

OFFICIAL TRANSLATION

I, Ronald G. Araya Official Translator of the Ministry of Foreign Affairs and Worship of The Republic of Costa Rica, named by Agreement No 008-DJ of November 16, 1998, published in La Gaceta No 1 of January 4, 1999, hereby CERTIFY, that the document to be translated from Spanish into English **PHYTOSANITARY PROTECTION LAW No. 7664** reads as follows: -----

MINISTRY OF AGRICULTURE AND LIVESTOCK
Direction of Vegetal Health

**PHYTOSANITARY PROTECTION
LAW
No. 7664**

1997
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Law No. 7664**LEGISLATIVE POWER****PHYTOSANITARY PROTECTION LAW****THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF COSTA RICA,
DECREES****CHAPTER I****General Provisions****Article 1- Public Interest and Obligatoriness**

The phytosanitary protection measures established in this law and its regulations, shall be declared of public interest and mandatory application,

Article 2-Objectives

The objectives of this law are as follows:

- a) To protect the vegetals from damages caused by pests.
- b) To avoid and prevent the introduction and dissemination of pests that threaten food safety and the economic activity sustained in agricultural production.
- c) To regulate the combat of pests in vegetals.
- d) To foster integrated management of pests within sustainable development, as well as other productive agricultural methodologies that allow pests control without deterioration to the environment.
- e) To regulate the use and management of chemical, biological or related substances and equipment to be used in agriculture: similarly, its registration, importation, quality and residues, while at the same time, endeavoring to protect human health and the environment.
- f) To avoid phytosanitary measures from becoming obstacles for international trade.

Article3-Definitions

Technical definitions on phytosanitary matters shall be included in the regulations of this law.

CHAPTER II**Administrative Authority and its Attributions****SECTION II****Competent Organization****Article 4-Administrative Authority**

It shall correspond to the Ministry of Agriculture and Livestock, the Phytosanitary Service of the State, which will have for its functioning and management, instrumental juristic status. It shall execute its functions through the necessary branch offices to apply this law and its regulations. Hence, it shall establish, through executive decree, the required technical organizational and administrative structure.

SECTION II
Attributions, Functions and Obligations

Article 5-Functions and Obligations

The State's Phytosanitary Service shall have the following functions:

- a) Oversee the sanitary protection of vegetals.
- b) Advise in phytosanitary issues and recommend the issuing of juridical standards necessary in this field.
- c) Coordinate with other ministries and their branch offices the pertinent actions for compliance with this law and its regulations.
- d) Elaborate, recommend, coordinate, execute and disseminate the regulations and provisions that guarantee application of this law.
- e) Arrange and execute the technical, legal and administrative measures to avoid, prevent and delay the introduction or establishment of new pests in vegetals.
- f) Eradicate, control or delay the propagation of pests already introduced.
- g) Carryout the phytosanitary control of national and international exchange of vegetals, biological control agents and other type of organisms use in agriculture, packing and conditioning materials, and means of transportation capable of propagating or introducing pests, which threaten food safety and the economic activity on which the agriculture production is based.
- h) Formulate, execute and supervise pest recognition and detection programs, as well as emergency plans.
- i) Study and diagnose the phytosanitary status of the country.
- j) Establish and maintain updated a national system of information in relation to the phytosanitary status.
- k) Officially, declare the presence of pests and its quarantinable importance.
- l) Evaluate and regulate in the area of phytosanitary protection, any method of protection.
- m) Organize, approve or disapprove and support the elaboration, dissemination and application of the programs for the prevention and combating of existing pests.
- n) Promote and control the integrated pest management and the appropriate technologies to be used.
- o) Control the phytosanitary quality of the propagation material.
- p) Control chemical, biological or related substances used in agriculture, in what refers to registration, importation, exportation, quality, tolerance, residues, dosage, effectiveness, toxicity, presentation to the public, conservation, management, trade, general use conditions, transportation safety and precautions, storage, elimination of containers and residues of such substances: similarly, control the necessary equipment for their application and any other activity inherent to this matter.
- q) Control the phytosanitary quality of the export vegetals to issue the phytosanitary certificates, in accordance with current international agreements on this matter, this law and its regulations.
- r) Regulate, in the phytological protection area, the importation, exportation, research, experimentation, mobilization, multiplication, industrial production commercialization and use of transgenic or other genetically modified organisms for agricultural use or in its products.
- s) Promote, support and approve the required scientific phytosanitary research.
- t) Request technical and financial support from national and international organizations to strengthen the State's Phytosanitary Service.
- u) Recommend, to the Executive Power, the ad honorem appointment of phytosanitary authorities.
- v) Oversee management, control and use of resources obtained through the application of this law.

