ANNEX 4

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Presentation 4
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Presentation 1
Germany
Gregor Hilfert

State Ministry for Economic and Labour Affairs
Department of Agriculture / Plant Health Inspection Service

Detection of shipments containing illegal Plant Protection
Products in the port of Hamburg –
Experiences and strategies of the involved authorities

Transshipments of Containers in the Port of Hamburg

- 8,000,000 TEU (20' Standard-Containers) are shipped via Hamburg every year
- 220,000 containers are announced as dangerous goods
**Inspection of suspicious shipments**

Sources of information
- Customs Investigation Office
- Environmental police
- Information-System for dangerous goods
- Authorities of foreign countries
- Stakeholders

Environmental Police  Customs Investigation Office  Plant Health Inspection Service

**Using the information system for dangerous goods**

Every week:
- Supervision of 1.500 containers announced as dangerous goods
- Inspection of freight documents: 30 Containers
- Forwarding of information to authorities in countries of destination: 1-2 Containers
- Opening of containers: 1-2
Close collaboration with the Customs Investigation Office

- Automatical Database-search for
  - companies that are known as shipper or consignee of faked pesticides
  - Names of typical active ingredients
  - Names that are known as false description for pesticides
  - Agrochemicals / Pesticides that are not announced as dangerous goods

Measures taken by the authorities concerned

- Plant Health Inspection Service gives an request for inspection to the Environmental Police
- Container is stopped by the Police
- Inspection of the load
- Samples are taken
- Container is stopped until the analysis is finished
- Seizure of the faked pesticides
- Forwarding of informations to
  - EU contact-points for pesticide controls
  - EUROPOL
Results achieved in the first quarter 2010:

24 tons of faked pesticides could be seized because of trademark infringements
12 tons could be seized because of Patent infringements
>100 tons of suspicious pesticides had to be released

Seizure of Illegal Pesticides can only be done if Trademark infringements or Patent infringements can be proved

„Emulsifier“-Shipment – January 2010

- 23.4 tons of pesticides announced as „Emulsifier“
- No declaration as dangerous goods
- Company named as consignee doesn’t exist
- Place of delivery: Klaipeda (Lithuania)
Container 1: „Thifensulfuron-methyl 75% WDG-R“

- Analysis reveals:
  - Bottles contain Amidosulfuron
  - 1.5 tons were seized

Container 1: „Tebuconazole 25 EC“

- 10 tons were seized
Container 2: „Tebuconazole 25 EC and Tribenuron-methyl 75% WDG“

Container 3: „Imidacloprid 20 SL“

- Analysis reveals:
  - Bottles contain Propiconazol and 3 other active ingredients
  - > 30% of DMF as solvent
  - Highly toxic
  - No trademarks
  - Transshipment to Riga (Latvia)
Container 3:
„Thifensulfuron-methyl 75% WDG“
(no trademarks)

Container 2:
Measuring cups „Monitor“

Thifensulfuron—methyl 75% WDG-A
- Measuring cups could be seized because of Trademark infringement
- Bottles couldn’t be seized (no Trademark on the bottles)
- Boxes were declared as dangerous goods
- Transshipment to Riga (Latvia)
- Company named as shipper does not exist
- Monitor is a product that is not distributed in Latvia or other countries in Eastern Europe

Patent-Infringement Thiamethoxam - February 2010
What we should improve ...

- International Exchange of information about
  - companies shipping illegal pesticides
  - methods used by those companies
- Better protection of goods by using trademarks on all packagings
- Trademarks should be protected by applications for detention at the border
- Adjustment of the relevant legislation to simplify stopping illegal pesticides passing through in transit
  - Inspections according 1107/2009 EC should allow to stop pesticides for example
    - if they are mislabelled
    - if consignee does not exist
    - if there are inconsistencies in waybills
Ensuring Safety & Integrity of Imported Pesticide Products: The U.S. Approach

Seminar on Risk Reduction through Prevention, Detection & Control of the Illegal International Trade in Agricultural Pesticides

19 May 2010
Paris, France

Jay Ellenberger
U.S. Environmental Protection Agency

Coordination among Federal Agencies

- U.S. Department of Homeland Security, Customs & Border Protection (CBP) has developed the Automated Commercial Environment (ACE) system --
  - Electronic receipt of all import data required by all U.S. government agencies.
  - Pesticide product data will be integrated within next few years.
Why is EPA Concerned?

- EPA is a regulatory agency established to protect the public health and environment.

- Recent court case concluded that:
  - “The sale of counterfeit and adulterated pesticides . . . threatens the public and undermines the federal and state regulatory system intended to ensure the safety and efficacy of pesticides sold in the United States.”

U.S. Import Requirements

- Generally, all pesticides imported into the U.S. must be registered by EPA.
  - Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) Section 17(c) governs importation of pesticides and devices.

- Pesticides & devices must be properly labeled in accordance with FIFRA & Title 40 of the Code of Federal Regulations, Section 156.

- Every pesticide, device & technical ingredient used in the manufacture of a pesticide must be produced in an EPA registered establishment.

- Requirements on EPA’s website to assist compliance.
Guidance to Importers

- US EPA websites inform importers (and exporters) about requirements, procedures
  - [http://www.epa.gov/oppfead1/international/trade](http://www.epa.gov/oppfead1/international/trade)
  - [http://www.epa.gov/pesticides/about/index.htm](http://www.epa.gov/pesticides/about/index.htm)

- Direct communications with importers
  - Brochures.

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**Protect Your Business: Avoid Pesticides Imports Violations**

If your company is in compliance with FIFRA Import Regulations?

Did you know that if you import pesticides or plant products into the United States, you must comply with a formal law called the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)? This means that in most cases, the pesticides you import must be registered with the United States Environmental Protection Agency (U.S. EPA) and both products and plant materials must be labeled to inform users on how they should be stored, handled, and used. USDA, APHIS, and other agencies have requirements for products or materials that are shipped to the United States; if you do not follow these requirements, you may be subject to a “Notice of Arrival and Demand for Action” (Form 1940-A). You can read more about import and export regulations on the [website](http://www.epa.gov/pesticides/about/index.htm).

What products are considered pesticides by FIFRA?

