Short title and commencement:** (1) These Rules may be called as the "Plant Protection Rules, 2010".
(2) These Rules shall come into force immediately.
2. **Definitions:** Unless the subject or the context otherwise requires, in this Rules,-
 - (a) "Genetically modified organism" means any plant or plant product which has been produced by substitution of the gene of a species by the gene of another species through the recombinant Deoxyribonucleic Acid (DNA) technology.
 - (b) "Act" means the Plant Protection Act, 2007.
 - (c) "Chief of Office" means the chief of office established pursuant to Section 33 of the Act.
 - (d) "Living modified organism" means any plant or plant product capable of being reproduced which possesses a novel combination of genetic substances with genetic quality for higher productivity or resistance to the pest in the plant through the use of modern biotechnology.

- (e) "Transgenic substance" means disease, insect and adverse environment resistance species of living plant or organism produced by research in a laboratory, glasshouse or field through the reconstituted DNA technology of which uses cause not any adverse effect to human beings and environment.
- (f) "Laboratory" means a laboratory specified by the Government of Nepal by a Notification in the Nepal Gazette.
- (g) "Post entry quarantine" means any phyto-sanitary related examination of physical condition of imported seeds or living plants which have been planted in a glass house/screen house or a nursery or such other facilitated field for a specified time period.
- (h) "Pest free production area" means an area that is certified on scientific basis as not having specific pest and where such situation is maintained officially for a defined period.
- (i) "Pest free area" means an area certified on the scientific basis as being free from specific pest of quarantine importance and where such situation is officially maintained.

Chapter-2

Provisions relating to functions, duties and powers of Committee and Organization

3. **Functions, duties and powers of Committee:** The functions, duties and powers of the Committee shall be as follows, in addition to the functions, duties and powers set forth in Section 5 of the Act:
 - (a) To render necessary assistance to the Government of Nepal in phyto-sanitary measures and plant protection related activities,

- (b) To prescribe phyto-sanitary measures to mitigate the risks in plants or plant products after carrying out the risk analysis from importing living modified organisms or genetically modified organisms,
- (c) To recommend the Government of Nepal to enforce internal quarantines to check/restrict the movement of plant or plant products carrying quarantine pests from one location to other within the country

4. **Functions, duties and powers of National Plant Protection**

Organization: The functions, duties and powers of the National Plant Protection Organization shall be as follows, in addition to the functions, duties and powers as set forth in Section 6 of the Plant Protection Act, 2007:

- (a) Where deemed necessary, based on scientific evidence, to declare pest outbreak endangered area, pest free area, pest free production site/zone or area of low pest prevalence,
- (b) To prescribe standards required to be observed in carrying test, treatment of plants or plant products, establishing post entry quarantine facilities, area of low pest prevalence and establishing laboratories or treatment rooms to be established by the private sector,
- (c) To make recommendation to the Government of Nepal for the validation/accreditation of laboratories which are established by the private sector to carry out test, treatment or research of plants or plant products and meet the standards as referred to in Clause (b),
- (d) To encourage research and studies to mitigate risks likely to occur on plant or plant products from the entry of living modified organisms, genetically modified organisms or transgenic substance,

- (e) To carry out regular study, research and surveillance of regulated pests, and update information thereon and provide such information to the concerned bodies or organizations,
- (f) In an event of the entry of quarantine pests in any area of Nepal, to promptly adopt required phyto-sanitary measures to prevent the spread thereof to another area and inform at once to the concerned bodies or organizations,
- (g) If economic loss or damage is likely to occur or foreseen from the spread of quarantine pests, to enforce internal quarantine for their spread at once,
- (h) To frame phyto-sanitary measures and standards conforming to the internationally adopted standards and enforce, or cause to be enforced, such measures and standards,
- (i) To make recommendation to the Government of Nepal to accredit/recognize laboratories, post entry quarantine facilities, areas of low pest prevalence or treatment rooms at the private level meeting the standards specified pursuant to the Act and these Rules,
- (j) To encourage also the private sector to carry out activities relating to post entry facilities, test centers, laboratories and treatment procedures,
- (k) To get approval and enforce the good agriculture practices in order to encourage quality products for the promotion of exports.

Chapter-3

Provisions relating to entry permit

5. **Application for import entry permit:** (1) A person or body that intends to import into Nepal any plants, plant products, biological control agents,

beneficial organisms or plant growing means such as soil, moss, and peat has to make an application, accompanied by the application fee of Two Hundred Rupees, and in the format referred to in Schedule-1, to the Chief of Office for the entry permit.

Provided that, if such item is imported for the purposes of research/studies, an application as referred to in this Sub-rule has to be made to the chief of National Plant Quarantine Programme.

(2) An application to be made pursuant to Sub-rule (1) has to be accompanied by the following documents:

- (a) A copy of the citizenship certificate or passport of the importer,
- (b) A copy of the certificate of registration of body and renewal thereof if import is intended to be made in the name of such organization,
- (c) A copy of the pro-forma invoice of the organisms to be imported,
- (d) Recommendation of the Seeds Quality Control Centre if an import of seeds is made,
- (e) If an import is made for the purpose of research, a request letter of the researcher person or organization and recommendation made by the Nepal Agricultural Research Council.

(3) If, on examination of the documents accompanied by the application received pursuant to Sub-rule (1), the Chief of Office thinks reasonable to issue the entry permit, the Chief of Office shall issue the entry permit in the format referred to in Schedule-2, in the case of plants or plant products, in the format referred to in Schedule-3 in the case of biological

control agents or beneficial organisms, in the format referred to in Schedule-4 in the case of soil, moss, peat or other plant growing medium in the format referred to in Schedule-5 in the case of study and research of germplasm, living modified organisms, genetically modified organisms or transgenic substances.

(4) If any person or body, showing a reason for not being able to obtain the import permit beforehand pursuant to Sub-rule (1), makes an application, accompanied by the documents as referred to in Sub-rule (2), at the point of entry for the entry permit, the Chief of Office may, if the reason for not being able to so obtain the permit beforehand is found reasonable, issue the permit pursuant to Sub-rule (3) at the point of entry, upon collecting the fees of One Thousand Rupees.