- w) Provide, through previous agreement, training, advice, and consultancy in phytosanitary protection.
- x) Promote the international harmonization of the phytosanitary measures.

Controls mentioned in this article could be performed in its totality or at random, in accordance to established technical criteria.

Article 6- Acceptance of Foreign Phytosanitary Measures

The State's Phytosanitary Service could accept as equivalents phytosanitary measures from other countries, even though they differ from national measures, as long as, the interested objectively demonstrates that its measures achieve the adequate protection level. For such purpose, the Service, in coordination with the Ministry of Foreign Trade, shall establish consultations leading to the attainment of agreements, bilateral or multilateral to recognize equivalence of phytosanitary measures.

Article 7-Advisory

The Ministry of Agriculture and Livestock could establish commissions or advisory committees for the application of the present law.

Article 8-Phytosanitary Authorities Faculties

The duly accredited phytosanitary authorities shall have faculties to:

- a) Inspect vegetals where they are grown packed, processed, stored or commercialized.
- b) Inspect the places where chemical or biological or related substances are manufactured, formulated, mix, repackaged, rebottled, stored, sold, used, their means or transportation, and agricultural application equipment as well.
- c) Perform the phytosanitary inspection in the vegetals place or country of origin agents of biological control and other organism of agricultural use required to authorize their importation. The State's Phytosanitary Service shall determine in which cases the importer shall pay the cost of inspection.
- d) Inspect national and international means of transportation, cargo, baggage and other passengers' belongings and request necessary documentation, in case of transporting cargo, to determine the presence of pests.
- e) Take samples for analysis, retain and inspect them; perform or supervise the analysis; order treatment execute or supervise them; order and supervise the industrialization and post-entry quarantine; seize vegetals, biological control agents and other organisms for agricultural use, chemical, biological or related substances, and equipment for their application; destroy, reject entry or reship them in accordance to stipulations in the present law and its regulations.
- f) Issue official phytosanitary documents.
- g) Oversee the compliance and execution of technical measures.
- h) Control the entry and exit of people and vehicles from areas or zones under quarantine.
- i) Retain vehicles, agricultural machinery, soil, vegetals and other carrier materials or possible pest carriers to apply or order the applicable phytosanitary measures.
- j) Denounce to the corresponding judicial authority the individual or corporate entities that infringe this law and its regulations.

Article 9-Mandatory Collaboration of Public Employees

Public employees, within their respective competencies, shall provide collaboration requested by the phytosanitary authorities to comply with this present law. In special cases, duly justified, the Ministry of Agriculture and Livestock shall invest the phytosanitary authority and employees to perform the tasks.

SECTION III **Official Laboratories**

Article 10-Official Character

Pertinent to the application of this law, the State's Phytosanitary Service could rely on the following laboratories as official:

- a) Phytosanitary diagnosis.
- b) Quality control of chemical, biological or related substances for agricultural use.
- c) Residues control of chemical, biological or related substances for agricultural use.
- d) Production of beneficial organisms for agricultural use.
- e) Any other required in the phytosanitary field.

Organization and functioning of these laboratories shall be established through the respective regulation.

The Ministry of Agriculture and Livestock could grant other laboratories public or private official status, and they shall comply with all the requirements established by the Ministry.

SECTION IV **Organic Agriculture Certifications.**

Article 11- Organic Agriculture Certifications

The State's Phytosanitary Service shall keep a record of the producers and processors of vegetals and organic inputs and shall supervise compliance with established procedures. Similarly, it could issue organic agriculture certificates or accredit to be issued, to individuals or corporate entities, which demonstrate their suitability, in accordance to Environment Organic Law No. 7554 of October 4, 1995, its regulations and procedures manual.

CHAPTER III **Combat of Pests**

Article 12-Denouncement of Pests

Every person is obligated to denounce before the Ministry of Agriculture and Livestock, the presence of pests of economic or quarantinable importance. Officials shall have the obligation to tend to the denouncement and give immediate follow-up. Police and judicial authorities shall cooperate whenever required.

Article 13-State of Emergency

Previous recommendation from the State's Phytosanitary Service, the Executive Power can declare state of emergency due to pests of economic or quarantinable importance that threaten agricultural production. Public or private, autonomous or semiautonomous institutions are authorized to give donations and provide collaboration to face the emergency.

Article 14-Obligatory Combat

Once the State's Phytosanitary Service has proven the presence of a pest of economic or quarantinable importance, the Executive Power shall arrange the adoption of the necessary technical measures to combat the pest and prevent its dissemination.

