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Republic of Latvia

Cabinet

Regulation No 463

Adopted 29 April 2004

Regulations regarding Placing on the Market, Storage and Use of Plant Protection Products

(Minutes No. 26, Paragraph 28)

Issued pursuant to

Section 5, Clause 5

Section 7, Paragraph four

Section 8, Paragraph six

Section 9, Paragraph two and

Section 10, Paragraph two

of the Plant Protection Law

I. General Provisions

1. These Regulations prescribe the procedures for the placing on the market, storage and use of plant protection products, the criteria to be stipulated for points of sale, the obligations and rights of persons, procedures for the import and export of plant protection products, as well as for the orderly circulation and control of plant protection products and unregistered plant protection products.
2. An inspector of the State Plant Protection Service (hereinafter – Service) shall carry out the monitoring and control of compliance with these Regulations.
3. Each year by 1 August the Service shall inform the European Commission and other Member States of the European Union regarding the results of the control of circulation of plant protection products during the previous year.

II. Placing on the market of Plant Protection Products

4. A plant protection product may be distributed by an undertaking (company) or an merchant which has received a special authorisation (licence) for placing on the market of the plant protection product (hereinafter – licence holder) issued by the Ministry of Agriculture (for importation from countries other than Member States of the European Union, trade or storage).

5. Unregistered plant protection products, until the transfer thereof to another Member State of the European Union, may be stored in the warehouse of a point of sale the owner or lawful possessor of which has received a special authorisation (licence) for placing on the market of plant protection products.

6. Import of plant protection products from a state other than a Member State of the European Union (hereinafter – third country), shall be controlled by the Sanitary State Border Inspection of the Food and Veterinary Service (hereinafter - the Sanitary Border Inspection) at a border control point or customs warehouse (depending on the location of customs clearance). Customs procedures may be effected only after the referred to control.

7. A plant protection product shall be sent back to the third country from which it was exported, if:

7.1. the plant protection product is not registered in Latvia;

7.2. the term of validity of the plant protection product has expired;

7.3. the plant protection product is not classified, labelled or packaged in accordance with regulatory enactments regarding the classification, labelling and packaging of plant protection products; and

7.4. the plant protection product is not packaged in the original packaging or it does not have the manufacturer's labelling in the Latvian language.

8. Within seven days of the importation of a plant protection product into Latvia, the licence holder shall submit to the Service a quality certificate for the plant protection product issued by the manufacturer.

9. Plant protection products unregistered in Latvia which are intended for placing on the market or use in a Member State of the European Union may be imported, produced, stored or transferred, if the plant protection product unregistered in Latvia is:

9.1. registered in a Member State of the European Union to which it is intended to be transferred; and

9.2. classified, labelled or packaged in accordance with regulatory enactments regarding the classification, labelling and packaging of plant protection products, except for the requirement regarding labelling in the official language.

10. An unregistered plant protection product produced in Latvia may be stored until the transfer thereof to another Member State of the European Union, if it conforms to the requirements referred to in Paragraph 9 of these Regulations.

11. The person who is responsible for the transfer of the plant protection product referred to in Paragraph 9 or 10 of these Regulations to another Member State of the European Union shall ensure:

11.1. a copy of the document certifying the quality of each plant protection product for each batch; and

11.2. a document which certifies the registration of this plant protection product in the relevant Member State of the European Union to which it is intended to be transferred.

12. Importation of plant protection products unregistered in the territory of the European Union shall be controlled by the Sanitary Border Inspection at a border control point or customs warehouse (depending on the location of customs clearance). Customs procedures may be effected only after the referred to control.

13. A plant protection product shall be sent back to the Member State of the European Union or to the third country from which the unregistered plant protection product was imported, if:

13.1. it is not registered in the Member State of the European Union to which it is intended to be transferred; and

13.2. it is not classified, packaged or labelled in accordance with the requirements of Sub-paragraph 9.2 of these Regulations.