- The legal definition of a pesticide is any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating pests.
- The definition includes substances that are placed onruits, trees, and other plants, animals, insects, and rodents, and many other things.
- Legal pediatric products are registered with the EPA and are used to control noxious substances or diseases.
- The labels of the pesticides must be in English.
- Additional information on the restrictions is available on the [website](http://www.epa.gov/pesticides/about/index.htm).

Why should this be concerned?

Not only is importing unregistered pesticides illegal, it may also put the public at risk. Illegal pesticides improperly processed ensures that the Agency is aware of what pesticide is being introduced into the U.S. market and becomes aware of the concerns. Illegal and unregistered pesticides may not be safe to use.

Who can I contact if I have questions about pesticides?

Questions should be directed to the EPA Region 7 Pest Control Specialist at (913) 847-6088 or (913) 847-4193.

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**What procedure should I follow?**

Prior to the arrival of your shipment to the United States, you should follow all the steps mentioned below. Forms can be obtained either by calling the National Wildlife Center for Environmental Protection (NWC) at (301) 404-1430 or (800) 456-9420 or can be downloaded from the following page:

[http://www.epa.gov/pesticides/about/index.htm](http://www.epa.gov/pesticides/about/index.htm)

1. Be sure to complete Part I of the Form (in your entirety, Sections 1A and 1B are optional) before submitting it to the Regional Office.
2. Be certain that forms 4, 5, and 6 are attached to the respective product registration number, establishment registration number, and product brand name that appear on the EPA-approved label attached to the product as meets the United States.
3. Region IX will not accept unsealed forms. The signature must make every effort to ensure that all information provided on the form is accurate.
4. Send completed from to:
   - Pesticides Import Specialist
   - Pesticides Office (PEO)
   - U.S. EPA Region IX
   - 7900 Forshee Street
   - San Francisco, California 94103

   EPA Region IX will return the submitted NOA for accuracy and completeness. In certain instances, EPA may choose to hold a deposition for inspection at the port of entry or refuse entry to the shipment.

   EPA Region IX will complete Part II of the Form and return to the importer for presentation to US Customs Officers upon arrival of the shipment. Region IX typically processes NOAs within 24 hours of receipt.

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**What can I expect if I have further questions about pesticides?**

Questions should be directed to EPA Region 7 Pest Control Specialist at (913) 847-6088.

You can also visit the EPA Office of Pesticides Programs Web site for general information on pesticides at:

[http://www.epa.gov/pesticides/](http://www.epa.gov/pesticides/)

August 5, 2005
The Basic Process

- Every imported pesticide, device or technical ingredient must have an EPA Notice of Arrival (NOA) form prepared & submitted to the EPA regional office where the Port of Entry is located – *prior to the arrival of the imported product*

- EPA reviews NOA & makes a recommendation to the U.S. Department of Homeland Security/Customs and Border Protection (CBP) to either accept the arrival of the product or deny entry.
### Notice of Arrival

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name and Complete Address of Importer or Consignee</td>
<td></td>
</tr>
<tr>
<td>EPA Registration Number</td>
<td></td>
</tr>
<tr>
<td>Product Established No.</td>
<td></td>
</tr>
<tr>
<td>Name of Product</td>
<td></td>
</tr>
<tr>
<td>Country of Origin</td>
<td></td>
</tr>
</tbody>
</table>

### Step-by-Step Process

1. Importer submits NOA to EPA regional office.

2. EPA reviews and verifies registration.
   - If registered, EPA recommends entry to Customs & Border Patrol (CSB).

3. Discrepancies? EPA may recommend variety of different responses, depending on the violation:
   - CSB deny entry, or
   - Detain for inspection, or
   - Enter under a Customs Bond and hold for inspection.
Step-by-Step (cont.)

4. Importer submits approved NOA along with other paperwork to CBP.

5. Import proceeds.

What is “Illegal Trade” in Pesticides?

- Counterfeits
  - Misrepresented as a registered product
  - Case study of Front Line.....

- Unregistered
  - Often entry not identified as a pesticide
  - NOA usually not filed
  - Often not produced in registered production facility or use of an unapproved ingredient or source of ingredient
  - Use of unapproved product labeling.
Illegal Products

- Unregistered
- Misbranded product label
- Adulterated, different composition
- Counterfeit
- Other violations.

Types of Enforcement Actions

- Stop Sale and Use Order
- Entry denial
- Administrative complaint with penalty
  - Sale/distribution of violative product
  - Any movement of product in US territory
    - Even if not cleared by Customs
    - Example: ship crossing into US territorial waters.
Enforcement Case 1

- "Front Line" and "Advantage" products
  - Unlawfully imported
  - Very specific differences between the counterfeit product and the registered, legitimate versions:
    - Discrepancy of lot numbers
    - Discrepancy of product labeling
    - Retail package not always child-resistant
    - Text on the package not always in English only.
    - Applicator label for the dog products included the size of the dog in metric units.

Enforcement Case 2

- Owner of a pesticide distribution company sold counterfeit, misbranded, adulterated and/or mislabeled pesticides to local government municipalities
  - Municipalities used counterfeit product to control mosquitoes and the spread of the West Nile virus
    - Threat to public (unknown risks from product AND from the potential health effects from the virus)
    - Undermined federal and state regulatory systems
  - Owner of company
    - Sentenced April 21, 2004
    - 41 months in prison
    - $45,305 fine
    - 17 counts of violating FIFRA
    - 11 counts of trafficking in counterfeit goods.
Enforcement Case 3

- Major U.S. chemical company
  - Imported a registered pesticide active ingredient, from a non-approved manufacturing facility in another country
  - Composition of the active ingredient differed from the composition specified in the Confidential Statement of Formula submitted at the time of registration
- Civil penalty of $850,000.