The declaration of obligatory combat of a pest shall impose on the proprietors or occupants of a property the obligation to put into practice, with their own resources, the technical measures established to combat and prevent dissemination of the pest.

Article 15-Control Work

When the proprietor or occupant, under any title, does not combat pests of economic and quarantinable importance nor destroy the infection or infestation focus, within the obligatoriness and the terms established by the State's Phytosanitary Service, this could arrange the execution of necessary control works, even destruction without any economic responsibility for the State, and in such cases, shall charge the cost of the works to the responsible. The amount established to liquidate costs shall be of executive title nature.

Article 16-Free Entry of Authorities

Once the combat of a pest is declared mandatory, the proprietors or occupants under any title, are obligated to allow free entry to their properties to duly accredited phytosanitary authorities, with their equipment and materials that they consider pertinent to investigate, combat or eradicate pests of economic or quarantinable importance and take samples for analysis. Should this measure be disobeyed or any other circumstance arises which hinders entry, the judicial authority shall be resorted to, with the purpose of obtaining an official court entry and search order.

Article 17-Internal Quarantines

The Executive Power could establish internal quarantines so that the introduced pests do not disseminate towards free areas, or so that they could be eradicated or controlled. Hence, the Ministry of Agriculture and Livestock can set up quarantine control stations.

Article 18-Prevention of Quarantinable Pests

With the purpose of preventing or combating quarantinable pests of economic importance, the Executive Power could restrict or prohibit the production or transit of vegetals or any other material.

Article 19-Destruction of Vegetals

Whoever fails to comply with such prohibition, their vegetals shall be destroyed by the State's Phytosanitary Service without any indemnification and without prejudice of presenting a claim to the competent authorities. Therefore, a record/minute shall be taken listing the destroyed goods.

Article 20-Obligation of Proprietors and Occupants

Every proprietor or occupant under any title, shall be obligated to treat, process or destroy stubbles/remains, waste and residues in accordance to technical measures dictated by the State's Phytosanitary Service.

Article 21-Copy of Results and Recommendations

A copy of the results and recommendations of every investigation done with public resources in the field of phytosanitary protection shall be sent to the Service, which in turn shall approve them and keep an information center on this matter.

Article 22-Phytosanitary Regulations of Propagation Vegetals

Laboratories of sexual or asexual reproduction of vegetals, seedlings, seedbeds, nurseries, germ plasm banks, fields of seed production and other propagation materials, shall be subject to the State's Phytosanitary control, which shall establish standards, requirements and phytosanitary procedures for their regulation.

When issued standards are disobeyed, the Service could order total or partial closure.

Whenever the vegetal propagation material is affected by a pest of economical or quarantinable importance and is technically summoned, the State's Phytosanitary Service could confiscate it or order its destruction without any liabilities for the State.

CHAPTER IV

Controls

SECTION I

Control of Establishments and Inputs for Agricultural Use

Article 23-Registration of Substances and Equipment

Depending on the requirements indicated in the regulation of this law, all chemical, biological or related substances or equipment used for agricultural application use, shall be registered in the records that the State's Phytosanitary Service shall create to have information available on their characteristics and oversee the correct usage in the country.

Article 24-Registration of Substances

No person, individual or legal corporation could import, export, manufacture, formulate, store, distribute, transport, repackage, rebottle, advertise, handle, mix, sell or employ chemical, biological or related substances for agricultural use, which are not registered according to this present law.

Excluded from the indicated registry are the chemical, biological or related substances for agricultural use that enter in transit, for research or combat of specific phytosanitary problems. In such cases, the permit shall only be granted temporarily due to emergency reasons, technically justified before the State's Phytosanitary Service.

The Service shall deny authorization when it is not technically justifiable, and the interested shall then be notified.

Article 25-Registration of Persons

Every individual or legal corporation who registers, imports, exports, repackages, and rebottles chemical, biological or related substances and equipment for agricultural

use, shall register in the records kept by the State's Phytosanitary Service, previous compliance with the indicated requirements, in accordance to the respective regulation.

The Service could deny, suspend or cancel the registry of chemical, biological or related substances and equipment of application for agricultural use, through a well-founded technical resolution that shall adjust to a due process, in accordance to the respective regulation.

Article 26-Denial of Customs Clearance

Customs authorities could deny clearance of chemical, biological or related substances and equipment of application for agricultural use, only when they have specific communication issued by the State's Phytosanitary Service, stating that said products present phytosanitary problems.

Article 27-Professional Services

Individuals or legal corporations that import, register, store, distribute, repackage or mix chemical, biological or related substances for commercial purposes, shall have the services of a professional in agricultural sciences, member of the Agronomists Engineers College. To manufacture or formulate these substances, the professional must be a chemist or microbiologist, depending on the case, and member of the respective professional college or association.