14. A licence holder:

14.1. shall ensure for each batch of a plant protection product a quality-certifying document ;

14.2. shall ensure for each plant protection product a safety data sheet in accordance with regulatory enactments regarding procedures for the completion and sending of safety data sheets for chemical substances and chemical products;

14.3. shall provide to the Service the following information (in writing) 10 days before the unregistered plant protection product intended for transfer to another Member State of the European Union is delivered to the storage place:

14.3.1. the Member State of the European Union, undertaking (company) or merchant sending the consignment (name, address, registration number);

14.3.2. the Member State of the European Union, undertaking (company) or merchant receiving the consignment (name, address, registration number); and

14.3.3. the batch number, name of the plant protection product, quantity, size of packaging;

14.4. shall ensure the following documents regarding an unregistered plant protection product:

14.4.1. a document certifying the quality of the plant protection product;

14.4.2. a document which certifies the registration of this plant protection product in the relevant Member State of the European Union;

14.4.3. a document containing the following information:

14.4.3.1. the Member State of the European Union, undertaking (company) or merchant sending the consignment (name, address, registration number);

14.4.3.2. the Member State of the European Union, undertaking (company) or merchant receiving the consignment (name, address, registration number); and

14.4.3.3. the batch number, name of the plant protection product, quantity, size of packaging;

14.5. at the end of each calendar year shall take inventory of the plant protection products located in the warehouse, checking the packaging and expiration dates thereof;

14.6. shall ensure the opportunity for an inspector to become acquainted with the inventory data referred to in these Regulations, as well as to control points of sale and places of storage;

14.7. shall keep the documents related to the circulation of plant protection products for not less than five years; and

14.8. shall ensure that at points of sale or places of storage there is an employee who has received a consultant's certificate (Annex 1), which gives the right to consult purchasers of a plant protection product (hereinafter – consultant).

15. The plant protection product consultant shall provide consultation to a purchaser regarding regulations on the use and storage conditions of a plant protection product, as well as regarding necessary safety measures.

16. It is prohibited for a licence holder to:

- 16.1. distribute any plant protection product to a person under 18 years of age;
- 16.2. distribute any plant protection product registered as Class One or Class Two to any natural person who has no certificate attesting to the acquisition of basic knowledge about plant protection products (Annex 2), or to any undertaking (company) or merchant in the absence of a special permit (licence) for the placing on the market of plant protection products;
- 16.3. distribute a plant protection product the packaging of which is damaged or without labelling, or if the labelling is illegible, damaged or with erasures;
- 16.4. pour plant protection products into any other packaging; and
- 16.5. distribute a plant protection product the term of validity of which has expired, except in a case where the Service has taken a decision regarding an issuance of authorisation for the placing on the market of such plant protection product.

17. In order for an inspector of the Service to be able to participate in the collection of a sample of a plant protection product the term of validity of which has expired, the licence holder, at least five working days before the taking of the sample, shall hand in to the Service a submission (Annex 3).

18. The licence holder shall submit to the Service a submission for the taking of the decision referred to in Sub-paragraph 16.5 of these Regulations, to which the results of an analysis of the sample of the plant protection product by an accredited laboratory shall be attached.

19. It is prohibited to place plant protection products on the market:

- 19.1. utilising automatic vending machines or self-serve systems; and
- 19.2. at trade fairs, exhibitions, mobile sales, street points of sale, and markets.

20. It is prohibited to sell food products, animal feed and medicinal products at a point of sale of plant protection products (except where the plant protection products are located on separate premises).

21. Plant protection products shall be placed for sale separately from other goods in a locked cupboard or shelf in a specially arranged section of the point of sale.

22. Volatile plant protection products may be stored only on well-ventilated premises.

23. A licence holder shall maintain records for:

23.1. plant protection products which are received, located at a point of sale, damaged or the term of validity of which has expired, specifying in the registration journal:

- 23.1.1. for acquired plant protection products – the date of receipt, name of the plant protection product, size of the packaging and quantity;
- 23.1.2. for plant protection products, which are in a warehouse – the name, quantity, size of the packaging, quantity issued from the warehouse as well as remaining amounts;
- 23.1.3. for plant protection products the term of validity of which has expired – the name, quantity, size of the packaging, expiration date, date of the taking of the

