

Monday, 14th October 2020

CIRCULAR 035/2020

NEW REGULATION: LYMANTRIA DISPAR PLAGUE (GYPSY MOTH).

Dear All,

As informed in our Circular 020/2020 dated 17th February 2020 the SENASA (NATIONAL HEALTH AND AGRI-FOOD QUALITY SERVICE) was working on a new regulation imposing specific measures related to the plague of certain breeds of the *Lymantria Dispar*, otherwise known as the “Gypsy Moth”.

Today, **14th October 2020**, SENASA Resolution 764/2020 was finally published in our Official Gazette. The new regulation will enter into force **90 days after its publication**.

Please see enclosed a translation of the Regulation and its Annexes. In a nutshell:

- It applies to all ocean-going vessels which have departed from or stayed in areas with presence of Asian (AGM) and Japanese (JGM) *Lymantria Dispar*, within the last 24 months prior to its arrival an Argentinean port;
- Those arriving from the areas and the periods identified in ANNEX II should arrive with a Certificate of Vessel Free of AGM or JGM issued by the phytosanitary authority of the last port of departure or stay in accordance with the new regulation;
- However, all ocean-going vessels which departed or stayed in areas with AGM or JGM shall notify the SENASA 72 hours prior to arrival to any Argentinean port, whether exempted or not from the Certificate of Vessel Free.
- In any case, SENASA will assess the phytosanitary risk of the vessel which will be always subject to inspections by SENASA. Depending on the circumstances, this inspection may result on a cleaning and phytosanitary treatment order at port

or on an appropriate site designated to such end. Impossibility to clean and treat the vessel will result on the vessel being banned from entering to Argentinean ports.

Infringements to the regulation may result in fines amounting up to AR\$ 10,000,000 (about US\$ 133,333 today's ROE). Eventually, SENASA could impose precautionary measures to avoid a sanitary risk.

We remain at your disposal if clarification and/or additional information is needed.

Yours Faithfully,

Sebastián A. Trigub
PANDI LIQUIDORES SRL
BUENOS AIRES, ARGENTINA

This circular update Circulars 020/2020.

For updated information visit www.pandi.com.ar

Notice: the content of this circular and its annexes is for information only. Even though it has been issued carefully, and to the best of our knowledge, it has a general purpose and we can accept no liability whatsoever for any particular action taken upon it. © Pandi Liquidadores SRL 2020. All rights reserved.

Number RESOL-2020-764-APN-PRES#SENASA
CITY OF BUENOS AIRES, 11/10/2020

CONSIDERING File No. N° EX-2019-55883443- -APN-DGTYA#SENASA, Law No. 27.233 and the SENASA Resolutions RESOL-2018-130-APN-PRES#SENASA 17/4/2018 and RESOL-2019-77-APN-PRES#SENASA del 30/1/2019 – and WHEREAS:

(...)

Therefore, the PRESIDENT OF THE NATIONAL HEALTH AND AGRI-FOOD QUALITY SERVICE RESOLVES:

SECTION 1°.- SEAGOING VESSELS. PHYTOSANITARY REQUIREMENTS IN RELATION TO THE ASIAN AND JAPANESE LYMANTRIA DISPAR.

The following phytosanitary requirements shall be established for ocean-going vessels, which have departed or stayed in areas with presence of Asian and Japanese *Lymantria dispar*, in the last 24 months as from the moment of arrival of the vessel at an Argentine port.

SECTION 2 °.- VESSEL FREE CERTIFICATE. The vessel shall have a Certificate of vessel free of AGM or JGM issued by the Phytosanitary Authority of the country or other body under its control, corresponding to the last port of stay or departure of the vessel located in areas with presence of the pest.