Provided that, no permit shall be issued at the point of entry pursuant to this Sub-rule without the issue of the import entry permit for the purpose of research.

(5) A person or body who obtains the import entry permit pursuant to Sub-rule (3) has to abide by the terms and restrictions relating to import as specified by the Ministry pursuant to Sub-section (2) of Section 7 of the Act.

(6) If, upon the examination pursuant to Sub-rule (3), it does not appear appropriate to issue the entry permit for reason of insufficiency of the documents accompanied or otherwise, the Chief of Office has to give information in the format referred to in Schedule-6 to the applicant no later than Seven days.

6. **Provisions relating to renewal of entry permit:** (1) A person or body who intends to renew the entry permit obtained pursuant to Sub-rule (3) of Rule 5 as to make an application, in the format referred to in Schedule-7, to

the Chief of Office who has issued such permit, prior to Seven days of the expiration of the term of the entry permit.

(2) If, upon necessary examination of the application received pursuant to Sub-rule (1), it appears reasonable to renew the entry permit, the Chief of Office may renew such entry permit for a maximum period of Three months, upon collecting the fee of Four Hundred Rupees.

7. Obtaining entry permit at entry point: (1) If a person or body, who brings at the point of entry plants, plant products, biological control agents, beneficial organisms or plant growing substance such as soil, moss, and peat with intent to import them into Nepal, pursuant to Section 7 of the Act, and intends to get quarantine related necessary measures be done and make their entry into Nepal, the person or body has to fill up the declaration form in the format as referred to in Schedule-8 and submit the form to the Office for the entry permit of such goods (articles) into Nepal.

(2) The declaration form submitted pursuant to Sub-rule (1) has to be accompanied by the following documents:

- (a) The import entry permit obtained pursuant to Rule (5),
- (b) The documents as referred to in pursuant to Sub-rule (2) of Rule 5,
- (c) The phyto-sanitary certificate issued by the country exporting the goods, as referred to in Sub-rule (1), which are intended to be imported.

(3) If, upon necessary examination of the application received pursuant to Sub-rule (1) and the documents accompanied by it, it appears reasonable to issue the entry permit, the Office shall obtain necessary sample of the goods to be imported and send the same to the laboratory for phytosanitary test.

(4) If, upon laboratory test of the sample received pursuant to Sub-rule (3), the imported goods (articles) are found to be healthy, the Office shall issue the clearance slip in the format as referred to in Schedule-9 for the entry of such goods into Nepal.

(5) If, upon laboratory test of a sample received pursuant to Sub-rule (3), such sample is found to contain quarantine pests, the imported goods have to be destroyed pursuant to Rule 15, and if it is found unsafe due to other than quarantine pest, the imported goods shall be sent for treatment pursuant to Rule 13, or destroyed directly pursuant to Rule 15, at the request of the importer.

(6) If, subsequent to the treatment carried out pursuant to Rule 13, the imported goods are found to be healthy, the Office shall issue the clearance slip pursuant to Sub-rule (4) for the entry of such goods into Nepal.

(7) If, even after the treatment carried out pursuant to Rule 13, the imported goods are found to be unhealthy, the Office shall either destroy such goods pursuant to Rule 15 or return, or cause to be returned, such goods to the concerned country.

(8) Any plants, plant products, biological control agents and beneficial organisms imported for the purpose of research have to be tested at the post entry quarantine site, and if, on such test, such goods are found to be healthy, the Office shall permit their use in Nepal.

Provided that, if such goods are found infected, they shall be destroyed pursuant to Rule 15.

- 8. Provisions relating to phyto-sanitary certificate:** (1) A person or body who intends to obtain the phyto-sanitary certificate pursuant to Sub-section (1) or (2) of Section 12 of the Act has to make an application,

accompanied by the following documents and the fee of One Hundred Rupees and of Two Hundred Rupees, in the case of export and re-export, respectively, in the format referred to in Schedule-10, to the Chief of Office:

- (a) The certificate of origin of the goods to be exported,
- (b) The clearance slip issued by the Department of Forests, in the case of forest products,
- (c) A recommendation letter of the Department of Archaeology in the case of goods of archaeological importance,
- (d) Invoice of the goods to be exported,
- (e) Import permit issued by the importing country in the case of goods to be re-exported,
- (f) A copy of the phyto-sanitary certificate submitted while making import into Nepal in the case of goods to be re-exported,
- (g) Official identity card of the exporter or a copy of the registration of organization and letter of assignment if someone is assigned for that act if export is made by such organization.

(2) If, on receipt of the application pursuant to Sub-rule (1), and upon making of necessary examination and inspection of the sample of goods to be exported, it appears appropriate to issue the phyto-sanitary certificate to the applicant, the Chief of Office shall issue the phyto-sanitary certificate in the format referred to in Schedule-11, in the case of export, and in the format referred to in Schedule-12 in the case of re-export.

(3) If, upon making of necessary examination and inspection pursuant to Sub-rule (2), it does not appear appropriate to issue the phyto-sanitary certificate, the Chief of Office shall give information thereof in the format referred to in Schedule-13 to the concerned applicant within Seven days of the date of application.

9. Provisions relating to permit for carriage of consignments: (1) Any person or body who intends to carry to another country via the route of Nepal any consignments of plants and plant products or other articles in transit has to make an application, accompanied by the fees of One Thousand Rupees, to the Office, in the format referred to in Schedule-14.

(2) The application referred to in Sub-rule (1) has to be accompanied by the following documents:

- (a) Import permit issued by the country importing the consignments,
- (b) Phyto-sanitary certificate issued by the country exporting the consignments,
- (c) Invoices of the consignments,
- (d) Means and mode of transport and route to be taken,
- (e) Certificate of origin of the goods in consignments.