- sample, date of the taking of the decision regarding authorisation to place on the market the plant protection product the term of validity of which has expired; and
- 23.1.4. for plant protection products the packaging of which has been damaged – the name, size of the packaging and nature of the damage;
- 23.2. for unregistered plant protection products which have been received and transported from the warehouse, specifying in the registration journal:
- 23.2.1. as regards received plant protection products – the date of receipt, name, quantity, size of the packaging, batch number;
- 23.2.2. as regards plant protection products stored in a warehouse – the name, quantity, size of the packaging, batch number; and
- 23.2.3. as regards transported plant protection products – date of transporting), name, quantity, size of the packaging, batch number;
24. A licence holder shall enter into the relevant journal of record-keeping any plant protection products registered as Class One or Two distributed to any person, specifying the name, surname, address, number of the certificate (attesting acquisition of basic knowledge about plant protection) of the purchaser, the name and quantity of the sold plant protection product.
25. The person shall certify the information entered into the registration journal by signature.
26. In transactions for which bill of lading invoices are utilised, the registration referred to in Paragraphs 23 and 24 of these Regulations may be performed on a computer.

III. Storage of Plant Protection Products

27. Plant protection products shall be stored in a specially equipped warehouse at the point of sale or in a part of the warehouse at the point of sale especially equipped for this purpose (hereinafter – storage place) in compliance with the storage conditions and temperature regimen specified by the manufacturer of the plant protection product.
28. If several licence holders have designated one and the same point of sale in the special permit (licence), the storage site shall be equipped so that the distributor of the plant protection products and the plant protection products belonging thereto may be identified.
29. It is prohibited to utilise cellars and fuel warehouses, as well as living or administrative premises as storage sites for plant protection products.
30. Operations with plant protection products registered as Class One or Class Two shall be carried out at the storage site by at least two persons concurrently.
31. It is prohibited for unauthorised persons to be on the storage site.
32. It is prohibited to keep food products, animal feed and medicinal products at the storage site.
33. Plant protection products registered as Class One shall be stored in a locked room separately from other plant protection products.

34. If other goods are kept together with plant protection products at the storage site, the plant production products shall be isolated from the other goods or placed in closets, ensuring adequate ventilation.

35. A plant protection product shall be placed:

35.1. only on shelves (stands) or on trays; and

35.2. so that at least a one-metre wide passage shall be left between any rows of shelves or trays.

36. If the plant protection products:

36.1. are placed on a shelf (with or without trays), the height of the stack shall not exceed 2.5 metres;

36.2. are placed with trays upon the floor, the height of the stack on any single tray shall not exceed 1.6 metres; and

36.3. are placed with trays one on top of the other, the total height of the stack shall not exceed 2.6 metres.

37. The storage place shall be outfitted in conformity with the following technical requirements:

37.1. the flooring shall be of waterproof material or concrete;

37.2. ventilation shall be installed with adequate air circulation without air conditioning; and

37.3. a water pipe or special handwashing facility shall be installed.

38. The storage site shall be outfitted in conformity with fire safety regulations.

39. Clearly visible written signs upon a white background in lettering of a dark red colour not less than 10 cm high –“UZMANĪBU, PESTICĪDI” [“WARNING--PESTICIDES”] and “NESMĒKĒT, NEĒST, NEDZERT” [“NO SMOKING, NO EATING, NO DRINKING”] – shall be displayed in the storage site.

40. If unregistered plant protection products are being kept, visible written signs upon a white background in lettering of a dark red colour not less than 10 cm high –“NEREĢISTRĒTI AUGU AIZSARDZĪBAS LĪDZEKĻI” [“UNREGISTERED PLANT PROTECTION PRODUCTS”] shall be additionally displayed.

41. Plant protection products for which the date of expiry has elapsed, or the quality of which does not conform with the registration requirements, or the labelling of which does not conform with the requirements of regulatory enactments prescribing the registration procedure for plant protection products, or the packaging of which is damaged, shall be stored separately. A written sign upon a white background in lettering of a dark red colour not less than 10 cm high, “PĀRDOT AIZLIEGT” [“SALE PROHIBITED”] shall be put up at the storage site for such products. Plant protection products the packaging of which has been damaged shall be disposed of in accordance with the procedures prescribed in regulatory enactments regarding waste management.

42. The storage site shall be provided with:

42.1. personal protective equipment (for example, respirator, protective glasses, protective clothing, gloves);

42.2. absorbent material (for example, dry sawdust or peat); and

42.3. a separate inventory (broom, bucket, and shovel) necessary for rescue measures in case any plant protection products pour or spill out.