SECTION 3°.- CERTIFICATE FORM. The Certificate of vessel free of AGM or JGM shall:

Subsection a) written in English and/or Spanish

Subsection b) include as follows: "El buque (nombre del buque), IMO (identificación IMO), ha sido inspeccionado y se encuentra libre de PGRA o PGRJ (Lepidoptera: Lymantriidae)" and/or "The vessel (vessel name), IMO (IMO identification) was inspected and is considered to be free from Asian Gypsy Moth (AGM) or Japanese Gypsy Moth (JGM)"

Subsection c) have at least the information detailed in Annex I as model of the Vessel Inspection Certificate of free of from AGM or JGM" (IF-2020-64980950-APN-DTINF#SENASA) which forms part of this Resolution.

SECTION 4°.- AREA and CERTIFICATION PERIOD. The phytosanitary certificate shall compulsorily apply to vessels coming from ports located in the Northeast and far East of Asia, between Latitude 60° and 20° North, and which have stayed in the following pest female flight period, according to ANNEX II (IF-2020-64982393-APN-DTINF#SENASA) which forms part of this Resolution

SECTION 5 °.- VESSELS EXEMPTIONS. Vessels which have departed or stayed in areas with presence of AGM and JGM in a period other than the female flight period as referred to in Annex II shall be exempted from submitting the certificate described in this Resolution.

SECTION 6 °.- NOTICE IN ADVANCE. All ocean-going vessels arriving at the country from areas with presence of AGM and JGM shall be indicated by their Maritime Agents in the System of Regulated Waste Management of the SENASA (SIGRES) or any other IT system determined by SENASA, 72 hours prior to the arrival of the vessel at an Argentine Port.

SECTION 7°.- CERTIFICATE SUBMISSION. When a vessel is required to submit a Certificate of vessel free of AGM and JGM, it shall be submitted digitally to the National Directorate of Vegetable Protection by means of the documentary or IT system determined by SENASA in the first port of call at Argentine territory, supplementing the information with the port list where the vessel has called in the last 24 months. The period can be less if it is documentarily proven that the vessel has less than 24 months of navigation or that the vessel has changed owner.

SECTION 8°.- RISK ASSESSMENT OF ENTERING VESSELS. The SENASA, through the National Directorate of Vegetable Protection, shall assess the risk associated with the entering of vessels which have called in the last 24 months in areas with presence of AGM and JGM, whether during flight periods or not, 72 hours prior to arrival.

Minimum variables to be considered when assessing risks are:

Subsection a) navigation periods in risk areas,

Subsection b) official certificates of vessels free of AGM and JGM,

Subsection c) variations of pest population dynamics in the area of origin,

Subsection d) population outbreak records in the area of origin,

Subsection e) interception background in the country,

Subsection f) interception notices by other National Phytosanitary Protection Organizations (NPPO).

Section 9. RISK ASSESMENT OUTCOME. As a result of the risk assessment, the following situations may occur:

Subsection a) Without Inspection. The result of the risk assessment allows the free navigation of the vessel in Argentine ports.

Subsection b) With Inspection. The result of the risk assessment requires a physical inspection of the vessel prior to the commencement of operations in the country.

SECTION 10°. – VESSEL INSPECTION. Those vessels posing a risk of entering with AGM and JGM in accordance with Section 8 shall be inspected by SENASA in the first port of call.

If as a result of the inspection no pest is detected, the Maritime Authority shall be informed to authorize the free navigation of the vessel in all ports of the country;

if the pest is detected, any of the phytosanitary measures described in this Resolution shall be applied.

SECTION 11°.- PHYTOSANITARY MEASURES. After the SENASA inspection in which the presence of the pest is detected, any of the following phytosanitary measures can be indicated according to the risk detected:

Subsection a) In the case of presence of egg masses the cleaning and phytosanitary treatment of the vessel in the corresponding port or anchorage shall be ordered; afterwards it will be inspected again by SENASA prior to the Maritime Authority's authorizes the free navigation of the vessel in Argentine ports.