Summary

- No history or evidence of large scale counterfeit agricultural pesticides in U.S.
- U.S. has a multi-agency comprehensive program for importation of pesticides
- Continuing to make improvements
- U.S. has an effective compliance and enforcement system governing the distribution, sale and use of pesticides.
The “Imtrade” Investigation

- Two sites of manufacture for 28 active constituents relevant to 120 products identified as ‘fictitious’
- No mechanism in the legislative framework to undo approval
- Absolute invalidity v Relative invalidity
- APVMA ‘self help’ unlawful
- Separate criminal offences being considered by the independent federal prosecutor
- Anecdotally ‘fraud’ increasingly being identified
- Need for legislative change
- Need to strengthen international relationships
A current investigation - Company A

1 – unknown product
Distributor
Company B – didn’t know

2 – unregistered product
Timber Treatment
Company C – didn’t know

3 - relabeled product
Home owners - didn’t know

Timber Yard
Company D – didn’t know

APVMA regulatory posture

- APVMA moving to redefine and publicly communicate overall regulatory posture
- Will be publishing a new Compliance and Enforcement policy
  - Main effort is to bring people into compliance
  - Secondary consideration – what sanction, if any, should apply?
- APVMA has enhanced ‘field’ monitoring regime – inspections, visits, audits & investigations
- Government reviews – time to seek a new compliance toolkit
  - More options, stronger penalties
  - Recognise and integrate good stewardship
APVMA Vision

- ‘To be recognised nationally and internationally as a best practice regulator of pesticides and veterinary medicines that has the respect and confidence of governments, the community, the rural sector, chemical users and the chemicals industry’

Questions?

Further information
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or

Neville Matthew
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Crack Down Illegal Trade to Promote Sustainable Development of the Pesticide International Trade

OECD  Gu Baogen  ICAMA  May. 2010

Outline

◆ Part I  Introduction to Pesticide Production and Export in China
◆ Part II  Overview of Pesticide Management in China
◆ Part III  Situation of Illegal International Pesticide Trade and Their Causes
◆ Part IV  Suggestions
Part I
Introduction to Pesticide Production and Export in China

I Introduction to Pesticide Production and Export in China

♦ Since the early 1990s, a change has occurred to the world’s pesticide production. Pesticide production has been gradually shifted from developed countries to developing countries due to the increasing environmental pressure and labor costs.

♦ China’s pesticide industry has been developing rapidly. A complete system of production of technicals, formulation and of intermediates has been established.
I Introduction to Pesticide Production and Export in China

◆ Production:
◆ Currently, there are about 2,400 pesticide manufacturers or formulators, producing over 600 active ingredients.

◆ In 2009, 26,000 pesticide products registered, 2.26 million tones (technical) produced
I Introduction to Pesticide Production and Export in China

- Export:

- more than 400 pesticides were exported to 162 countries and regions

- export amount reached to 1.04 million tones in 2009.

Export:

<table>
<thead>
<tr>
<th>regions</th>
<th>amount (ton)</th>
<th>proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asia</td>
<td>399,300</td>
<td>38.3%</td>
</tr>
<tr>
<td>South America</td>
<td>246,400</td>
<td>23.6%</td>
</tr>
<tr>
<td>North America</td>
<td>146,800</td>
<td>14.1%</td>
</tr>
<tr>
<td>Africa</td>
<td>123,100</td>
<td>11.8%</td>
</tr>
<tr>
<td>Europe</td>
<td>92,800</td>
<td>8.9%</td>
</tr>
<tr>
<td>Oceania</td>
<td>34,400</td>
<td>3.3%</td>
</tr>
</tbody>
</table>
I Introduction to Pesticide Production and Export in China

♦ China has gradually become a key pesticide producer and supplier in the world.

♦ warmly welcome by farmers worldwide, especially those in the Third World because of good quality and lower price.

I Introduction to Pesticide Production and Export in China

♦ Their prices are normally 1/3----1/10 of multinational companies

♦ the costs of global agricultural production could be reduced by billions of dollars.

♦ In this regard, China and India are contributing greatly to the world’s pesticide industry and agriculture while sacrificing the health of human, animals, and its environment.
Jiangsu Yangnong chemicals, 140 millions

Hubei Salonda, 80 millions
Part II
Overview of Pesticide Management in China
II Overview of Pesticide Management in China

1. Pesticide Registration System

2. Pesticide Quality Control

3. Measures for the Control of Pesticide Import & Export

1. Pesticide Registration System

- 1982: *Prescript on Pesticide Registration*
- 1997: *Regulations on Pesticide Administration*
- 2007: *Measures for the Administration of Pesticide Labels and Manuals*

- Now: Established and optimized the systems for pesticide management, in which pesticide registration is the core.
II Overview of Pesticide Management in China

1. Pesticide Registration System

2. Pesticide Quality Control

3. Measures for the Control of Pesticide Import & Export

2. Pesticide Quality Control

a. Pesticide Quality Standards

- China’s pesticide quality standards include the national, industry and enterprise standards. All the standards for major pesticide products equal or exceed FAO specifications.

- 252 national standards and industry standards

- 25000 enterprise standards for pesticide products.
2. Pesticide Quality Control

b. Supervision and Inspection of Pesticide Quality

- MOA & SOIC are responsible for supervision and control of the pesticide market in China

- A anti-counterfeiting office established in MOA to launch campaigns against counterfeit means of agricultural production, especially pesticides,

- Each year, more than 20,000 pesticide samples are sampled and tested,

- Dozens of cases of fake and inferior pesticides are investigated and heavily punished.

- the qualification rate of almost all pesticide products in large quantities has reached 100% in China.
2. Pesticide Quality Control

c. Enterprise Quality Assurance.

◆ Quality assurance system has been established in all pesticide manufacturers and formulators in China, most of which have passed the ISO9000 quality accreditation system certification.

◆ Most newly installed equipment adopts advanced DCS automatic system in production, the whole process of synthesis is controlled by computers,

◆ the production techniques and measures are optimized to improve the quality of products.

2. Pesticide Quality Control

c. Enterprise Quality Assurance.

◆ In addition, most of the pesticide exported are produced in compliance with the requirements or standards prescribed in the contracts with importing parties and under the supervision of importing parties or third parties.

◆ the products consigned by multinational companies must be produced under their guidance, and meet their standards for production and quality.
II Overview of Pesticide Management in China

1. Pesticide Registration System

2. Pesticide Quality Control

3. Measures for the Control of Pesticide Import & Export

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3. Measures for the control of pesticide import and export

a. Import or Export Registration Certificate for Pesticides

◆ In 1999, MOA and Customs jointly issued the Notice on the Use of Import or Export Registration Certificate for Pesticides.

◆ The Notice has enabled us to effectively prevent and crack down on import and export of unregistered, counterfeit and inferior pesticides
3. Measures for the control of pesticide import and export

ICAMA issues certificates for each shipment of pesticides exported.