(3) If, upon examining the documents and consignments accompanied by the application received pursuant to Sub-rule (1), as to whether they are in order and proper condition, the conditions referred to in Sub-section (3) of Section 13 of the Act are found to exist, the Office shall issue the permit in the format referred to in Schedule-15 to carry such consignments to another country via the route of Nepal.

(4) If, in the course of carrying any plants, plant products or other articles to another country via the route of Nepal pursuant to the permit issued under Sub-rule (3), it is possible that the pests therein may come out or spread within Nepal due to damage for any reason, the person carrying such consignment has to immediately inform the nearby Office or District Agriculture Development Office or Agriculture Service Centre.

(5) If any information is received pursuant to Sub-rule (4), the Office or District Agriculture Development Office or Agriculture Service Center has to immediately inspect such consignment and make necessary arrangement to prevent the spread of pests and notify thereof to the immediately higher body or Office and Organization as soon as possible.

(6) If the condition referred to in Sub-rule (5) arises because of damage in the consignment being carried via the route of Nepal, such consignment shall be allowed to be carried only after so repacking it as to prevent the prohibited pests coming out. The concerned person or organization has to bear the expenses incurred in such repackaging.

- 10. Qualification of inspector:** In order for being designated as an inspector pursuant to Section 14 of the Act, one has to be a civil employee who is serving in the plant protection faculty of the Nepal Agriculture Service after doing at least bachelor level degree in agriculture science from a recognized educational institute or serving in the junior technician post of the same faculty and having gained at least Five years of experience in the quarantine related work.
- 11. Inspection:** (1) The inspector has to inspect any articles in consignment, bags, pouches or packets containing such articles or goods used for that purpose, containers and means of transport containing such articles whether any plants, plant products, biological control agents, beneficial organisms or other articles to be imported or exported are infected from pests.

(2) If, in the course of inspection carried out pursuant to Sub-rule (1), the inspector finds that the articles subject to inspection contain soil, residues of plants or weeds or live organism or shows any symptoms of disease or any articles suspected of suffering from such disease, he or she has to order to treat the articles or make treatment thereof.

(3) If, in the course of inspection carried out pursuant to Sub-rule (1), the inspector finds that the articles subject to inspection do not contain the matters referred to in Sub-rule (2) or harbor any symptoms of disease or any articles suspected of suffering from such disease, he or she has to take requisite sample of the articles in the consignment so carried and send it to the laboratory for test.

(4) If, following the laboratory test of the sample taken pursuant to Sub-rule (3), a report is received that the articles are healthy, such consignment has to be submitted for the issuance of permit to import or export such consignment.

(5) If, on carrying out a laboratory test of the sample taken pursuant to Sub-rule (3), there is a suspicion of being unsafe of the goods tested, the sample has to be sent to a sophisticated laboratory for re-test. If the sample is so sent for re-test, the Office has to arrange for holding such consignment in the quarantine site until its laboratory report is received.

(6) If the laboratory report of the articles sent for test pursuant to Sub-rule (3) or (5) are found unhealthy, information thereof has to be given to the Organization and order has to be issued to treat them pursuant to Rule 13 or destroy them pursuant to Rule 15 or send them back to the concerned country in accordance with the direction of the Organization.

12. Methods of test: (1) On receipt of the sample of consignment taken pursuant to Sub-rule (3) or Rule 11 in the laboratory for test, its test has to be carried out following any or more of the following testing methods:

- (a) **Normal test:** To carry out normal test by visualizing through eyes in order to find out whether the consignment is infected from pests.
- (b) **Washing test:** To test the consignment by washing the sample in clean water, mixed with required chemical in order to find out whether the consignment is infected by any fungi
- (c) **Test by filtering:** To test the consignment by using funnel and filter paper in clean water in order to find out whether the consignment contains any nematode or not.
- (d) **Microscopic test:** To test by using a microscope for the identification of pests.
- (e) **X-ray test:** To test by using an x-ray machine in order to find out possible internal infection in grains.
- (f) **Incubation test:** To test by holding it in an incubation machine with appropriate means for required time in order to find out fungi or bacteria, if any.
- (g) **Sowing test:** To test by sowing grains and plants in post entry quarantine sites in order to find out whether such grains and plants contain any hidden infection.

(2) In carrying out test of articles other than those mentioned in Sub-rule (1), required disinfection or treatment of such articles has to be carried out by way of normal test of the articles subject to test.

13. Methods of treatment: If it is deemed necessary to treat any plants, plant products, biological control agents, beneficial organisms or other articles, the inspector has to disinfect or treat them by following any or more of the following methods:

- (a) **Fumigation treatment:** To carry out treatment by fumigation method in airtight condition/container at least for Twenty Four hours.
- (b) **Physical treatment:** To carry out treatment by physical method (for example cold, heat, ray) depending upon nature of the pest.
- (c) **Chemical treatment:** To carry out treatment by various chemical pesticides (for example dust, grains, liquid etc.).

14. Procedures for searching: (1) If the Inspector is required to search any testing site, storage or any other place pursuant to Clause (c) of Sub-section (1) of Section 15 of the Act, he or she has to make search in the presence of at least Two local persons after giving a notice of search to the owner or the concerned person of the place to be searched.

(2) It shall be the duty of all the concerned to assist the Inspector in making search pursuant to Sub-rule (1). If any person makes obstruction or hindrance during such search, the Inspector has to convince such person and enter into and search the place.

(3) If a person causes obstruction or hindrance despite being convinced pursuant to Sub-rule (2), the Inspector has to issue an order, accompanied also by possible consequences of such obstruction or hindrance, to that person not to make such obstruction or hindrance.

(4) If the person continues obstruction or hindrance despite the order referred to in Sub-rule (3), the Chief of Office may, subject to penalty to such person pursuant to Clause (d) of Section 23 of the Act.

(5) If, on making a search pursuant to this Rule, any plants, plant products, biological control agents, beneficial organisms or other articles are found in the place searched, the Inspector has to prepare a bond setting out all details of such articles and get it signed by the owner of that place or concerned person and other persons present there and give a copy thereof to the concerned person and retain one copy with him or her in the file.