Subsection b) In case of presence of first-stage larvae, the maritime agents will be notified and it will be requested to the Maritime Authority to send the vessel immediately to an adequate place for its cleaning and phytosanitary treatment. Afterwards it will be inspected again by SENASA prior to the Maritime Authority's authorizes the free navigation of the vessel in Argentine ports.

Subsection c) In case the phytosanitary measures indicated in subsections a) and b) were not feasible, the shipping agent shall be informed of the non-authorization to enter ports in the country.

SECTION 12°.- CLEANING AND PHYTOSANITARY TRETMENT. The cleaning and phytosanitary treatment ordered by the National Services shall be performed by a company duly registered to such end before SENASA. To prove the cleaning and phytosanitary treatment performed a treatment certificate containing a description of the procedure applied to the vessel shall be presented.

SECTION 13°.- REGISTRATION OF COMPANIES FOR AGM AND JGM TREATMENT. To be registered before SENASA, the companies shall

Subsection a) be authorized and registered with the Maritime Authority

Subsection b) comply with the capacitation of their personnel by attending and approving the courses given by the National Directorate of Vegetable Protection, and

Subsection c) submit and get approval of the procedures manual for the AGM and JGM phytosanitary treatment.

SECTION 14°.- COSTS. The costs arising from the phytosanitary measure shall be borne by the vessel or the Shipping Agency.

SECTION 15°.- NOTICE. The detection of AGM and JGM in vessels shall be informed to the corresponding National Phytosanitary Protection Organizations (NPPO) by the National Directorate of Vegetable Protection.

SECTION 16°.- PROCEDURES MANUAL. The procedure to give notice through the SIGRES or the IT system determined by SENASA and the procedures for the implementation of this resolution shall be described in the procedures manual published in the official web site of the SENASA in the section regarding imports phytosanitary requirements.

SECTION 17°.- AUTHORIZATION. The National Directorate of Vegetable Protection of the SENASA is authorized to establish the operational changes necessary to optimize the procedures set forth herein.

SECTION 18°.- INFRINGEMENT. In case non-compliances or violations of this resolution are verified, the offender may be subject to the penalties established in Chapter V, Law No. 27,233 and its regulatory decree. Without prejudice to the foregoing, preventively, the actions set forth in Resolution No. 38 of February 3rd, 2012 of the then MINISTRY OF AGRICULTURE, LIVESTOCK AND FISHERY may be adopted.

SECTION 19°.- VESSEL FREE OF AGM/JGM CERTIFICATE TEMPLATE. The model of the Vessel Inspection Certificate of free of from AGM or JGM, which, as Annex I (IF-2020-64980950-APN-DTINF#SENASA) forms part of this Resolution is hereby approved.

SECTION 20°.- ORIGIN AREAS AND PEST FEMALE FLIGHT PERIOD. The chart related to the origin areas and pest female flight period, which, as Annex II (IF-2020-64982393-APN-DTINF#SENASA) forms part of this Resolution is hereby approved.

SECTION 21°.- INCORPORATION. This Resolution is incorporated in the THIRD BOOK, SECOND PART, CHAPTER III, SECTION 1 of the Theme Index of the Normative Digest of SENASA approved by Resolution 401/2010 and its complementary 416/2014 of SENASA.

SECTION 22° COMING INTO FORCE. This resolution shall come into force 90 days after its publication in the Official Gazette.

SECTION 23° Notify it, publish it, from the Official Register National Directorate, and file.

CERTIFICADO DE INSPECCIÓN DEL BUQUE LIBRE DE PGRA/PGRJ
CERTIFICATE OF INSPECTION VESSEL FREE OF AGM/JGM

Certificado N°: Fecha: / /
Application N° Date dd/mm/yyyy

Nombre de la Certificadora:
Name or Certification Body

Nombre del Agente o Naviera:
Agent or Ship Owner

NAVE / *VESSEL*

Nacionalidad <i>Nationality</i>	Número de IMO <i>Number IMO</i>	Toneladas Brutas del Buque <i>Gross ton of Vessel</i>
---	---	---