Certificate is only issued to registered pesticides.

customs check the certificates

Steps of import/export control

1. Importer/exporter apply for certificate in ICAMA
2. ICAMA check the situation of registration of the product
3. ICAMA approve the import/export issuing the certificate
4. Importer/exporter show the certificate to customs for entry.

Custom has a name list
Information exchange between ICAMA and custom electronically in near future.
3. Measures for the control of pesticide import and export

b. Certificate for Pesticides Registered in China

ICAMA issues the Certificate for Pesticides Registered in China, including the Certificate for Pesticide Registration (Certificate of Free Sale) and the Certificate for Composition of Pesticide technical materials and formulations, to help importing countries find out the registration status and technical data of the pesticides that they are going to be imported.

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Certificate

WE HEREBY CERTIFY THAT THE PESTICIDE PRODUCT 2,4-DICHLOROPHENYL N-OXIDE MANUFACTURED BY SHANGHAI ZHONGYUAN PESTICIDE CO., LTD. (ADD: NO.101, FENGJING 3 ROAD, PF IN CHINA), EXPORTED BY CHONGQING SHINING FINE CHEMICALS CO., LTD. (ADD: 28-3 CITIC COMMERCE NO.8 YANGHAI SAN CUN JIANGBEI DISTRICT CHONGQING CHINA), HAS BEEN REGISTERED AND CAN BE FREELY SOLD IN THE PEOPLE’S REPUBLIC OF CHINA AND EXPORTED TO LEBANON. THIS PRODUCT IS STILL IN USE IN CHINA AT THE TIME OF SHIPMENT.

THE REGISTRATION NO. PID209076387

INSTITUTE FOR THE CONTROL OF AGROCHEMICALS, MINISTRY OF AGRICULTURE, P.R. CHINA

DEPUTY DIRECTOR, ZHOU LIGUAN

SIGNATURE
3. Measures for the control of pesticide import and export

**c. Exchanges and Cooperation in International Trade Management**

- Signing cooperative agreements (MOU) and establishing mechanism for joint work with Pakistan, and Thailand etc.
- Verifying information and exchanging documents with the relevant authorities in some countries such as Pakistan, Thailand, Vietnam, Indonesia, South Africa, Kenya, and Lebanon, etc.

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3. Measures for the control of pesticide import and export

**c. Exchanges and Cooperation in International Trade Management**

- With Thailand: 45 Chinese enterprises
- With Lebanon: 300 pesticide registration and 14 certificate of free sale
- With Pakistan: 50 Chinese enterprises and 100 products
3. Measures for the control of pesticide import and export

d. Cracking down on illegal trade and strengthening quality monitoring

◆ In 2009, dealt with two cases involving forgery of the *Import or Export Registration Certificate for Pesticides*

◆ In addition, the General Administration of Quality Supervision, Inspection and Quarantine carried out random quality checks at the ports of entry/departure

Part III
Situation of Illegal International Pesticide Trade and Their Causes
III Situation of Illegal International Pesticide Trade and Their Causes

1. Current Situation of Illegal International Pesticides Trade

2. Causes of Illegal International Pesticide Trade

1. Current Situation of Illegal International Pesticides Trade

a. Import and Export of Illegal Pesticides.
   ◆ In many cases, the illegal pesticides are exported in names of non-dangerous chemicals or fake Import or Export Registration Certificate for Pesticides, and it’s very difficult for customs to inspect each batch of pesticides exported.
   ◆ For example, the case founded by Croplife in Hungary.
   ◆ However, they consists of very small proportion of whole trade, much less than 0.1%.
   ◆ 2009, 70993 shipments, few illegal cases found or reported.
1. Current Situation of Illegal International Pesticides Trade

b. Trade of Counterfeit and Inferior Products.

- We still have been informed the illegal trade cases by the authorities of importing countries.

- It is found that most counterfeit and inferior products are produced by local importers in importing countries.

c. Smuggling of Pesticides

- Smuggling is common between countries where there is no proper pesticides import/export management measures implied by customs.

- Many new pesticide products of multinational companies were smuggled into China, and some Chinese products into neighboring countries. But now it hardly happens in China, because of present strict control of pesticide import and export.
III Situation of Illegal International Pesticide Trade and Their Causes

1. Current Situation of Illegal International Pesticides Trade

2. Causes of Illegal International Pesticide Trade

2. Causes of Illegal International Pesticide Trade

a. Lack of the control of pesticide import and export in some countries.

- Most countries demand that pesticides to be imported be subject to registration and custom surveillance.
- They place few or no limitations on pesticides export, regardless of the fact that they are prohibited to be used.
- As a result, it’s difficult to hold back illegal pesticide exports and counterfeits in an effective way globally.
2. Causes of Illegal International Pesticide Trade

b. Scarcity of effective communication and cooperation between exporting and importing parties.

There is no proper communication and cooperation on management of import and export of pesticide.

c. Weak ability to crack down on counterfeits and inspect the market.

◆ there is no or less capacity to enforce law and inspect the quality of pesticides in some countries, especially developing countries, because of lack of human resource, adequate testing facilities and technology.
◆ illegal trade, and counterfeit and inferior products could not be properly controlled.
2. Causes of Illegal International Pesticide Trade

d. Complexity of Illegal trade and its control.
   ◆ It is very difficult to investigate and collect evidence.
   ◆ It is still difficult to impose punishment, even though the evidence has been found.
   ◆ The global market share of pesticide has been changed by the increase in Chinese and Indian exports. In some places, the use of certain administrative measures and techniques to protect the already gained market shares and interests has made illegal international trade more complex.

Part IV
Suggestions
IV Suggestions

1. Establish sound system for controlling import and export of pesticides in all countries.
2. Strengthen International Cooperation.
3. Work together to monitor and control the quality of pesticide imports and exports.
4. Institute a long term scheme for cracking down on illegal trade.

1. Establish sound system for controlling import and export of pesticides in all countries.

- System like Chinese one for control of pesticide imports and exports should be established
- All custom will check each shipment of importing and exporting of pesticides.
- Importing countries should ask authority of exporting countries to provide registration certificates to them.
- This system is the precondition of cracking down on illegal international trade.
2. Strengthen International Cooperation.

- Intergovernmental exchanges and cooperation should be strengthened:
  - signing cooperation agreements,
  - establishing work teams or technical teams,
  - exchanging pesticide registration information
  - jointly launching investigations and campaigns against counterfeit products.