(6) The Inspector has to take a sample in required quantity of the articles found pursuant to Sub-rule (5), seal and sign it and get it signed also by the owner of the articles or concerned person and the person witnessing it and send it to the laboratory pursuant to Sub-rule (3) of Rule 11 for the test of phyto-sanitation of the sample. The Inspector has to take the remaining in his or her custody after taking sample or seal them in that place, according to the situation.

(7) If the laboratory test of the articles sent for test pursuant to Sub-rule (6) reveals that such articles are unsafe, order has to be issued to treat, destroy the articles or return such articles to the concerned country, pursuant to Sub-rule (6) of Rule 11.

(8) If no articles are found or irrelevant articles are found while searching any place pursuant to this Rule, the matter has to be mentioned in the bond and attached with the file.

(9) If, on making search, the Inspector has to take any articles in his or her custody pursuant to Sub-rule (6), a receipt indicating, *inter alia*, the articles to be taken into custody, quantity, number and condition of such articles has to be prepared, and one copy of the receipt has to be given to the owner of such articles or concerned person and the other copy attached with file.

- 15. Procedures to destroy:** If any plants, plant products, biological control agents, beneficial organisms or other articles are to be destroyed pursuant to the Act and these Rules for the reason that such articles cannot be treated or for any other reason, the Inspector shall to destroy such articles in accordance with the following procedures:
- (a) To isolate the articles to be destroyed so as to prevent further spread/infection,
 - (b) If, in view of the nature and quantity of the articles held pursuant to Clause (a), they are to be buried, to use necessary chemicals and if they are to be burnt, to arrange for appropriate place,
 - (c) To put the articles to be buried pursuant to Clause (b) or the ash remaining after burn in a hole and cover it with soil.
- 16. Functions, duties and powers of Inspector:** In addition to the functions, duties and powers specified in the Act and elsewhere in these Rules, the functions, duties and powers of the Inspector shall be as follows:
- (a) To monitor as to where the terms and restrictions specified in relation to the transportation and use of plants, plant products, biological control agents, beneficial organisms or other articles have been followed and cause such terms and restrictions to be followed if they are not found to have been followed,
 - (b) To assist the Organization in the identification of pest free area, pest free production site and area of low pest prevalence.
- 17. Matters to be done in event of non-observance of terms and restrictions:** (1) If any plants, plant products, biological control agents, beneficial organisms or other articles imported by any person or body do not conform to the terms and restrictions specified by the laws in force, the Office has to immediately give a notice thereof to the Organization for

direction to allow entry of such articles after treatment or to destroy them or return them to the concerned country.

(2) If a notice is received pursuant to Sub-rule (1), the Organization has to give information thereof to the national plant protection organization of the concerned country and give necessary direction to the concerned Office for action required to be taken in relation to such articles.

(3) The Office has to destroy any articles or return such articles to the concerned country in accordance with the direction received from the Organization pursuant to Sub-rule (2).

18. Amount to be deposited: In specifying the amount for the purposes of Section 26 of the Act, the Office may order to deposit Fifty percent of the amount indicated in the bill, invoice of the articles to be imported.

19. Procedures relating to investigation and inquiry: (1) If information is received by the Office from any person or through any medium that any act that is considered as offense under the Act has been committed or if, in the course of inspection or test of articles, any act that is considered as offense under the Act is found committed, the Inspector has to maintain records thereof in the Office and immediately initiate necessary investigation and inquiry in a manner that the evidence is preserved.

(2) In the course of investigation of an inquiry into an offense, the Inspector may require the concerned person to produce necessary documents and details of goods related therewith, take deposition of that person, collect evidence, and if the Inspector deems necessary to examine the received documents and articles, he or she has to cause the maintenance of *status quo* of such articles and take required sample of such articles and test or cause to be tested the sample.

(3) Where any articles have been sent for test pursuant to Sub-rule (2) and the test report proves that such articles are healthy or such articles become healthy following treatment pursuant to Rule 13, a deposit of the amount of bills, invoices of such article has to be taken, and auction such articles if they are of perishable nature, and take control of and safely retain the articles upon giving a receipt thereof to the concerned person if they are not of perishable nature.

(4) If the test report of the articles sent for test pursuant to Sub-rule (3) indicates that such articles are infected and cannot be treated or if the articles are found to contain quarantine pests or are prohibited under the Act and these Rules, such articles have to be seized and destroyed pursuant to Rule 15.

(5) Upon collection of requisite evidence and documents pursuant to this Rule, the Inspector has to frame a charge sheet in the format as referred to in Schedule-16 and send the case file containing all documents to the District Government Attorney of the concerned District pursuant to Sub-section (3) of Section 27 of the Act.

(6) Upon receipt of advice from the Government Attorney pursuant to Sub-rule (5), the Inspector shall accordingly file the case with the Adjudicating Authority.

20. Adjudicating Authority: (1) The senior plant quarantine officer of the concerned field shall try and settle cases relating to the offences under the Act.

21. Power to frame and enforce manual: (1) The Ministry may frame and enforce necessary manuals on phyto-sanitary measures.

(2) It shall be the duty of all the concerned to abide by the manuals issued pursuant to Sub-rule (1).

22. Power to alter Schedules: The Ministry may, by a Notification in the Nepal Gazette, make necessary alteration in the Schedules.

23. Repeal and saving: (1) The Plant Protection Rules, 2031 are, hereby, repealed.

(2) Any acts done and action taken pursuant to the Rules referred to in Sub-rule (1) shall be deemed to have been done or taken under these Rules.

NEPAL LAW COMMISSION

Schedule-1

(Relating to Sub-rule (1) of Rule 5)

Format of application for entry permit

Registration number

(For the purpose of Office only)

To,

The Chief of Office,

.....

Re: Request for entry permit.

I/we.....(name of importer), being interested of importing the following articles, hereby make this application, accompanied by the required fees, for the entry permit pursuant to Section 8 of the Plant Protection Act, 2007 and Sub-rule (1) of Rule 5 of the Plant Protection Rules, 2010.

