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**Respectful Sirs**

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Subject: **ABCSEM considerations for the IN 36 (December 31<sup>st</sup> 2010) and its impacts.**

Dear Sirs,

In continuation of the joint work between the Ministry of Agriculture, Livestock and Supply (MAPA) and our Association, in a partnership that culminated with the publication of the Normative Instruction in December 31<sup>st</sup> 2010, from the Agricultural Defense Secretariat, we would like to present, through this official letter, after some weeks of the application of that new Normative, our considerations about its applicability, according to reports from our members about their activities of seed import.

## HISTORY

For a long time our sector has met difficulties for importing plant materials from several origins since there are few phytosanitary requirements established by the phytosanitary Brazilian authorities for their import. The lack of establishment of such requirements is due to the non-conclusion by the Brazilian NPPO of the necessary Pest Risk Analysis (PRA).

It is worth to highlight that for another partnership between our sector and this Ministry back in 2002, with the publication of IN-60, it was established that plant products that had had imported more than three shipments in the last three years, would continue to have its imports allowed without specific phytosanitary requirements until the necessary PRAs were completed. This IN-60 was revoked by IN-06/2005, which establishes products that have had at least one shipment imported from August 12<sup>th</sup> 1997 to May 12<sup>th</sup> 2005 continue to have its imports allowed under the conditions mentioned above.

So, the list of Plant Product of Authorized Import (PVIA) was created, presented up to the current days in the official website from MAPA, consultation source from the whole sector and from the Federal Agricultural Inspectors responsible for the issuing of Import Authorizations.

During this long period of validity of IN-06, we had seen few completions of PRAs, fact for which we saw ourselves restricted to the import of products from the list of PVIAs. This restriction also brings serious damages to the National Agribusiness, since it reduces the Brazilian potential of international competition, due to the lack of access to the import of new products launched in the worldwide market besides the loss of contracts of seed multiplication of new products for other countries, culminating with the market change and even the closing of activities of some companies in the country (as it happened in the segment of ornamentals, whose contracts were transferred from other countries such as South Africa, India and Tanzania).

At the same period, the worldwide map of plant materials production had great changes, offering us several new options of origins for the materials that the Brazilian Agriculture needs so much. And another very important event, which made the search of a solution for those new origins imperative, was the fact the European Community start preventing its members, many of them traditional exporters of plant materials, of declaring as origin the country where there had been processing, packing and quality check of the exported products. This made us face the reality that many of the origins declared so far by our exporters were, in fact, their provenance. It was necessary, then, to seek for a new alternative for the continuity of the import from those sources, which were our traditional suppliers.

Since the scenario for the performance and completion of the PRAs remains unchanged, our negotiations have started to seek for alternatives that didn't depend on those services. The line found was to allow the exporting countries to take responsibility for the quality of the exported products through checking in the same exporting countries. This would all be valid until the necessary PRAs were not concluded.

Well, the solution for those barriers should be considered in a Normative Instruction that would ensure the continuity of the import of plant products traditionally imported, according list of products (plant species) and their origins, indicated by ABCSEM members, and that was forwarded to DSV in 2009.

So, in December 31<sup>st</sup> 2010, the Normative Instruction 36, from the Agricultural Defense Secretariat, was published.

#### **POSITIVE IMPACTS**

With the consideration in the IN-36 from the species indicated by ABCSEM, the import of those traditional products is possible, now with the authorization of their real origins. This way, the import of seed species indicated in IN-36 is authorized, as long as the phytosanitary requirements established in the said Normative are fulfilled.

The IN 36 also allows that the exporting countries, that are not necessarily the origin of the products, take on the phytosanitary responsibility for fulfilling the Brazilian requirements, while the Brazilian NPPO concludes the PRAs of such products.

#### **NEGATIVE IMPACTS**

The IN-36 includes only the seeds among the propagation materials listed by ABCSEM, leaving unsolved all the plant propagation materials that are so important to Brazil.

The phytosanitary requirements established in the said IN refer to quarantine pests absent to Brazil (an extensive list of pests, which, according to information from MAPA itself, shall be updated soon, with the inclusion of several new pests), without making the association of those pests to the plant species. This non-linkage has caused many doubts among exporters, importers and even their Federal Agricultural Inspectors, responsible for granting the Import Authorizations and it will certainly cause, to those who will be responsible

for the customs clearance of the goods. There is total lack of clarity about the pests that require DA-2 or DA-15.

There are examples of Associations similar to ABCSEM from exporting countries willing to cooperate with MAPA in the establishment of the links above mentioned. It is clear that without this regulation by MAPA (association of pests to species) the import of seeds of those new origins, although legally authorized, will remain with no solution of continuity since it generates numerous interpretation difficulties.