3. Work together to monitor and control the quality of pesticide imports and exports.

- Both importing and exporting countries should take actions to ensure the quality of pesticide quality.

- ICAMA could provide all countries with third-party quality inspection, by way of signing multilateral or bilateral agreement, to ensure the quality of pesticide imports and exports and tackle the problems of counterfeit and inferior pesticides.
4. Institute a long term scheme for cracking down on illegal trade.

- Firstly, sound system of pesticide import and export management;
- Secondly, besides cracking down the illegal trade, legal trade should be promoted;
- Thirdly, an information platform could be established;
- Fourthly, global free trade of pesticides should be continually promoted, and any trade protection and technical barriers must be rejected.

Hope

- As China now is one of the leading pesticide manufacturing countries in the world, we feel obliged to work together with other countries to crack down on illegal import and export of counterfeit and inferior pesticides and make the order of international pesticide trade fairer and more equitable. At the same time, we hope to further strengthen cooperation with other countries to solve all the problems existing in pesticide import and export.
THANK YOU
INTEGRATED INSPECTION AGAINST THE ILLEGAL PESTICIDES

Seminar on the Prevention, Detection and Control of Illegal International Trade in Agricultural Pesticides – OECD

Paris / France – May/2010

THE ROLE OF MAPA AT THE PESTICIDES FIELD

1. LEGISLATING
   - production
   - registration
   - interstate trade
   - export / import
   - transport
   - technologic and toxic. control

2. GIVING CREDENCE
   - research companies
   - phytosanitary service companies

3. REGISTERING
   - RET, REX
   - technical product
   - formulated product
   - equivalent product
   - others

4. INSPECTION
   - import /export
   - production
   - research
   - use (phytos. services)
   - illegal pesticides
ANNUAL VALUE OF TRADED PESTICIDES IN BRAZIL
FROM 1999 TO 2009 (BILLIONS OF US$)

ILLEGAL PESTICIDES TRADE IN BRAZIL = 9%, OR US$ 1.85 BILLION

INTEGRATED INSPECTION AGAINST THE
ILLEGAL PESTICIDES

Source: MAAP.
THE REASON FOR INTEGRATED INSPECTION

Illegality in various sectors
- Products without registration in government departments
- Low efficiency
- Toxic waste in food
- Environment contamination
- Improper disposal of empty packaging
- Smuggling (illegal trade)
- Tax evasion

PHOTOTOXICITY - IMIDACLOPRID
EDUCATIONAL ACTIONS

✓ SINDAG / ANDAV - informative publication with bimonthly editions with 50 thousand circulation.
GOVERNMENT OFFICERS TRAINING

✓ Education e-learning course launch at SINDAG website (www.sindag.com.br) and ANDAV (www.andav.com.br) which already counts with 1,100 attendance.

✓ Launch of Procedures and Information Manuals edited by SINDAG / ANDAV and by IBAMA, for the purpose of government officers training.
DIAL COMPLAINT

✓ SINDAG/ANDAV contact number for illegal pesticides trade complaint.
✓ 15,000 calls registered in 10 years.
✓ Complainants headed for competent government departments.
✓ The author of the complaint is kept unknown.

BRAZILIAN LEGAL FRAMEWORK

ENVIRONMENT CRIME - Law 9.605/98
- Imprisonment from 1 to 4 years, and
  fine from US$ 290.00 to 1,150,000.00

SMUGGLING CRIME – Brazilian Criminal Code
- Imprisonment from 1 to 4 years

INFRACtion AGAINST PESTICIDES - Law 7.802/89
- Imprisonment from 2 to 4 years
- Fine up to US$ 10,900.00
- Destruction of vegetables and crops
TASK FORCE AMONG VARIOUS GOVERNMENT DEPARTMENTS

SEIZURED ILLEGAL PESTICIDES
SEIZURED ILLEGAL PESTICIDES

SEIZURED ILLEGAL PESTICIDES

APREENSAO DA EQUIPE NORTE 1 & 2
SEIZURED ILLEGAL PESTICIDES

[Images of seized illegal pesticides]

SEIZURED ILLEGAL PESTICIDES

[Images of seized illegal pesticides]
THE RESULT OF OPERATIONS FROM 2000 TO APR/2010

✔ MAIN ACTIVE INGREDIENTS SEIZURED
CLORIMURON; METSULFURON; IMIDACLOPRID;
TEBUCONAZOLE; FIPRONIL; GLIFOSATO; CARBENDAZIN;
CLETODIN; DIFLUBENZURON; CLOMAZONE; BISPIRIBAC;
PIRAZOSULFURON; QUINCLORAC; LAMBDACIALOTRINA;
IMAZETAPIR.

THE RESULTS OF OPERATIONS FROM 2000 TO APR/2010

TASK FORCE

✔ SEIZURES = 373 tons

✔ INCINERATION = 310 tons

✔ ARRESTED SUSPECTS = 610

✔ CONDEMNED PEOPLE = 37
MERCI!

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B.N.E.V.P.
Ministry for Food, Agriculture and Fisheries
FRANCE

Investigations on counterfeit and illegal Plant Protection Products in France and new thoughts about the Means of fighting

Seminar
Risk Reduction through Prevention, Detection and Control of the Illegal International Trade in Agricultural Pesticides
PARIS, Wednesday 19 May 2010
OECD

M. Boureau – H. Gillet /BNEVP-MB 19 MAY 2010

National Brigade for Veterinary and Phytosanitary Investigations
(BNEVP – Manager, C. COLLINET)
Ministry for Food, Agriculture and Fisheries

« Its task is to manage investigations with the aim of fighting against organized crime in veterinary and phytosanitary health field. It also provides technical support to the Directorate for food, the regional sanitary control services or the legal authorities »
National Brigade for Veterinary and Phytosanitary Investigations
Ministry for Food, Agriculture and Fisheries

- Counterfeiting of registered trademark: product which has been deliberately and fraudulently labeled, thus misleading on its identity (or its producer).
- Counterfeiting of the active ingredient and formulation of the products

ALL KIND OF PRODUCTS CAN BE AFFECTED

Branded Products
Generic products
Or parallel import products

Illegal and counterfeit products are often marketed as parallel import products,
which is a EU simplified procedure used by importers for placing their products on the market of the EU importing country where an authorization already exists