Furthermore, these individuals and legal corporations shall register in the Registry of agricultural establishments of the Agronomists Engineers College and cancel the annual fee that the Executive Power, through the Ministry of Agriculture and Livestock, establishes for the management and control of these activities.

Article 28-Responsibility of the Resident Professional

The resident professional mentioned in the previous article, shall be the responsible technician to oversee that the chemical, biological or related substances being rebottled, repackaged, imported, manufactured, formulated, distributed, mixed, stored or sold, are duly registered and labeled, and adjust to all provisions of this law and its regulations. The recommendations of the resident professional shall be binding for the individual or legal corporation for whom he/she provides services. Similar responsibility shall be incumbent upon the resident professional in relation to equipment for applications in agricultural use.

Article 29-Restricted Sale

Chemical, biological or related substances for agricultural use that are classified in the greatest toxicity category and those declared of restricted use, shall be only sold through a prescription issued by a professional in Agricultural Sciences, member of the Agronomist Engineers College. The prescription shall state the specifications and technical, agronomical indications, and the methods that must be applied.

Article 30-Prohibitions and Restrictions due to Technical Reasons

The Ministry of Agriculture and Livestock could restrict or prohibit importation, transit, redestination, manufacturing, formulation, rebottling, storage, sale, mixing and utilization of chemical, biological or related substances and equipment application in agricultural use, when justified because of technical reasons and considers that using them is harmful for agriculture, health or environment.

Article 31-Responsibilities for Harm and Damages

Those who perform research, experiments, mobilization, release into the environment, importation, exportation, multiplication and commercialization of vegetals or the organisms or products referred to in article 41, shall be responsible of damages caused to agriculture, the environment, human and animal health.

Article 32-Compensation for Damages

Those who import, manufacture, formulate, rebottle, repackage, distribute, store, transport, sale and apply chemical, biological or related substances for agricultural use, shall be obligated to compensate for damages that, through their actions or omissions, are caused to agriculture, livestock, human health and the environment.

Article 33-Research with the Purpose of Registration

Research with chemical, biological or related substances for agricultural use, with the purpose of registration, shall be authorized and supervised by the State's Phytosanitary Service.

Article 34-Labeling

Chemical, biological or related substances for agricultural use, shall carry a label, in Spanish, attached or printed to the package or container and shall comply with all provisions and requirements contemplated in the respective regulation.

Article 35-Retention or Confiscation of Substances

The State's Phytosanitary Service shall retain or confiscate chemical, biological or related substances and equipment for application in agricultural use, through the phytosanitary authorities in charge of its enforcement, whenever the provisions of the present law are infringed.

Article 36-Vegetals with Substance Residues

The State's Phytosanitary Service shall retain, confiscate and destroy vegetals which contain pesticide residues in amounts that exceed the maximum established limits for human and animal consumption.

Article 37-Destination of Confiscations

Once convicted and the sentence is definitive, the confiscated chemical, biological or related substances and the equipment for application in agricultural use shall become property of the State's Phytosanitary Service, which could order the auction, donation, direct sale, reformulation or the conditioning, destruction or reshipment, depending on the case.

Article 38-Temporary Closing of Establishments

Through an administrative resolution, the State's Phytosanitary Service could order the temporary closing of an establishment where chemical, biological or related substances for agricultural use are manufactured, formulated, rebottled, repackaged, distributed, stored, transported, sold or applied, and which do not comply with current legislation, or well, could denounce the establishment to the competent authorities to order its closing.

The superintendent of the Agronomist Engineers College shall denounce, before the State's Phytosanitary Service, the establishments that do not have a resident professional, with the purpose of closing them.

Article 39-Use of Substances in Agricultural Aviation

The State's Phytosanitary Service shall authorize the use of chemical, biological or related substances in agricultural aviation activities.

SECTION II

Phytosanitary Regulation of Organisms or Biotechnology Products

Article 40-Creation of the Biosafety Technical Commission

The Biosafety Technical Commission is created, as an advisory organization of the State's Phytosanitary Service, in biotechnology. Its integration, attributions and functions shall be established in the respective regulation.

Article 41-State's Phytosanitary Service Authorization

Individual persons or legal corporations which import, research, experiment, mobilize, release into the environment, multiply or commercialize transgenic vegetals, genetically modified organisms or its products, biological control agents and other type of organisms for agricultural use, produced inside or outside the country, shall obtain previous authorization from the State's Phytosanitary Service.

The vegetals, organisms, products and biological control agents mentioned in this article, shall be subject to the regulations, standards and measures, technical and administrative procedures issued.