43. Clearly visible instructions shall be displayed at the storage site regarding the provision of first aid, as well as the surname, address and telephone number of the person to be contacted if an accident or emergency has occurred.

44. Unregistered plant protection products shall be stored on separate premises, in accordance with the requirements referred to in Paragraphs 30, 31, 32, as well as 35, 36, 37, 38 and 39.

IV. Carriage of a Plant Protection Product

45. Any plant protection product, including an unregistered kind, shall be carried:

45.1. in the original, undamaged and labelled packaging; and

45.2. in local or transit transport operations in accordance with regulatory enactments regulating the carriage of hazardous goods.

46. It is prohibited to convey any food products, animal feed or medicinal products in the same freight compartment with plant protection products, including unregistered kinds.

V. Use of Plant Protection Products

47. Plant protection products registered as Class One or Class Two may be used by persons who have been certified and have received a certificate attesting to the acquisition of basic knowledge about plant protection (hereinafter – certificate).

48. In order to receive a certificate, a person shall hand in to the Service a submission (Annex 4), attaching thereto the following documents:

48.1. a copy of the document attesting to the education acquired;

48.2. a copy of a personal identification document; and

48.3. a photograph (3 x 4 cm).

49. The Service shall review the submitted documents referred to in Paragraph 48 of these Regulations and within a month of the receipt of the submission shall take one of the following decisions:

49.1. a decision regarding the need for the submitter to take an examination on the requirements of regulatory enactments prescribing the circulation of plant protection products, if the submitter has acquired higher or professional secondary agricultural education in crop cultivation, horticulture or agronomy; and

49.2. a decision regarding the need for the submitter to take an examination on the acquisition of basic knowledge about plant protection, if the submitter has not acquired higher or professional secondary agricultural education in crop cultivation, horticulture or agronomy.

50. If a decision has been taken that a submitter should take the examination on the requirements of regulatory enactments prescribing the circulation of plant protection products, the Service shall notify the submitter in writing regarding the place and time of the examination not later than a month before the day of the examination.

51. If a decision has been taken that a submitter should take the examination on the acquisition of basic knowledge about plant protection, the Service shall notify the submitter in writing regarding the place and time of the examination not later than a month before the day of the examination.

52. The submitter has the right to become acquainted with the training programme for the acquisition of basic knowledge about plant protection as well as the rules for the taking of the examination.

53. The Service shall take a decision regarding the issuance of a certificate if the submitter has:

53.1. attended the training for acquisition of knowledge about plant protection and has passed the examination; and

53.2. passed the examination.

54. The Service shall issue a certificate within 10 working days after the taking of the decision.

55. In order to extend the term of validity of a certificate, the submitter shall hand in to the Service a submission (Annex 4) two months before the end of the term of validity. The following shall be appended to the submission:

55.1. a summary of his or her professional activity in the field of plant protection during the term of validity of the certificate;

55.2. a photograph (3 x 4 cm); and

55.3. a copy of his or her personal identification document – if during the term of validity of the certificate there have been any changes.

56. The Service shall review a submission, evaluate the conformity of the professional activity of the submitter with the regulatory enactments regulating the circulation of plant protection products and within a one-month time period shall notify the submitter in writing of the decision taken.

57. If the professional activity of a submitter conforms with the requirements of regulatory enactments regulating the circulation of plant protection products, the commission shall take a decision regarding an extension of the term of validity of the certificate without additional examination of the submitter and shall issue a new certificate within a time period of 10 working days.

58. If the professional activity of a submitter does not conform to the requirements of regulatory enactments regulating the circulation of plant protection products, the Service shall act in accordance with the procedures prescribed in Paragraphs 50, 51, 52, 53 and 54 of these Regulations.

59. The Service shall take a substantiated decision regarding refusal to issue a certificate if the submitter:

59.1. fails to take the examination; and

59.2. has knowingly provided false information.

60. It is the responsibility of the user of plant protection products to comply with the requirements set out in the text of the label.

61. Use of plant protection products shall be permitted only for the protection of such cultivated plants and only against such harmful organisms as are indicated on the label, strictly observing the indicated dosages, stage of development of the cultivated plant or the harmful organism, number of treatments during a season, waiting period from the final treatment until harvesting of the crop, and restrictions with respect to protection of the health of humans and animals and protection of the environment.