M. Boureau – H. Gillet – ENVP-MB
OECD Paris 19 May 2010

MEANS OF FIGHTING AGAINST COUNTERFEIT PRODUCTS AND ILLEGAL TRADE
Ministry for Food, Agriculture and Fisheries – DGALIBNEVP

Who are the approved holders of authorized imported products in FRANCE?
- Companies which market only imported products in several EU countries. They are registered in Germany, Belgium, Austria, Luxembourg and have organized networks out of the EU
- Some French distributors which sell only on the domestic area

Who are the buyers?
- Wholesalers who sell to exclusive networks of distributors
- Some individual distributors in direct business

Who sales to final users?
- All distributors which want to increase profit margin

M. Boureau – H. Gillet – ENVP-MB
OECD Paris 19 May 2010
MEANS OF FIGHTING AGAINST COUNTERFEIT PRODUCTS AND ILLEGAL TRADE
Ministry for Food, Agriculture and Fisheries – DGAL/BNEVP

Investigations carried out by BNEVP in the domain of trade
of plant protection products (PPPs) for three years

140 CONTROLS AGAINST DISTRIBUTORS
350 TONS
OF ILLEGAL PRODUCTS
WITHDRAWN FROM THE MARKET

administrative controls in departemental areas

4 inquiries with examining Magistrate
5 international letters of inquiries

35 investigations with prosecutor
One investigation out of all $\rightarrow$ 95 tons in 2008

In 2009, 120 thousand liters of counterfeit glyphosate based product were seized; Legal and custom based investigations are being conducted in various European countries in 2010.
Detected illegal parallel import products ➔ the results of the investigations

Packaging and labelling
- Re-packaging of pesticides which did not go through health safety administrative control
- Counterfeit of the trademark label
- Indications of the name of the origin manufacturer on the parallel import PPPs single label even though the product is fake.

Chemical content
- Insecticide instead of fungicide
- Unidentified substances or lack of active substance
- Impurities and by-products or solvent above standard
- Composition similar to original product (minor difference in impurity levels) = high quality counterfeits

INSECTICIDE INSTEAD FUNGICIDE

Reference product
= ROVRAL
A.S. = 53% iprodione
Identify impurities = 0.005
unidentify impurities = retention time 9.27min

Illegal product:
(fungicide)
A.S. iprodione = 0%
(insecticide)
A.S. pyrimalcarbe = 45%
**SOLVENT ABOVE STANDARD**

Référence Product:
- A.S. = 104 g/l
- Naphtalène : 0,154%
- Polyéthylène glycol d’alkylphenol : 2,98%
- Stickiness : +++
- Moisture content: ++

Illegal Herbicide:
- A.S. = 104 g/l
- Naphtalène : 4.77%
- Polyéthylène glycol d’alkylphenol : 0,78%
- Stickiness : +
- Moisture content: +

**CONSEQUENCES**

**Health hazards**

Référence Product : Xn R36 R48/22
Illegal Product : Xn \textit{cat 3 R40}

Safety precautions for the user are under-evaluated and do not appear on the label

**Environmental hazards**

Naphtalène >1% Classement N

**For treatments implementation**

Variation in terms of viscosity and humidity can affect the product's quality and performance

M. Boureau – H. Gillet \textit{OECD Pırı 19 MAY 2010}
Example of repackaging of IP products with a fake pesticide

Example of a glyphosate-based product

This import parallel product is authorised to import a product from the north of EU. Drums which we found on the market are sometimes single labelled but often double labelled: label of original manufactured product and label of the import parallel product (trade name)

Original manufacturer label
Import parallel label

Single label of import parallel product
Double label
M. Bourdeau – H. Gilet /BNEVP MB
OECD Paris 19 MAY 2010
Example of glyphosate based product with counterfeit label of the origin product

16.5 cm Original manufacturer label

13.8 cm Counterfeit label

VARIETY of BATCH NUMBER SORTS

INKJET MARKED BATCH

> ..... 438507 SEQ 1132 D.O.M. 21-MAY-08
  The only one confirms by the manufacturer

> ..... 190/06/08 D.O.M 06/08 D.O.E 06/2010

> ..... 256/08/08 D.O.M 08/08 EXP. 08/2010

> ..... 90412 D.O.M 09/09 DEX. 09/2011

> 15/06/2008 02:32

BATCH NUMBER STICKER
Three additional infringements have been noticed during this inquiry:

First, a common one: The parallel import product is authorized for importing products from several EU countries where they are registered. But, to increase margin profit, the importers buy on the market a product from another EU country, which is not exactly the same (impurities, concentration, co-formulants ...)

Second: counterfeit the import parallel label so that both labels on the double labelling drums are counterfeited.

The counterfeit of the import parallel label is smaller and is written with different block letters. It even displays spelling mistakes like “glyphosphate” instead of “glyphosate”.
Third: The product which is sometimes formulated in Europe by a chemical manufacturer is packaged without a standard label, just showing the name of the active substance. Labelling operations are done mostly on demand in the country of destination for example during a stop in the transportation company warehouse.

Suspected networks of illegal plant protection products sold like parallel import product

Parallel importing companies buy active ingredients or formulated pesticides out of EU.

Chemical companies of service provision mix up and package the final pesticides in some countries into EU

Products are labelled on request in domestic area
Future undertakings for control improvement in EU

- Improve the control tools: continuous update database of PPPs (and parallel import PPPs) in each member state of EU with the same standard data
- Regular meetings with representatives of competent authorities to establish cooperation and get more effective exchange of information about counterfeit
- Harmonize the administrative and financial sanction in case of infringements
- Further development of the administrative inspections:
  - Controls towards final users, focusing mainly on buying groups or associations of buyers
  - Controls toward wholesalers and logistic transport warehouses
  - Increased level of information to the distributor
Practical means for better fighting counterfeit and illegal trade

- No repackaging awaiting the improvement of traceability in trade and require the origin manufacturer label on the package
- Ban the batch number stickers and require an inkjet batch on the drum
- Print the batch number of the origin product on the supplier invoice
- Plan a post-registered survey on PPPs chemical content
- Introduce a more effective anti-counterfeit protection by industry

M. Boureau – H. Gillet \OECD\ME
OECD Paris 19 MAY 2010

Seminar
Risk Reduction through Prevention, Detection and Control of the Illegal International Trade in Agricultural Pesticides
PARIS, Wednesday 19 May 2010
OECD

THANK YOU FOR YOUR ATTENTION

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Provisions related to exports of chemicals in the European Union arising from implementation of the Rotterdam Convention

Jürgen Helbig
European Commission
DG Environment

Content

1. Obligations under the Convention
2. Responsibilities in the EU
3. Chemicals
4. Provisions on exports
5. Provisions on imports
6. Controls
7. Monitoring and reporting
Rotterdam Convention

Key trade related obligations are:

- Exporting Parties shall notify importing Parties the export of banned or severely restricted chemicals.
- All Parties shall establish import decisions for chemicals listed in Annex III to the Convention.
- Exporting Parties shall ensure compliance of exporters with the import decisions.