1. Description of goods to be imported:
 - (a) Seeds, propagating plant/plant products:
 - (b) Consumable items:
 - (c) Laboratory specimen, biological control agent, beneficial organism:
 - (d) Others (.....Please specify):
2. Importer's name and address:
3. Registration number/agency:
4. PAN No.:
5. Identity number (passport or citizenship certificate number):

6. Exporters name and address:
7. Scientific name of articles:
8. Common name of articles:
9. Variety:
10. Quantity/volume (gross weight):Metric ton.....Kg.....Grams.....units....
11. Quantity/volume (net weight): Metric ton.....Kg.....Grams.....units....
12. Country of origin:
13. Country of shipment:
14. Foreign port of shipment:
15. Entry point:
16. Number and description of packages:
17. Identification mark:
18. Type of conveyance: Ship Aircraft Road vehicle
Train Passenger vehicle
19. Name of conveyance:
20. Date of arrival:
21. Final destination:
22. Reason for import:

Declaration

I/we hereby declare that the above-mentioned details are true and complete to the best of my/our knowledge and information, I/we shall furnish all the relevant information and concerned documents required for the issue of the entry permit and I/we agree to abide by the directions set forth in the entry permit.

Date:

Place: (Seal of agency if importer is an agency)

Applicant's:

Signature:

Post:

NEPAL LAW COMMISSION

Schedule-2

(Relating to Sub-rule (3) of Rule 5)

Format of entry permit of plants or plant products

Government of Nepal

Ministry of Agriculture and Cooperatives

Department of Agriculture

Plant Protection Directorate

National Plant Quarantine Programme

.....Office

Entry permit of plants or plant products

Entry permit number:

This entry permit is, hereby, issued to the following importer, pursuant to Section of the Plant Protection Act, 2007 and Sub-rule (3) of Rule 5 of the Plant Protection Rules, 2010, to import into Nepal the following plants or plant products on the following terms and conditions.

Importer's name and address	Exporter's name and address	
Description of plants or plant products to be imported:		
Country of origin	Objective/end use	Transit country (ies)

Point of entry	Final destination		
Scientific name	Common name	Variety	Quantity (Weight/number)

Terms and conditions of import:

- (1) The consignment of plants or plant products has to be free from soil, seeds of weeds and other infection.
- (2) Such consignment has to be accompanied by the authentic phyto-sanitary certificate.

Special terms and conditions for entry/additional declaration:

Post entry quarantine requirements:

Period: From.....to.....

Date of issue:

Validity period:

Place of issue:

Seal of Office issuing permit

Permit issuing authority's:

Signature:

Name, surname:

Post:

Date:

Schedule-3

(Relating to Sub-rule (3) of Rule 5)

Format of entry permit of biological control agents, beneficial organisms

Government of Nepal

Ministry of Agriculture and Cooperatives

Department of Agriculture

Plant Protection Directorate

National Plant Quarantine Programme

.....Office

Entry permit of biological control agents, beneficial organisms

Entry permit number:

This entry permit is, hereby, issued to the following importer, pursuant to Section of the Plant Protection Act, 2007 and Sub-rule (3) of Rule 5 of the Plant Protection Rules, 2010, to import into Nepal the following biological control agents and beneficial organism, on the following terms and conditions.

Importer's name and address	Exporter's name and address	
Description of biological control agents, beneficial organism to be imported:		

Country of origin	Reason for import	Transit country (ies)
Point of entry	Final destination	
Scientific name	Common name	Classification
Stage of growth	Number of specimen/unit	Method of packaging
Identification mark of package		

Terms and conditions of import:

- (1) The consignment has to be free from infection.
- (2) The consignment has to be accompanied by the authentic phyto-sanitary certificate.
- (3) Certificate of inspection and test of parental lines of importing products to be imported at regular intervals issued by the competent authority of the country of origin has to be submitted if so required.

Date of issue:

Validity period:

Place of issue:

Seal of Office issuing permit

Permit issuing authority's:

Signature:

Name, surname:

Post:

Date:

Schedule-4

(Relating to Sub-rule (3) of Rule 5)

Format of entry permit of soil, moss, peat or other plant growing means

Government of Nepal

Ministry of Agriculture and Cooperatives

Department of Agriculture

Plant Protection Directorate

National Plant Quarantine Programme

.....Office

Entry permit of soil, moss, peat or other plant growing means

Entry permit number:

This entry permit is, hereby, issued to the following importer, pursuant to Section of the Plant Protection Act, 2007 and Sub-rule (3) of Rule 5 of the Plant Protection Rules, 2010, to import into Nepal the following soil, moss, peat or other plant growing means, on the following terms and conditions.

Importer's name and address	Exporter's name and address	
Items to be imported:		
Country of origin	Objective/end use	Transit country (ies)

Point of entry	Final destination	
Description of articles	Quantity (Weight/number)	
Number of packages	Method of packaging	

Terms and conditions of import:

- (1) The soil, moss, peat or other plant growing means have to be free from weed seeds, plant residues and infection.
- (2) The consignment has to be accompanied by the authentic phyto-sanitary certificate.
- (3) The consignment has to be retained in a safe place so that it cannot spread out.
- (4) In the case of import for study and research, it has to be removed or destroyed after completing research/studies in accordance with the order issued by the Quarantine Officer or Inspector.
- (5) The soil to be imported has to be free from any harmful organism.

Special terms and conditions/ Additional declaration of import:

Date of issue:

Validity period:

Place of issue:

Seal of Office issuing permit

Permit issuing authority's:

Signature:

Name, surname:

Post:

Date:

NEPAL LAW COMMISSION

Schedule-5

(Relating to Sub-rule (3) of Rule 5)

Format of entry permit of germ-plasm/living modified organism/genetically modified organism/transgenic substance

Government of Nepal

Ministry of Agriculture and Cooperatives

Department of Agriculture

Plant Protection Directorate

National Plant Quarantine Programme

Entry permit of germ-plasm/living modified organism/genetically modified organism/transgenic substance

Entry permit number:

This entry permit is, hereby, issued to the following importer, pursuant to Section of the Plant Protection Act, 2007 and Sub-rule (3) of Rule 5 of the Plant Protection Rules, 2010, to import into Nepal the following germ-plasm /living modified organism/genetically modified organism/transgenic substance, on the following terms and conditions.