62. The user of plant protection products registered as Class One and Class Two shall register the acquired plant protection products in accordance with Sub-paragraph 23.1 of these Regulations and shall register the treated cultivated plants, indicating the area treated, the date of treatment, and the name and dosage of the plant protection product used.

63. Plant protection products shall be stored in their original packaging under storage conditions specified by the manufacturer, in compliance with the requirements referred to in Section 9, Paragraph three of the Plant Protection Law.

64. When using plant protection products, it is prohibited:

64.1. to engage in such work any persons under 18 years of age, pregnant women or nursing mothers;

64.2. to utilise damaged or unadjusted plant protection machines;

64.3. to leave without supervision any prepared working liquids or unused plant protection products;

64.4. to combine or mix various plant protection products, unless so indicated on the label;

64.5. to pour out any remaining working liquid intended for spraying (such shall be sprayed over the treated field, diluted tenfold);

64.6. for unauthorised persons to be in places where plant protection products are handled; and

64.7. to eat, drink or smoke.

65. It is prohibited to utilise the packaging of used plant protection products. Until disposal, such packaging shall be stored together with the plant protection products in accordance with the procedures prescribed in regulatory enactments regarding waste management.

66. If the label of a plant protection product bears the indication “Toksisks bitēm” [“Toxic for bees”], the user of the plant protection product shall, three days prior to the treatment of planted fields or plantations with such plant protection product, warn any owners of beehives whose bee-gardens (or beehives) are situated within a radius of two kilometres of the place to be treated.

67. When using plant protection products for the dressing of seeds, the following safety measures shall be complied with:

67.1. seeds shall be dressed in dressing equipment, or on specially outfitted premises or sites;

67.2. in open spaces seeds may be dressed only if the wind speed does not exceed 3 m/s;

67.3. persons engaged in seed dressing shall use personal protective equipment;

67.4. the remaining dressed seeds shall be stored in a dry, locked warehouse separately from food and animal feed grain, in packaging with a sign indicating “KODINĀTS”

["DRESSED"]. Dressed seeds may be distributed only in such packaging the label of which bears the indication "KODINĀTS" ["DRESSED"] as well as the name of the seed-dressing used;

67.5. after the dressing of the seeds and the completion of sowing, the dressing site, the seed dressing equipment, the seeder, the seed delivery tubes and any other equipment which has been in contact with the dressed seeds, as well as any personal protective equipment shall be neutralised, observing the indications on the labelling of the relevant seed-dressing;

67.6. it is prohibited to use dressed seeds in food, to feed them to animals or birds, or to wash or clear them of the seed-dressing in order to use them for food or animal feed; and

67.7. dressed seeds may be transported only in the packaging referred to in Sub-paragraph 67.4 of these Regulations, or in special seeder delivery tubes, as well as in seeder bins.

68. When using plant protection products for the spraying of planted fields and plantations, the following safety measures shall be complied with:

68.1. plants may be sprayed if the wind speed does not exceed 4 m/s;

68.2. during the work the quality of the operation of the sprayer shall be monitored, as well as the utilisation of the preparation; and

68.3. when using portable sprayers, workers shall be at a distance of five to six metres from one another, taking into account the direction of the wind.

69. When using an aerosol dispenser the following safety measures shall be complied with:

69.1. in open spaces an aerosol dispenser may be used if the wind speed does not exceed 2 m/s. An aerosol dispenser may be used in gardens or forests that are located on the leeward side of buildings and animal shelters;

69.2. aerosol dispensers may be used indoors if the hermetic closing-off of the premises is possible. The aerosol dispenser shall be placed at least five metres from the room to be treated, and the electric supply to such room shall be disconnected. After the use of the plant protection product the premises shall be aired out for 24 hours;

69.3. staff shall be provided with personal protection equipment; and

69.4. it is prohibited to use an open fire or to smoke.

70. Class One registered plant protection products may be used under the management of a plant protection specialist who has received a certificate and has acquired the right to work with Class One registered plant protection products.