Regulation (EC) 689/2008


Regulation (EC) 689/2008 – Responsibilities in the EU

**European Union**
- European Commission is common DNA for EU, working in close co-operation with DNA of Member States.
- European Commission manages the database EDEXIM.
- The European Commission establishes PIC notifications in consultation with and also on behalf of Member States.
- European Commission co-ordinates EU participation at international level (e.g. CoP, CRC etc.).

**Member States**
- Each Member State has a Designated National Authority (DNA) responsible for implementation, e.g. processing of export notifications and requests for explicit consent.
- Customs are responsible for export/import controls.

---

Regulation (EC) 689/2008 – Chemicals

**Chemicals covered:**
- Chemicals that are banned or severely restricted (BOSR) in the European Union
- Chemicals that are listed in Annex III to the Rotterdam Convention

- The Regulation establishes subcategories of “convention use categories” so as to cover more chemicals.
Regulation (EC) 689/2008 – Chemicals

The Regulation differentiates 3 categories of chemicals:

- Chemicals banned or severely restricted (BOSR) in a subcategory of a convention use category (Annex I Part 1)
- Chemicals banned or severely restricted (BOSR) in a convention use category (Annex I Part 2)
- Chemicals included in Annex III of the Convention (Annex I Part 3)

Regulation (EC) 689/2008 – Provisions on exports

Lists of chemicals and obligations:

- Annex I Part 1 - chemicals subject to export notification (BOSR within the EU in at least a use subcategory)
- Annex I Part 2 - chemicals subject to the explicit consent procedure (BOSR within the EU in a Convention use category)
- Annex I Part 3 = Annex III of Convention, i.e. chemicals subject to the PIC procedure
Regulation (EC) 689/2008 – Provisions on exports

The export notification

- Requirement applies to chemicals in Part I of Annex I exported to any country and irrespective of use.
- Annual notification by each exporter before first export of a chemical (information as per Annex II). Notification from the first exporter each year forwarded by Commission.
- Central register of notifications on EDEXIM.

Regulation (EC) 689/2008 – Provisions on exports

The explicit consent procedure

- is applied for all chemicals that are banned or severely restricted (BOSR) in a convention use category (Annex I Part 2),
- is applied for all PIC chemicals for which no import decision from the importing country is published (Annex I Part 3),
- requires the explicit consent of the importing party before the export can take place.
Regulation (EC) 689/2008 – Provisions on imports

- The European Commission adopts decisions to establish EU import responses for chemicals subject to PIC procedure on basis of existing EU legislation.
- If necessary, consideration of EU measures to deal with risks presented by chemicals concerned on the basis of the DGD distributed by the Secretariat.
- European Commission receives export notifications from third countries and informs Member States and publishes them on EDEXIM.

Regulation (EC) 689/2008 – Controls

- Authorities in Member States such as DNAs and customs offices are responsible for controlling and monitoring exports and imports of chemicals listed in Annex I.
- Targeted and co-ordinated control of compliance, with regular reporting by Member States.
Regulation (EC) 689/2008 – Controls

Tools for the control of exports:

- Reference Identification Number (RIN)
- Customs declaration
- EDEXIM (European Database Export Import of Dangerous Chemicals)
- TARIC (Integrated Community Tariff) database - flagging for custom officers who then can check in EDEXIM database.

The Reference Identification Number (RIN)

- is assigned for each export of a chemical in Annex I upon introduction of the notification in EDEXIM,
- will be activated if all requirements are met,
- has to be provided on the customs declaration,
- is used by custom officers for checking the approval status of the export in EDEXIM database.
Regulation (EC) 689/2008 – Monitoring and reporting

- Exporters and importers to provide annual reports on quantities of chemicals traded.
- Member States to forward annual national reports to European Commission, which publishes an overall summary on EDEXIM.

Regulation (EC) 689/2008 – Information

Exhaustive information on implementation, legal aspects and chemicals is available at:
http://ec.europa.eu/environment/chemicals/pic/index.htm
http://edexim.jrc.ec.europa.eu
Thank you very much for your attention!
Presentation 8
CropLife International
D’Arcy Quinn

Counterfeit & Illegal Pesticides smuggling
caused by unregulated international trade

Solution:
Customs and Pesticide Regulators working together
within countries
between countries

False statements in pesticide documents

What should pesticide regulators do?
Withdraw registrations?

What should customs do?
Seize product?
Smuggling?
International shipping - customs
Crisis at import - pesticide documents

Issue: No links between export & import documents for pesticides

Solution: Link shipping documents (export to import)

Import customs need to know if the active ingredients / pesticides are:
• legal
• registered
• what is stated on the import documents (!)
• from legal exporters
• from legal factories
  Registered with ICAMA

SUPPORT ICAMA regulations and database!

Pesticide regulators
Crisis: “Fake factories” making pesticides

Issue: Factories don’t always exist

Solution: Transparency in regulatory documents

Do the regulators know the AI manufacturer?
• Factory registered with ICAMA?
• Do regulators inspect the factories?

Support ICAMA regulations and database!
Responsibility

Who are the “Counterfeiters”?

Who is primarily responsible (liable) for counterfeit?

The actual Counterfeiters (obvious!)

Are they the only persons responsible?

Responsibility

Exporters of active ingredients to counterfeiters

Exporters: ‘We didn’t know dealing with counterfeiters’
           ‘Not our problem’
           And exporters continue to ship AI to counterfeiters.

Issue:    ‘Knew or Should Have Known’ exporting to counterfeiters?