Article 42-Modification or Revocation of Authorizations

Based on technical, scientific and safety criteria, the State's Phytosanitary Service could modify or revoke any authorization granted in accordance to the previous article.

Similarly, upon suspicion or danger evidence, unforeseen situations or noncompliance with official provisions, the State's Phytosanitary Service could retain, confiscate, destroy, or reship transgenic vegetals, genetically modified organisms or its products and the biological control agents, and other type of organisms for agricultural use. Furthermore, it could prohibit the transfer, research, experimentation, and release into the environment, multiplication and commercialization of these, with the purpose of protecting agriculture, the environment and human health as well as animal.

CHAPTER V

Guidelines for the Elaboration, Application and Observance of Phytosanitary Measures

Article 43-Regulation and Application of Phytosanitary Measures

Measures and phytosanitary requirements which regulate the importation of vegetals and merchandise, as well as their packaging and means of transportation, the entry of individuals into the country, shall be established in the respective technical regulation, which shall be published through decree.

Article 44-Nature of the Measures

Phytosanitary measures and those on sanitary protection originating in virtue of this law shall:

- a) Be supported on scientific principles, taking into consideration when it corresponds, the geographical conditions and other pertinent factors.
- b) Take into account the standards, guidelines or recommendations of the pertinent international organizations.
- c) Apply in a way that it does not discriminate arbitrarily or unjustifiably imports of products coming from countries where identical or similar conditions prevail.
- d) Apply in such a way that it does not constitute a deceitful restriction for international trade.

Article 45-Risk Assessment

The State's Phytosanitary Service shall ensure that all phytosanitary measures are based on an adequate assessment of the existing risks for the life and health of people or the protection of vegetals, and shall contemplate risk assessment techniques, elaborated by the pertinent international organizations.

Upon assessing risks, the Service shall consider:

- a) Existing scientific testimonies.
- b) Processes and pertinent production methods.
- c) Pertinent inspection methods, sample and test.
- d) Presence of diseases or concrete pests.
- e) Existence of pest and disease free zones.
- f) Pertinent ecological and environmental conditions.
- g) Quarantine regimes.

Article 46-Economic Factors

Upon evaluating risk to protect vegetals and determine the measure to be applied, to achieve the adequate level of phytosanitary protection against that risk, the State's Phytosanitary Service shall take into consideration the following economic factors:

- a) The possible harm due to loss of production or sales in case of entry, eradication or propagation of a pest or disease.
- b) The control costs of eradication in the national territory.
- c) The relation cost-efficiency of other possible methods to limit the risks.

Upon determining the level of adequate phytosanitary protection, the Service shall consider the objective of reducing to a minimum the negative effects on trade. When phytosanitary measures are established or maintained to achieve an adequate phytosanitary protection level, it shall ensure that such measures, based on economic and technical viability, do not entail a degree of restriction to the principal trade, than that required for its protection.

In the event of existing other less restrictive measure, technically and economically available and useful to achieve the adequate phytosanitary protection level, it should choose to apply it.

Article 47-Applicable Agreements

In matter of procedures of control verification and ensuring compliance with the phytosanitary measures, the State's Phytosanitary Service shall apply the international

agreements subscribed by Costa Rica on this matter and, in particular, the procedures on inspection, control and approval of Annex C of the Agreement on sanitary and phytosanitary measures of the Final Minute of the Uruguay Round, Law No. 7475 of December 20, 1994.

CHAPTER VI

Phytosanitary Regulations Related to Foreign Trade

SECTION I

Regulations for Imports and Entry in Transit

Article 48-Objects of Phytosanitary Control

The State's Phytosanitary Service shall control the importation, re-destination, or the entry in transit throughout the national territory of vegetals, biological control agents and other type of organisms for agricultural use, packing and conditioning materials, containers, means of transportation, baggage and peoples' belongings, as well as parcel post packages.

Article 49-External Quarantines

With the purpose of preventing the introduction of pests in vegetals, the Executive Power could establish external quarantines, to restrict or prohibit the importation or entry in transit, when technically needed, or to adopt any other pertinent measures. Nevertheless, the Ministry of Agriculture and Livestock could import or allow the importation of vegetals, biological control agents and other type of organisms of restricted or prohibited agricultural use, when these are destined for scientific research and comply with the provisions of importation established in the present law, its regulations and the technical requirements which the Ministry prescribes for these specific cases.

Article 50-Prohibition of Importation or Transit of Soil

The importation or entry of soil shall not be allowed into the national territory. Nevertheless, the State's Phytosanitary Service shall allow soil samples for physical, biological or chemical analysis, as long as it complies with the importation provisions established in the present law, its regulations and with the technical requirements that the Ministry of Agriculture and Livestock prescribes for these specific cases.

