

RESOLUTION 0034**THE EXECUTIVE DIRECTOR OF THE PHYTO AND ZOOSANITARY REGULATION AND CONTROL AGENCY****Considering:**

That, subsection 2 of Article 400 of the Constitution of the Republic of Ecuador states: "The conservation of biodiversity and all its components, in particular agricultural and wild biodiversity and the genetic heritage of the country, is declared of public interest";

That, Article 401 of the Constitution of the Republic of Ecuador establishes: "Ecuador is declared free of transgenic crops and seeds. Exceptionally, and only in the case of national interest duly substantiated by the Presidency of the Republic and approved by the National Assembly, genetically modified seeds and crops may be introduced (...) ";

That, within the framework of the World Trade Organization (WTO), the Agreement on the Application of Sanitary and Phytosanitary Measures (AMSF), establishes that member countries have the right to adopt sanitary and phytosanitary measures by the competent authority, necessary to protect the health and life of people and animals or to preserve plants;

That, the International Standards for Phytosanitary Measures (ISPM) of the International Plant Protection Convention (IPPC), such as ISPM No. 2 Framework for Pest Risk Analysis, ISPM No. 11 Pest Risk Analysis for quarantine pests, ISPM No. 21 Pest Risk Analysis for regulated non-quarantine pests and Resolution No. 025 of the Andean Community (CAN) procedures to carry out Pest Risk Analysis (PRA), by which the phytosanitary requirements of plant products are established import;

That, according to the International Standards for Phytosanitary Measures ISPM No. 32 on "Categorization of products according to their risk of pests", scabiosa plants (*Scabiosa atropurpurea*) in artificial substrate for planting, are in Risk category 4;

That, article 12 of the Organic Law of Agricultural Health, published in the Official Gazette Supplement 27 of July 3, 2017 establishes: "*Create the Agency for the Regulation and Control of Plant and Animal Health, a technical entity of public law, with legal status, administrative and financial autonomy, decentralized, with headquarters in the city of Quito and national jurisdiction, attached to the National Agrarian Authority. This Agency is responsible for the regulation and control of animal health and welfare, plant health and food safety in primary production, in order to maintain and improve the phyto and zoosanitary status of agricultural production (...)* ";

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That, literal j) of article 13 of the Organic Law of Agricultural Health, published in the Official Gazette Supplement 27 of July 3, 2017, establishes that one of the Agency's competencies and attributions is: *"To certify and authorize the phyto characteristics and zoosanitary for the importation of plants, plant products, animals, livestock goods and regulated articles prior to the issuance of the corresponding authorization"*

That, literal o) article 13 of the Organic Law of Agricultural Health, published in the Official Gazette Supplement 27 of July 3, 2017 establishes that one of the Agency's competencies and attributions is: "Regulate and control the fitio and zoosanitary of the import and export of plants, plant products, animals, livestock goods and regulated articles, at the authorized entry points established

That, literal a) of article 22 of the Organic Law of Agricultural Health, published in the Official Gazette Supplement 27 of July 3, 2017 establishes that *"To maintain and improve the phytosanitary status, the Regulation and Control Agency will implement in the national territory and in the special zones of economic development, the following mandatory phytosanitary measures: a) Phytosanitary requirements"*;

That, the Sixth General Provision of the Organic Law of Agricultural Health, published in the Official Gazette Supplement 27 of July 3, 2017, establishes: *"By virtue of this Law, the personnel, assets, assets and liabilities of the current Agro Quality Assurance-AGROCALIDAD- will be integrated into the Phyto and Zoosanitary Regulation and Control Agency, which will assume the representations, delegations, rights, obligations, assets and liabilities of the former"*;

That, Article 262 of the General Regulations to the Organic Law of Agricultural Health published in the Official Gazette Supplement 91 of November 29, 2019, indicates: "The PFIs will be issued for plants, plant products and other regulated articles for which they are established phytosanitary import requirements",

That, through personal action No. 0890 CGAF / DATH, of August 28, 2018, Mr. Xavier Enrique Lazo Guerrero, Minister of Agriculture and Livestock appoint as Executive Director of the Phyto and Zoosanitary Regulation and Control Agency to Ing. Wilson Patricio Almeida Granja;

That, in Resolution 0305 of December 30, 2016, which updates the procedure to prepare Pest Risk Analysis (PRA) studies by way of entry, for the establishment of phytosanitary import requirements for plants, plant products and regulated articles.

That, by means of Memorandum No. AGR-AGROCALIDAD / CSV-2020-000147-M, of march 10, 2020, the General Coordinator of Plant Health (e) informs the Executive Director of the Phyto and Zoosanitary Regulation and Control Agency that: After completing the Pest Risk Analysis (PRA) study of tomato seeds (*Lycopersicon sculentum*) for planting originating in Thailand, the phytosanitary import measures have been agreed with the Department of Agriculture of Thailand, National Organization for Phytosanitary Protection of this country, which is why authorization is requested for the revision and legalization of the draft resolution by the General Directorate of Uridical Advice, in order to update the phytosanitary import requirements currently in force, which are based on the General plant quarantine manual that was approved by Resolution No. 133 of May 15, 2014 and that repealed Annex 1 of Resolution No. 011 of February 26, 2009 that details the administrative procedures for importing plants from third countries, vegetable products and regulated articles (...) ", which is authorized by the same authority of the institution through the QUIPUX document management system, and;

In use of the legal contributions granted by the Organic Law of Agricultural Health and the Organic Statute of Organizational Management by processes of the Ecuadorian Agency for the assurance of the Quality of Agro - Agrocalidad.

Solve:

Article 1.- Update the phytosanitary requirements of compulsory compliance for the importation of tomato seeds (*Lycopersicon sculentum*) originating in Thailand.

Article 2.- The phytosanitary requirements for importation are:

- 1 Phytosanitary import permit, issued by the respective area of the Agency.
2. Phytosanitary Export Certificate issued by the National Phytosanitary Protection Organization (NPPO) of Thailand stating the following:
 - 2.1 Additional statement:
"The shipment is free of *Xanthomonas campestris* pv. *Vesicatoria*, Citrus exocortis viroid (CEV) and Cowpea mild mottle virus (CPMMV) according to the laboratory diagnosis made by the NPPO of Thailand"
 - 2.2 Pre-shipment phytosanitary disinfection treatment with fludioxonil at 2.5% + Metalaxyl-m at 1% FS at a dose of 2ml / kg of seed or another product with a similar effect in an adequate dose for *Alternaria longissima*, *Bipolaris hawaiiensis*, *Fusarium exysporum* f.sp. *lycopersici* and *Myrothecium verrucaria*.
3. The shipment must be free of soil and any foreign material.
4. The shipment will be contained in new packaging for first use and must be free of any foreign material.
5. Phytosanitary inspection at the point of entry.

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General layout

The General Coordination of Plant Health together with the Directorate of Planning and Strategic Management through the Management of International Relations of the Phyto and Zoosanitary Regulation and Control Agency will be in charge of notifying this Resolution before the General Secretary of the Andian Community (CAN) and the World Trade Organization (WTO)

Final Provisions

First.- The General Coordination of Plant Health of the the Phyto and Zoosanitary Regulation and Control Agency shall be entrusted with the execution of this resolution.



Second.- This resolution will come into effect 60 days from its publication in the official registry.

LET IT BE COMMUNICATED, PUBLISHED AND ENFORCED.

Given in Quito, D.M. March the 16th, 2020.

Executive Director of the Phyto and Zoosanitary Regulation and Control Agency

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