Importer's name and address	Exporter's name and address	
Country of origin	Objective/end use	Transit country (ies)

Point of entry	Final destination	
Generic/botanical name		Quantity (Weight/number)
Method of packaging/Identification mark of package		
Address of post entry quarantine site:		
Name and address of study undertaker:		
Period (days/months):From.....to.....		

Terms and conditions of import:

- (1) The consignment has to be free from soil, seeds of weeds and plant residues.
- (2) The consignment has to be accompanied by the authentic phyto-sanitary certificate.
- (3) The importer has to sow in a recognized place with post entry quarantine facilities.

Date of issue:

Validity period:

Place of issue:

Seal of Office issuing permit

Permit issuing authority's:

Signature:

Name, surname:

Post:

Date:

National Plant Quarantine Programme, PO Box No. 12253, Kathmandu, Nepal.

Telephone:..... Fax No.....

Email:

NEPAL LAW COMMISSION

Schedule-6

(Relating to Sub-rule (6) of Rule 5)

Format of information to be given in the case of inappropriateness to issue

Entry Permit

Government of Nepal

Ministry of Agriculture and Cooperatives

Department of Agriculture

Plant Protection Directorate

National Plant Quarantine Programme

.....Office,

To,

Mr./Ms.....

.....

Re: Notification of rejection of entry permit

Whereas, upon taking action on the application made by you to this Office for the issue of entry permit to import the following articles, it does not appear appropriate, on the following grounds and reasons, to issue the entry permit to import such articles;

Now, therefore, information to that effect is hereby given pursuant to Sub-section (3) of Section 8 of the Plant Protection Act, 2007 and Sub-rule (6) of Rule 5 of the Plant Protection Rules, 2010.

1. Number of application made for the issue of entry permit and date thereof:
2. Description of articles intended to be imported:
 - (a) Name of articles:

- (b) Quantity (weight/number):
 - (c) Number of packages:
 - (d) Identification mark:
 - (e) Name of exporting country:
 - (f) Invoice number:
3. In the case of application for entry permit for articles carried at entry point:
- (a) Date of inspection of such articles:
 - (b) Place of inspection:
 - (c) Description of consignment:
4. Grounds and reasons for refusing to issue the entry permit:
- (a) Consignment being prohibited (clearly specify the consignment and the law imposing prohibition):
 - (b) Import not being in conformity with the terms and restrictions (specify which terms and restrictions are not complied with):
 - (c) Treatment not being available (clearly specify what treatment was to be done and such treatment is not available within Nepal and even if available, whether it is economically feasible or not):
 - (d) Documents not being sufficient or authentic (specify which documents are missing):
 - (e) Specify other reasons, if any:

Date:

Decision making authority's:

Seal of Office:

Signature:

Name, surname:

Post:

Schedule-7

(Relating to Sub-rule (1) of Rule 6)

Format of application for the renewal of entry permit

Application number:

(Only for the purpose of Office)

To,

The Chief of Office,

.....

Re: Application for the renewal of entry permit.

Whereas, the term of the entry permit obtained by me/us from this Office to import the following articles is going to expire on.....(date), and I/we intend to get the entry permit renewed;

Now, therefore, I/we hereby make this application, accompanied by the issued entry permit, for the renewal of the entry permit, pursuant to Section 10 of the Plant Protection Act, 2007 and Rule 6 of the Plant Protection Rules, 2010.

1. Number of the issued entry permit:
2. Date and place of issue:
3. Reason for the renewal of permit:
 - It will take to make import:
 - Articles are yet to arrive at the entry point within the term of permit:
 - Others (please specify)

Declaration

The above-mentioned details are true and complete to the best of my/our knowledge and information. I/we shall furnish all such relevant information and concerned documents as may be demanded by the Office for the renewal of the entry permit.

Date:

Applicant's:

Place: (Seal of agency if importer is agency)

Signature:

Name:

Post:

NEPAL LAW COMMISSION

Schedule-8

(Relating to Sub-rule (1) of Rule 7)

Format of application to be made at entry point for entry permit

Application number

(For the purpose of Office only)

Re: Application for entry permit to make import.

To,

The Chief of Office,

.....

Whereas, a consignment containing the plants, plant products, biological control agents, beneficial organisms or plant growing means with the following details has arrived at.....point for import into Nepal;

Now, therefore, I/we hereby make this application for the inspection of the consignment and issue of entry permit pursuant to Section 11 of the Plant Protection Act, 2007 and Rule 7 of the Plant Protection Rules, 2010.

1.	Importer's name and address:	
2.	Exporter's name and address:	

3.	Description of goods carried at entry point for import:	
	(a) Seeds, breeding plants:	
	(b) Consumable items:	
	(c) Laboratory specimen, biological control agent, beneficial organism:	
	(d) For research, study	
	(e) Others (.....Please specify):	
	Scientific name of articles:	
	Common name of articles:	
	Variety:	
	Quantity/volume (gross weight): Metric ton.....Kg.....Grams.....units....	
4.	Country of origin	
5.	Country of shipment	
6.	Entry permit number	
7.	Phyto-sanitary certificate number	
8.	Foreign port of shipment	

9.	Point of entry into Nepal	
10.	Number and description of packages:	
11.	Identification mark:	
12.	Type of conveyance:	Ship/aircraft/road vehicle/train / passenger vehicle
13.	Name of conveyance:	
14.	Date of arrival:	
15.	Final destination:	

Declaration

The above-mentioned details are true and complete to the best of my/our knowledge and information. I/we shall furnish all such relevant information and concerned documents as may be demanded by the Office for the issue of the entry permit.