71. If Class One registered plant protection products are being used in fumigation (treatment of an object with steam or gas), the following requirements shall be observed:

71.1. fumigation may be utilised if the object is located at a distance of 50 metres from any residential buildings and at a distance of 30 metres from any production facilities in which people are located;

71.2. one day before the commencement of fumigation, any people who are located on the territory adjacent to the object must be warned regarding the fumigation and the time when it will be conducted;

71.3. before the commencement of fumigation the object must be hermetically sealed;

71.4. the object shall be delimited and visible warning signs "BĪSTAMI DZĪVĪBAI" ["DANGEROUS TO LIFE"] and "IEEJA AIZLIEGTA" ["ENTRY PROHIBITED"] must be displayed;

71.5. at least two persons shall conduct the fumigation;

- 71.6. after the release of the gas, the object must be hermetically sealed;
- 71.7. the presence of a duty person at the object must be ensured from the commencement of the fumigation to the end of the degassing;
- 71.8. persons involved in the fumigation shall be provided with gas masks;
- 71.9. preparations for fumigation and release of gases must be conducted only during daylight hours;
- 71.10. before the commencement of degassing, the concentration of gases in the object must be measured in order to determine whether the necessary gas concentration has been reached during fumigation;
- 71.11. degassing must be conducted gradually, not allowing large quantities of gases to escape into the atmosphere; and
- 71.12. the degassing of the object must be conducted until the gas concentration reaches the indicators stipulated on the label of the relevant plant protection product.

72. During fumigation and degassing:

- 72.1. the concentration of gas in the air must be measured and it must be ensured that the concentration of the plant protection product does not exceed the allowable norms; and
- 72.2. the time of the fumigation, the plant protection product utilised, the time the measurements were conducted as well as the concentration of the gas shall be recorded in a special registration journal.

73. After degassing, the concentration of the gas in all of the rooms in which fumigation was conducted shall be measured and a statement regarding the conduct of fumigation and dressing shall be drawn up. The plant protection specialist and other persons who took part in the fumigation shall sign the statement.

VI. Closing Provisions

74. Cabinet Regulation No. 315 of 7 September 1999, Regulations regarding Distribution, Storage and Use of Plant Protection Products (*Latvijas Vēstnesis*, [The Official Gazette of the Government of the Republic of Latvia] 1999, No. 279/299; 2001, No. 37) is repealed.

75. These Regulations shall come into force on 1 May 2004.

Informative Reference to European Union Directives

These Regulations contain legal norms arising from Council Directive 91/414/EEC 15 July 1991 concerning the placing on the market of plant protection products.

Prime Minister

I. Emsis

Minister for Agriculture

M. Roze

Plant Protection Consultant Certificate No. _____



(given name, surname)

personal identity number _____- _____

(address)

Place for a seal

has obtained the right to work as a plant protection consultant.

The term of validity of the certificate is five years.

Examination passed ____/____/____ (year)

Responsible official

(signature and full name)

Minister for Agriculture

M. Roze

Certificate No. _____
regarding acquisition of basic knowledge about plant protection



(given name, surname)

personal identity number _____- _____

(address)

Place for a seal

has acquired the right to obtain and use registration Class One/Two (delete as appropriate)
plant protection product.

The term of validity of the certificate is five years.

Certification passed ____/____/____ (year)

Responsible official

(signature and full name)

Minister for Agriculture

M. Roze

Submission
for taking a sample from a plant protection product the term of validity of which has
expired

Issuer of submission

(name, address of undertaking (company) or merchant)

Place of distribution of the plant protection product _____
(name, address)

Special Permit (Licence) No. _____

Plant protection product:

- name _____
- name of the active substance _____, quantity (%) _____
_____, quantity (%) _____
_____, quantity (%) _____
- registration number _____
- batch number _____
- size of packaging _____ (l or kg)

The person completing the submission _____
(signature and full name)

Date of completion

Submission received by _____
(signature and full name)

Minister for Agriculture

M. Roze

**Submission
for the acquisition of basic knowledge about plant protection**

I _____, personal identity _____ - _____,
_____ number
(given name, surname)

would like to obtain to re-register a certificate regarding the acquisition of basic knowledge about plant protection.

Residential address, phone number _____

Education _____
(education obtained, name of educational institution)

Present place of employment _____
(name and position)

Date of submission _____
(year, month, date)

In the Annex: _____
(copy of the document attesting to education)

The person completing the submission _____
(signature and full name)

Submission received by _____
(signature and full name)

Minister for Agriculture

M. Roze