Article 51-Application for Introduction or Transit

Whoever intends to import or introduce vegetals in transit, biological control agents and other type of organisms for agricultural use in accordance to what is stipulated in the previous article, shall obtain previous authorization from the State's Phytosanitary Service. To make a decision, the Service shall have a period of eight working days, starting on the following day after the date of submittal of the application. If due to technical reasons, this period was insufficient, it shall be communicated to the interested, and the period could be extended up to four additional days.

Article 52-Requirements for Importation or Transit

Previous recommendation from the State's Phytosanitary Service, the Executive Power shall promulgate the decree that shall establish the requirements for importation or entry in transit and the exception cases. For the importation, re-destination or entry of

vegetals in transit, biological control agents and other type of organisms for agricultural use, it shall be mandatory to comply with the importation and transit phytosanitary requirements respectively.

To protect the national agricultural sector, the State's Phytosanitary Service could modify or eliminate any importation or transit requirement that had been established based on this law and its regulations, when justifiable, because of quarantinable reasons.

Article 53-Entry Point

Depending on the quarantinable risk that the vegetals, biological control agents and other type of organisms for agricultural use imply, the State's Phytosanitary Service shall indicate to the importer, the specific entry point.

Article 54-Inspection by the State's Phytosanitary Service

When trying to introduce into the country, in importation, re-destination, or transit vegetals, biological control agents and other type of organisms for agricultural use, the State's Phytosanitary Service shall inspect them in accordance to its technical procedures. After performing the inspection and revision of documents that cover the importation or entry in transit, the phytosanitary authority could order technical measures such as sampling, laboratory analysis, retention, treatment, reconditioning, isolation, post-entry quarantine, entry refusal, industrialization, reshipment, confiscation and destruction in accordance to pest risk analysis.

Such measures could be applied to, as needed, to other non-vegetal materials, whose entry represent risk of introducing pests in vegetals.

Article 55-Customs Clearance, Transfer or Re-Destination

Port and customs authorities shall allow release, transfer or re-destination of vegetals, biological control agents and other type of organisms for agricultural use, and the materials mentioned in the previous article, except those that, in its clearance form (customs clearance policy) or document, contain the specific disapproval of the phytosanitary authorities.

Article 56-Manifest or Cargo Declaration

Before the arrival of the cargo, at the moment of arrival or before unloading, when it proceeds, the transportation companies shall be obligated to present to the phytosanitary authorities of the official entry point, a copy of the manifest or cargo declaration, written in Spanish. The manifest or cargo declaration shall have the character of an affidavit and shall describe in detail the transported goods.

Article 57-Declaration of Abandonment

Vegetals that have not been claimed for release, shall be declared in abandonment when:

- a) They are contaminated of cosmopolite pests and have not been claimed by their proprietors or representatives within a ten working day period, starting on the date in which the interested was notified.
- b) They are in good phytosanitary conditions and are not claimed by the interested, within a thirty calendar day period, starting the date of entry to the storage sites.
- c) They are deposited in customs warehouses, retained for noncompliance of phytosanitary requirements of the country of destination, and are not removed by its proprietor or representative, within a five calendar day period, starting on the date in which the interested was notified.

Vegetals declared in abandonment shall become property of the State's Phytosanitary Service, which shall dispose of them through auction, donation or destruction, as necessary.

Article 58-Confiscations

The State's Phytosanitary Service shall proceed to retain, and could order confiscation and destruction or reshipment of vegetals, biological control agents and other type of organisms for agricultural use that have been imported or have entered in transit infringing what is established in this law and its regulations, without prejudice of proceeding to file the claim before the justice tribunals. In such cases, a minute of the resolution shall be drawn-up.

When justified due to technical reasons, it shall proceed in accordance to article 81.

**SECTION II
Exportations**

Article 59-Phytosanitary Certificates

The State's Phytosanitary Services shall issue the Phytosanitary Certificate, in accordance to current international legislation and the standards that the Ministry establishes. Said Certificate shall be mandatory for exports of vegetals which receive fiscal incentives.

Whomever processes or packages for export, shall first have a phytosanitary certificate of operation, granted by this Service, and shall comply with the requirements defined in the respective regulation.

Article 60-Information for Data Base

Exporters, packers, producers and commercializers of vegetals for export shall be obligated to supply to the State's Phytosanitary Service all the necessary information to establish a data base that shall be defined in the respective regulation.