Date:

Applicant's:

Place: (Seal of agency if importer is agency)

Signature:

Name, surname:

Post:

Schedule-9

(Relating to Sub-rule (4) of Rule 7)

Format of clearance slip

Government of Nepal

Ministry of Agriculture and Cooperatives

Department of Agriculture

Plant Protection Directorate

National Plant Quarantine Programme

.....Office

Clearance Slip

Clearance slip order number:

To,

Mr./Ms..... (importer's name and address).

Whereas, the following articles intended to be imported by you through this point are not found contrary to the Plant Protection Act, 2007 and Plant Protection Rules, 2010;

Now, therefore, this clearance slip is hereby issued to import the articles into Nepal, pursuant to Sub-rule (4) of Rule 7 of the Plant Protection Rules, 2010.

Of the articles in respect whereof the clearance slip is issued:			
Exporter's name and address			
Common name	Scientific name	Quantity	Number of packages

Country of origin		Number and date of application for entry permit	
Date of inspection		Entry point	
Entry permit number	Validity period of entry permit	Phyto-sanitary certificate number	Date of arrival
Objective/use	Identification mark	Name, number and type of conveyance	
(a)			
(b)			
(c)			
(d)			
Date:	Seal of Office	Clearance slip order issuing authority's:	
Place of issue:		Signature:	
		Name, surname:	
		Post:	

Schedule-10

(Relating to Sub-rule (1) of Rule 8)

Format of application for phyto-sanitary certificate

Application number

(For the purpose of Office only)

To,

The Chief of Office,

.....

Re: Application for phyto-sanitary certificate.

Whereas, I/we intend to export/re-export the following plants, plant products, biological control agents, beneficial organisms with the following details; Now, therefore, I/we hereby make this application pursuant to Sub-section (3) of Section 12 of the Plant Protection Act, 2007 and Rule 8 of the Plant Protection Rules, 2010.

1. Exporter's name and address:
2. Registration number/agency:
3. PAN No.:
4. Evidence of identity (passport or citizenship certificate number):
5. Name and address of consignee of plants or plant products:
6. Scientific name of articles:
7. Common name of articles:
8. Description of articles:
9. Quantity/volume (gross weight): Metric ton.....Kg.....Grams.....units....
10. Quantity/volume (net weight): Metric ton.....Kg.....Grams.....units....

11. Importing country:
12. Declared entry point:
13. Number and description of packages:
14. Identification mark:
15. Objective/end use:
Breeding, timber, industrial product, consumption, dunnage (wood packaging materials), laboratory sample, micro-organism, microbiological, biological control agent, beneficial organisms or other, if any.
16. Type of conveyance: Ship Aircraft Road vehicle Train
Passenger vehicle
17. Name of conveyance:
18. Date of departure:
19. Date and place of intended inspection:
20. Additional declaration (as per the requirement of the importing country):
21. Description of treatment done prior to the application.

Declaration

1. I/we hereby declare that the above-mentioned details are true and complete to the best of my/our knowledge and information.
2. I/we shall abide by the directions issued by the Plant Quarantine Officers of the National Plant Quarantine Programme in relation to such inspection/fumigation/treatment of the consignment as required for the issue of phyto-sanitary certificate.

3. I/we shall furnish all relevant information and concerned documents which are relevant to the export of consignment and required for the issue of the phyto-sanitary certificate.

Date:

Applicant's:

Place: (Seal of exporter/representative)

Signature:

Name:

Post:

NEPAL LAW COMMISSION

Schedule-11

(Relating to Sub-rule (2) of Rule 8)

Format of phyto-sanitary certificate

Government of Nepal

Ministry of Agriculture and Cooperatives

Department of Agriculture

Plant Protection Directorate

National Plant Quarantine Programme

.....Office

Phyto-sanitary certificate

Certificate number:

From the Plant Protection Organization of Nepal to.....Plant Protection Agency

1. Description of consignment:

Exporter's name and address:

Name and address of consignee of plants or plant products:

Number and description of packages:

Objective/end use:

Identification mark:

Place of origin: Nepal

Type of conveyance:

Declared entry point:

Name of product and declared quantity:

Scientific name of plants:

This is to certify, upon the inspection, examination and test of the above-mentioned plants and plant products or other regulated articles in accordance with the formal procedures, that they are free from quarantine pests as mentioned by the importing country and they conform to the importing country's phyto-sanitary requirements and controlled non-quarantine pests.

2. Additional declaration:

3. Disinfection/disinfection treatment:

Date of treatment:

Treatment:

Chemical (active ingredients):

Duration and temperature:

Concentration:

Additional information:

Date of inspection:

Date of issue:

The consignment has to be exported no later than Five days of(date).

Place of issue:

Seal

Certificate issuing authority's:

Signature:

Name:

Post:

Schedule-12

(Relating to Sub-rule (2) of Rule 8)

Government of Nepal

Ministry of Agriculture and Cooperatives

Department of Agriculture

Plant Protection Directorate

National Plant Quarantine Programme

.....Office

Plant re-export phyto-sanitary certificate

Certificate number:

From the Plant Protection Organization of Nepal to.....Plant Protection Agency

1. Description of consignment:

Exporter's name and address:

Name and address of consignee of plants or plant products:

Number and description of packages:

Objective/end use:

Identification mark:

Place of origin: Nepal

Type of conveyance:

Declared entry point:

Name of product and declared quantity:

Scientific name of plants:

This is to certify, upon the inspection, examination and test of the above-mentioned plants and plant products or other controlled articles in accordance with the formal procedures, that they are free from quarantine pests as mentioned by the importing country and they conform to the importing country's phyto-sanitary requirements and controlled non-quarantine pests.

2. Additional declaration:

3. Disinfection/disinfection treatment:

Date of treatment:

Treatment:

Chemical (active ingredients):

Duration and temperature:

Concentration:

Additional information:

Date of inspection:

Date of issue:

The consignment has to be exported no later than Five days of(date).