Fecha Estimada de Partida: / /
The Estimated Date of Departure dd/mm/yyyy

Puerto de Inspección y Terminal:
Port of Inspection and Place of Pier

Fecha y Tiempo de Inspección de la Nave: / /
Feasible Date and Time of Vessel Inspection dd/mm/yyyy Tiempo / Time

AGENTE DE INSPECCIÓN - *INSPECTION AGENT*

..... Nombre del Agente de Inspección <i>Name of Inspection Agent</i> Firma <i>Signature</i>
---	------------------------------------

ÁREAS DE ORIGEN Y PERÍODOS DE VUELO DE LAS HEMBRAS

País / Zona	Puerto	Período de Vuelo
Rusia Oriental	Petropavlovsk-Kamchatskiy; Vanino; Nevelsk; Kholmsk; Korsakov; Kozmino; Slavyanka; Posiet; Zarubino; Vostochny; Nakhodka; Vladivostok.	Del 15 de julio al 25 de septiembre
China	Todos los puertos de China.	Del 1 de junio al 30 de septiembre
Corea	Busan; Jinhae; Masan; Tongyeong; Jangseongpo; Okpo; Gohyeon; Incheon; Pyeongtaek-Dangjin; Daesan; Taean; Donghae-Mukho; Okgye; Hosan; Ulsan; Pohang; Gwangyang; Hadong; Samcheonpo; Yeosu; Gunsan; Mokpo; Boryeong	Del 1 de junio al 30 de septiembre
Norte de Japón	Aomori, Fukushima, Hokkaido, Iwate, Miyagi	Del 1 de julio al 30 de septiembre
Oeste de Japón	Akita, Ishikawa, Niigata, Toyama, Yamagata	Del 25 de junio al 15 de septiembre
Este de Japón	Aichi, Chiba, Fukui, Ibaraki, Kanagawa, Mie, Shizuoka, Tokyo	Del 20 de junio al 20 de agosto
Sur de Japón	Ehime, Fukuoka, Hiroshima, Hyogo, Kagawa, Kagoshima, Kochi, Kumamoto, Kyoto, Miyazaki, Nagasaki, Oita, Okayama, Osaka, Saga, Shimane, Tokushima, Tottori, Wakayama, Yamaguchi.	Del 1 de junio al 10 de agosto
Extremo Sur de Japón	Okinawa	Del 25 de mayo al 30 de junio

ANNEX II (TRANSLATION)

Eastern Russia	Petropavlovsk-Kamchatskiy; Vanino; Nevelsk; Kholmsk; Korsakov; Kozmino; Slavyanka; Posiet; Zarubino; Vostochny; Nakhodka; Vladivostok.	From July 15 to September 25.
China	All ports of China.	From June 1 to September 30.
Korea	Busan; Jinhae; Masan; Tongyeong; Jangseongpo; Okpo; Gohyeon; Incheon; Pyeongtaek-Dangjin; Daesan; Taean; Donghae-Mukho; Okgye; Hosan; Ulsan; Pohang; Gwangyang; Hadong; Samcheonpo; Yeosu; Gunsan; Mokpo; Boryeong.	From June 1 to September 30.
Northern Japan	Aomori, Fukushima, Hokkaido, Iwate, Miyagi	From July 1 to September 30.
Western Japan	Akita, Ishikawa, Niigata, Toyama, Yamagata	From June 25 to September 15.
Eastern Japan	Aichi, Chiba, Fukui, Ibaraki, Kanagawa, Mie, Shizuoka, Tokyo	From June 20 to August 20.
Southern Japan	Ehime, Fukuoka, Hiroshima, Hyogo, Kagawa, Kagoshima, Kochi, Kumamoto, Kyoto, Miyazaki, Nagasaki, Oita, Okayama, Osaka, Saga, Shimane, Tokushima, Tottori, Wakayama, Yamaguchi	From June 1 to August 10.
Japan Far South	Okinawa	From May 25 to June 30.