Article 61-Fulfillment of Requirements

Vegetals, packages and means of transportation used, shall fulfill all conservation and safety phytosanitary requirements demanded by the importing country or by the State's Phytosanitary Service. In the event of noncompliance, the phytosanitary authorities shall not issue the certificate until compliance with established requirements is fulfilled.

Article 62-Temporary Closing of Packagers

The State's Phytosanitary Service could temporarily close the export vegetals packagers due to the following reasons:

- a) Noncompliance with phytosanitary protection, conservation and safety requirements established in the respective regulation, as well as for noncompliance with technical recommendations issued by the phytosanitary authorities.
- b) Absence of the Phytosanitary Certificate of Operation granted by the Service.

The closing shall be in force until the noncompliance is resolved.

CHAPTER VII

Financing**Article 63-Resources**

The State's Phytosanitary Service shall rely on the following resources:

- a) The annual allocations that the Ordinary and Extraordinary Budget of the Republic assigns.
- b) Income originated from fines or sale of confiscated products in accordance to the present law.
- c) Legacies and donations from individuals or legal corporations, national or international organizations, private or public, and contributions from the State's or its institutions.
- d) Income originated from registry and certificates of organic products.
- e) Income originated from services to the importation or exportation of products.

Article 64-Destination of Resources

Resources obtained in accordance to what is established in article 63 and the Temporary I, shall be used for compliance with the objectives of this law and to strengthen, develop, update, and improve the services that the State's Phytosanitary Service provides.

Article 65-Management of Resources

The amount collected due to execution of this law shall be destined to, exclusively, the normal operation of the State's Phytosanitary Service and shall be managed by the Ministry of Agriculture and Livestock through this Service, through a trust fund, in conformity to the programs and annual budgets.

Funds shall be deposited in a special account in any bank from the National Banking System. Furthermore, the Ministry could establish agreements with international phytosanitary protection organizations of which Costa Rica is a member. The General Comptrollers of the Republic shall be in charge of the revision and control.

When management of funds is done through a trust fund, the contract shall be subscribed with any of the banks from the National Banking System.

Article 66-Emergency Fund

The State's Phytosanitary Service shall have available a fund for emergencies that shall be used, exclusively, in the combat of new or existing pests that could cause serious damage to the national agriculture. The resources of the fund shall come from loans, donations, and allocations to a special account or other legal sources of financing. To deposit those funds an account shall be opened in one of the banks of the National Banking System.

CHAPTER VIII

Penal Provisions

SECTION I

General Statements**Article 67-Legal Corporations Responsibilities**

Whenever dealing with legal corporations, civil responsibilities derived from crime or misdemeanor shall be transferred solidarily to their legal representatives.

SECTION II

Crimes**Article 68-Noncompliance with Articles 17 and 18**

Whoever fails to comply with the established quarantinable provisions in articles 17 and 18 propagates or sponsors the dissemination, in free areas, of a pest introduced in the country, shall be sentenced to a prison term of three months to three years.

Article 69-Noncompliance with Article 49

Whoever fails to comply with the established quarantinable provisions in article 49 of the present law, imports or causes to introduce in transit vegetals, biological control agents or other organisms for agricultural use, which are prohibited or restricted, shall be sentenced to prison term of one to three years.

Article 70- Noncompliance with Articles 68 and 69

Shall be sentenced to prison term of three months to one year when the facts stipulated in articles 68 and 69 were committed negligently.

Article 71- Noncompliance with Articles 28 and 29

The professional who, upon performance of his/her work, fails to comply what is established in articles 28 and 29 of the present law, shall be sentenced to a prison term of three months to three years and a special disqualification to practice professional functions for a maximum of three years.

Article 72- Noncompliance with Article 30

Whoever fails to comply with the provisions in article 30 of this law, shall be sentenced to a prison term of three months to five-years.

Article 73-Damages to Agriculture, Environment or Health

Whoever, maliciously, causes harm to agriculture, the environment or human and animal health, imports, releases in the environment or commercializes transgenic vegetals or other genetically modified organisms or their products, biological control agents or other type or organisms for agricultural use, shall be sentenced to a prison term of three to ten years.

Article 74-Improper Actions of Public Servants

Penalties stipulated in this chapter shall apply increased by a third, if the responsible happens to be a public servant that, through actions could have averted the result. Furthermore, special disqualification shall be imposed, consistent with the loss of the public position and the impossibility of being reappointed to any public position for the next five years.

SECTION III

Misdemeanors**Article 75-Obstruction to Phytosanitary Authorities**

Whoever fails to comply with the provisions of article 16 of this law obstructing the phytosanitary authority in the performance of their activities of investigation, inspection, prevention or combat of pests in vegetals, shall be reprimanded with a fine of three to twenty days.