Place of issue:

Seal

Certificate issuing authority's:

Signature:

Name:

Post:

Schedule-13

(Relating to Sub-rule (3) of Rule 8)

Format of information to be given in the case of inappropriateness to issue

Phyto-sanitary certificate

Government of Nepal

Ministry of Agriculture and Cooperatives

Department of Agriculture

Plant Protection Directorate

National Plant Quarantine Programme

.....Office

To,

Mr./Ms.....

.....

Re: Information given to the effect that it does not appear appropriate to issue the phyto-sanitary certificate

Whereas, upon taking action on the application made by you to this Office for the issue of phyto-sanitary certificate to export the following plants, plant products, biological control agents and beneficial organisms, it does not appear appropriate, on the following grounds and reasons, to issue the phyto-sanitary certificate as demanded;

Now, therefore, information to that effect is hereby given pursuant to Sub-rule (3)

of Rule 8 of the Plant Protection Rules, 2010.

Description of articles in respect whereof phyto-sanitary certificate is requested:		
Articles	Quantity (weigh/number)	Number of packages
Identification mark	Exporting country	Invoice number
Date of inspection	Place of inspection	Description of consignment
Reasons for voidance: <ul style="list-style-type: none">• Failure to conform to the importing country's import terms and conditions• Treatment not being effective• Documents being insufficient or unauthentic• Others		

Date:

Seal of Office:

Decision making authority's:

Signature:

Name, surname:

Post:

Schedule-14

(Relating to Sub-rule (1) of Rule 9)

Format of application for permit to carry consignment in transit

Application number

(For the use of Office only)

To,

The Chief of Office,

.....

Re: Request for permit to carry consignment in transit via the route of Nepal

Whereas, I/we..... have to carry the following consignment of plants, plant products or other products in transit to another country via the route of Nepal; Now, therefore, I/we hereby make this application for the permit to that effect, pursuant to Sub-section (1) of Section 13 of the Plant Protection Act, 2007 and Sub-rule (1) of Rule 9 of the Plant Protection Rules, 2010.

1. Description of articles in consignment:

- (a) Seeds, breeding plants:
- (b) Consumable items:
- (c) Laboratory specimen, biological control agent, beneficial organism:
- (d) Others (.....Please specify):

2. Exporter's name and address:

3. Registration number/agency:

4. PAN No.:

5. Identity number (passport or citizenship certificate number):

6. Consignee's name and address:
7. Scientific name of articles:
8. Common name of articles:
9. Variety:
10. Quantity/volume (gross weight):Metric ton.....Kg.....Grams.....units....
11. Quantity/volume (net weight): Metric ton.....Kg.....Grams.....units....
12. Country of origin:
13. Country of shipment:
14. Foreign port of shipment:
15. Entry point:
16. Number and description of packages:
17. Identification mark:
18. Type of conveyance: Ship Aircraft Road vehicle Train
Passenger vehicle
19. Name of conveyance:
20. Date of arrival:
21. Final destination:

Declaration

I/we hereby declare that the above-mentioned details are true and complete to the best of my/our knowledge and information. I/we shall furnish all such relevant information and concerned documents as required for the issue of the permit to carry the consignment and demanded by the Office.

Date:

Applicant's:

Place: (Seal of agency if importer is agency)

Signature:

Name, surname:

Post:

NEPAL LAW COMMISSION

Schedule-15

(Relating to Sub-rule (3) of Rule 9)

Format of entry permit to carry consignment in transit

Government of Nepal

Ministry of Agriculture and Cooperatives

Department of Agriculture

Plant Protection Directorate

National Plant Quarantine Programme

.....Office

Permit number:

To,

Mr./Ms.....

Re: Permit.

Upon action on the application made by you for the permit to carry the consignment of the following plants, plant products or other articles in transit to.....(country) via the route of Nepal, this permit, subject to the following terms and conditions, is, hereby, issued to carry the consignment via the route of Nepal, pursuant to Sub-section (3) of Section 13 of the Plant Protection Act, 2007 and Sub-rule (3) of Rule 9 of the Plant Protection Rules, 2010.

1. Importer's name and address:
2. Exporter's name and address:
3. Description of plants, plant products or other articles:
 - (a) Common name:
 - (b) Scientific name:

- (c) Quantity:
- (d) Number of packages:
- 4. Country of origin:
- 5. Bill and date of entry number:
- 6. Point of entry:
- 7. Date of inspection:
- 8. Import permit number:
- 9. Validity period of import permit:
- 10. Number of phyto-sanitary certificate:
- 11. Date of arrival:
- 12. Objective:
- 13. End use:
- 14. Identification mark:
- 15. Type and number of conveyance:
- 16. Special terms/comments on the carriage of consignment in transit:

Place and date of issue:

Seal of Office

Permit issuing authority's:

Signature:

Name, surname:

Post:

Schedule-16

(Relating to Sub-rule (5) of Rule 19)

Format of charge sheet

Registration number

(To be filled in by Office)

Filed with the case trying authority Mr....., pursuant to Sub-section (1) of section 27 of the Plant Protection Act, 2007.

Charge sheet

Number.....of the year.....

The Government of Nepal

-Plaintiff

Versus

1.....

2.....

3.....

-Defendant

Case:

Description of case:

1.

2.

3.

Charge

Proofs and evidences:

Proofs, evidence, exhibits and articles related with offense:

Witness:

Eye:

(a)

(b)

(c)

(d)

Hearsay:

(a)

(b)

Exhibits or other articles of evidentiary value with offense:

(a)

(b)

(c)

Documents furnished:

(a)

(b)

(c)

The court is humbly prayed to institute proceedings with this charge sheet.

Seal of Office:

Inspector's:

Signature:

Name:

Designation:

Office:

Date:

- Note:** (1) Names, surnames and address of all those found accused from investigation have to be mentioned in the versus column in serial order.
- (2) In the case of proofs and documentary evidence, they have to be mentioned in the above-mentioned format.

NEPAL LAW COMMISSION