The decision from MAPA of including in the same IN-36 all the origins from the mentioned list PF PVIA, with no specific phytosanitary requirements, determines the end of an agreement established in 2002, which would allow the continuity of those imports, **with no specific phytosanitary requirements**, until the required PRAs were concluded. Those analysis remain inconclusive and, therefore, we understand the agreement must remain in force.

The inclusion of the origins from the PVIA list in IN-36, has taken by surprise all the sector and it also creates huge difficulties for products of low added value, for lots with small amount, for genetic seeds imported for the national production of seeds and, practically, for all the flower seeds sector. This Normative causes expenses that are incompatible with many of those traditionally imported products.

The requirement for DA-2 for quarantine arthropods, apart from not defining which treatments will be accepted, comes up against the shortage of products authorized in Brazil for seed treatment, causing again doubts about its applicability.

## **PRACTICAL BARRIERS**

Several importers associate members from ABCSEM report the delay and, in some cases, negatives in the issuing Import Authorizations by the SFAs due to the declared doubts from the Federal Agricultural Inspectors in the interpretation of the Normatives. The IN-06/2005 continues officially in force, the PVIA list remains published and the IN-36/2010 doesn't bring the linkage of pests to species; all of this greatly complicating the issue of Technical Opinion, part of the Import Permits.

In turn, the suppliers (exporters) from our associates declare they are unable to get from the NPPOs from their countries, the Additional Declarations for not knowing to which pests they apply. However, other traditional suppliers, apart from reporting the difficulties for understanding to which pests they have to indicate the Das,

the complain about the costs involved, about the lack of structure and laboratory tests in their countries, and indicate the unviability for fulfilling the new rules.

## ABCSEM INDICATIONS

**Exclusion of the origins from the PVIA list previous to IN 36, with the maintenance of the agreements established in 2002.** We should seek ways to prioritize the completion of the PRAs related to that list and this way establish the specific phytosanitary requirements for those origins.

**For the new origins in IN 36, the speeding of the publication of association of quarantine pests to vegetable species is essential.** The alternative proposed by MAPA to leave to the NPPO of the exporting country the responsibility for this linkage, in addition to being difficult to many exporters, does not remove the doubts from the Federal Agricultural Inspectors when interpretation the legislation.

ABCSEM is aware that there are several PRAs for products and origins from IN-36, in final process of completion (especially for brassicae, allium genus, beets, carrots and spinach, among others).

**Considering that the publication of these phytosanitary requirements will regulate may items from PVIA list and also from the new IN-36, it is of extreme necessity the fast conclusion and publication of those PRAs.** Like ABCSEM, national entities of some exporting countries, NPPOs (such as the Netherlands) and even international entities involved with the seed and young plants sector or with scientific research, have already shown themselves willing to cooperate with MAPA in the establishment of the linkages mentioned above.

Considering that ISHI is an international groups of phytopathologists linked to ISF (*International Seed Federation*) that has close collaboration with ISTA (International Seed Testing Association) in establishing seed testing protocols, given the absolute necessity of performing the linkage of pests to plant species for the feasibility of IN-36, we propose that MAPA to consider temporarily accept the suggestion of the use of the list elaborated by ISHI-Veg of noxious organisms for the definition of pests to be considered for fulfilling the Das established by IN-36.

Specifically the NPPO from the Netherlands indicates the need of revision in the requirement on DA-15, replacing the inclusion of the number of official analysis report, by the requirement of DA-1 for the specific pests, linked to the species. The allegation is that the laboratory test is only one of the many procedures verified by the NPPO for ensuring that the lot is free from particular pests.

Finally, it is also necessary the information of the phytosanitary treatments for seeds (specifying product, dosage or concentration, etc.) accepted by the Brazilian NPPO for fulfilling the requirement for DA-2 for quarantine arthropods, in addition to the support to the sector in actions of feasibility of pesticides registration for treatment of propagation.

#### **THANKS AND COLLABORATION**

After presenting the considerations in this document, ABCSEM reiterates its willingness in continuing to cooperate with the Agricultural Defense Secretariat, the Plant Health Department and the PRA Division, pointing that our aim is to contribute to the adequacy of the IN 36 and its direction for the initial goal, proposed by the association: the feasibility on Brazilian imports of the main seeds and horticultural young plants from the real origin countries, avoiding the ceasing of international transit and national trade.

Certain of your understanding, we thank again the attention for this important subject, which directly affects the production and trade of horticultural seeds and young plants, and indirectly the whole productive chain of vegetables, flowers and ornamentals, and related industries.

Sincerely,



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**ABCSEM Executive Coordinator**