Article 76-Lack of Registration and Records of Materials

Whoever imports, exports, manufactures, formulates or sells chemical, biological or related substances for agricultural use, without registration and the records mentioned in articles 23 and 24 of this law, shall be reprimanded with a fine of twenty days.

Article 77-Lack of Authorization

Whoever, without authorization from the State's Phytosanitary Service rebottles or repackages, for commercial purposes, chemical, biological or related substances for agricultural use, shall be reprimanded with three to thirty days fine.

Article 78-Amount for Days Fine

The amount for penalties in days fine shall be determined in accordance to article 53 of the Penal Code.

Article 79-Destination of Fines

The amounts collected shall be part of the funds that the Ministry of Agriculture and Livestock shall destine to the State's Phytosanitary Service. These shall be deposited in a special account or in trust, within fifteen days after sentence is definitive and establishes the fine. If the convicted does not pay the fine within this term, the judge is authorized to make it effective with the properties of the convicted or those of the guarantor.

CHAPTER IX

Procedures of Application of Technical Measures**Article 80-Summary or Brief Proceeding**

To apply the technical measures contemplated in this law, a summary or brief proceeding shall be followed, and shall be established in the respective regulation,

Article 81-Special Proceeding

The respective regulation, shall also define the special proceeding to be used, when it technically requires destruction or immediate reshipment of vegetals, biological control agents, and other type of organisms for agricultural use and their packages, as the only means to eliminate a pest of quarantinable importance that, because of its characteristics, could introduce, disseminate or establish itself rapidly and cause serious damage to the national agriculture.

CHAPTER X

Final Provisions**Article 82-Costs paid by the Administration**

The costs for the execution and application of measures, and provisions in this law, shall be paid by the responsible. If the responsible fails to execute the established measures or refuse to pay the cost of application, the State's Phytosanitary Service could decide to execute the measures and charge the responsible for the costs. The amount established for the liquidation of costs shall have the title of executive.

Article 83-Donation of Confiscations

Without proceedings of public deed, the State's Phytosanitary Service could donate to non-profit institutions or organizations the confiscated goods, whose value does not exceed one million colones (¢1,000,000.00). The procedure to be followed shall be established in the respective regulation.

Article 84-Freedom of Access to Authorities

For the enforcement of the faculties granted by this law, the individual persons or legal corporations shall allow free access to their properties to the phytosanitary authorities. Should access be denied, authorities shall request a search warrant (court order) from the competent judicial authority.

Article 85-Prohibition for Service Professionals

Service professionals from the State's Phytosanitary Service are prohibited to work in private enterprises in activities related to phytosanitary matters, except in teaching.

Article 86-Substitution of Branch Offices

The branch offices that, in virtue of this law, constitute the State's Phytosanitary Service, shall substitute in their functions, obligations and attributions the General Direction of Vegetal Health, created by executive decree No. 8887-A of August 28, 1978.

Article 87-Derogation

Vegetal Health Law No. 4295 of January 6, 1969 and its amendments are derogated.

Article 88-Regulation

The Executive Power shall regulate this law within a term of ninety days starting the day of its publication.

TRANSITORY I.-The principal content in article 43 of law No. 6248 of May 2, 1978 remains, and shall read as follows:



“**Article 43.**-A rate of one half per-cent over the CIF values is established, declared by every importer of chemical products destined to agricultural use, that shall be cancel with every request of authorization of customs clearance policy of which is presented to the State’s Phytosanitary Service.”

TRANSITORY II.- As a strategy to promote organic production, the State shall cover the costs of certification for a period of up to two years of the growers who prove, to the State’s Phytosanitary Service, to be small organic growers and not be in financial capacity to pay the certification. The parameters to qualify as the Ministry through regulation shall develop small growers.

In force after its publication.

Second Full Legislative Commission.-Previous draft approved on day twelve of March, nineteen hundred and ninety-seven.-Juan Luis Jimenez Succar, President.-Gerardo Humberto Fuentes González, Secretary.

Communicate to the Executive Power

Legislative Assembly.- San José, on day two of the month of April, nineteen hundred and ninety-seven.-Walter Coto Molina. President.-Oscar Ureña Ureña, First Secretary.-Gerardo Humberto Fuentes González, Second Secretary.

Execute it and Publish it

JOSE MARIA FIGUERES OLSEN.- The Minister of Agriculture and Livestock, Ricardo Garrón Figuls.- 1st time.-C-95000.- (23012).

-----**LAST LINE**-----
In witness whereof, I extend this official translation from Spanish into English, consisting of 19 page(s), and I sign in San José on April 19, 2003. Lawful stamps are added and cancelled.