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Argentina: New Regulation in Respect of Asian Gypsy Moth now in force



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Further to our previous advice issued in December 2019 SENASA Resolution 764/2020 was finally published in the Official Gazette on 14th October 2020 and entered into force 90 days after this on 12 January 2021.

As previously advised the regulations will apply to vessels that have called at any port in China, which is different to most other countries with AGM regulations which apply to northern Chinese ports only.

Full details of the new regulation in Argentina can be seen in Pandi Liquidadores Circular 035/2020, but Members should note the following:

- The regulation applies to all ocean-going vessels which have departed from or stayed in areas with presence of Asian (AGM) and Japanese (JGM) Gypsy Moth, 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 confirming that the vessel was free of AGM / 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.

- 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 of the regulation may result in fines amounting up to AR\$ 10,000,000 (about US\$ 133,333 today's ROE).



BIMCO advise that they understand it will be applied “retroactively”. Therefore, if a ship arrives in Argentina on 12 January 2021, the period to be considered would be from 12 January 2019. So if the ship has visited one of the AGM-risk or regulated areas in that period, this will have to be stated in the pre-arrival information; and if the visit coincided with the specified risk period, an AGM-free certificate must be obtained as well.

Members requiring further guidance or assistance should contact the Loss Prevention Department.