Exporter Solution:  Know Your Customer – do not ship to counterfeiters

Legal trend of third party liability for counterfeits:

- eBay cases
- Tourists in airports
- Bankers
- Cigarettes
- Landlords
- Exporters of components for counterfeit?

Who will pay for storage and destruction costs of counterfeit pesticides and AIs?
Educate and work with exporters – Shanghai Export Fairs

‘Know Your Customer’

Initiate KYC program in China with exporters
Do not ship AI to counterfeiters in other countries
Government support from ICAMA

AI exporters might be responsible for:
- Storage/destruction costs
- Reputation damage to exporting country
- Potential arrest and prosecution

How to avoid shipping AI to counterfeiters
Paraguay –
First raid of illegal pesticide factory by regulators and police    April 9, 2008

Paraguay - April 9, 2008
Paraguay - April 9, 2008

Paraguay - Raid, April 9, 2008
Paraguay – customs action
Seizure: 16,000 Liters Glyphosate 41%, Port of Villeta

19 Nov 08

✓ Container contents fraudulently declared as Imidazole
✓ Seizure conducted by the Unidad Tecnica Especializada (UTE)

Facts:
- EXPORTER
  - Registered exporter in ICAMA, NOT manufacturer
  - Commercial invoice NOT authentic
  - EXPORTER website advertises the sale of Glyphosate
  - EXPORTER participated in the Shanghai Export fair

Issue: Who falsified the shipment documentation?
Answer: The importer

Paraguay – customs seizure of illegal AI
Paraguay
Paraguay – media coverage

Paraguay – customs action

Azoxistrobina (AZ) Disguised as Precursor Chemical
25 Nov 08

✓ Information received from government pertaining to a suspect shipment.
✓ Declared as (E)-2-(2-(6-Chloropyrimidin-4-Yl)oxy)Phenyl)-3-Methoxyacrylate, but suspected to contain AZ.
✓ Retention of product carried out by Prosecutor.
✓ According to “lab test” chemical was NOT AZ, but precursor chemical which requires no ICAMA or regulatory authorization.

Facts:
- Exporter listed in the internet as a clothing and shoe manufacturer, sent product to Paraguay by air via Miami.
- Commercial Invoice issued but companies do NOT exist.
- Sharp increase in counterfeiting of AZ related product thereafter!
Paraguay – media coverage

Paraguay – customs action
Multi-Container Seizure
16 Dec 08

- Three containers seized following departure from the Port of Villeta, product imported by XXX without pesticide regulatory authorization.
- Containing: 23,520 kilos of Methomyl 90%, 3,500 kilos of Flutriafol 80%, and 1,000 kilos of Imazethapyr 70%
- Seizure conducted by the Unidad Tecnica Especializada (UTE)

Facts:
- NO exporter or shipper declared on shipping documentation

Three manufacturers listed on packaging:
- TaiAn Tianyi Chemical Co. Ltd, China Continental (Methomyl)
  - NO ICAMA registration
- Shangyu Nutrichem Co. Ltd, China Continental (Flutriafol)
  - NO registrations in ICAMA for Flutriafol
- Pilot Plant of Shenyang Research Institute of Chemical Industry, China Continental (Imazethapyr)
  - NO ICAMA registration
Paraguay - seizure

Paraguay – examples of illegal pesticides seized
Destined for Brazil
Paraguay

Paraguay – media coverage

Habrá sido falsificada documentos para el ingreso de los agroquímicos

Decomisaron anochecer cerca de 30 mil kilos de agroquímicos en Villete
International trade

How to avoid AI being shipped to counterfeiters

**EXPORTERS** ➔ Know Your Customer

**IMPORTERS** ➔ Shipping documents correct?

**REGULATORS** ➔ Fraud in registration documents?

**CUSTOMS** ➔ Verify shipping documents  
                  ➔ Work with pesticide regulators

---

EU
imports of counterfeit pesticides

Lessons learned from Paraguay

Pesticide Documentation

European Union  
Case study  
January 2010
**EU**

- Hungarian customs
- German customs
- German BWA (Plant Protection)
- German Harbour Police
- Slovenia customs
- Lithuanian customs, police
- EUROPOL

**US**

- Homeland Security

---

**28th March 2009**

Truck carrying counterfeit cigarettes entering Hungary

Truck followed to warehouse

All shipments seized and found to comprise of counterfeit pesticides.

Documentation shows:
- Product shipped by Shenzhen BBRRR., Ltd (China)
- Product shipped on behalf of TRADECRAFT (Panama)
- Destination Customs warehouse, Nyiregyhaza (Hungary)
- Numerous previous shipments identified
9th April 2009 Budapest Airport 5:30 am

Hainan Airlines HU 481 arrives from Beijing

Airport Customs discover

COUNTERFEIT PESTICIDES
Documents states "Emulsifier"

Product not only mis-labelled counterfeite but...

**FLASHPOINT of 24°C**

Danger to aircraft

<table>
<thead>
<tr>
<th>Gefahrklasse</th>
<th>Flammpunkt</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>&lt; 21 °C</td>
</tr>
<tr>
<td>AII</td>
<td>21 bis 55 °C</td>
</tr>
<tr>
<td>AIII</td>
<td>&gt; 55 bis 100 °C</td>
</tr>
<tr>
<td>B</td>
<td>&lt; 21 °C, bei 35 °C mit Wasser mischbar</td>
</tr>
</tbody>
</table>

**Corresponding documentation:**

Schenzen RRRRR

**FALSE:**

Consignees

Descriptions

Panama?!
Invoice shows:

Product shipped by Shenzhen RRRRR Co., Ltd (China)

Product Shipped on behalf of TRADECRAFT (Panama)

Destination Customs warehouse, Nyiregyhaza (Hungary)

“EMULSIFIER” now known to be counterfeit pesticides

One document shows shipment of “Emulsifier” through Hamburg (GERMANY)

Again, bound for Customs warehouse in Nyiregyhaza (Hungary)
From documents: total known shipments of “emulsifier” only through Koper port: 283 tonnes (not seized!)

March/April 2009

Counterfeiters change routes
Three containers arrive at Koper but are re-routed via ports in Italy to Ukraine
Ukraine Seizure
July 11th 2009

3 Containers

COUNTERFEIT PESTICIDES

Used on food chain in Ukraine?
Export crops?

All “known” shipments to EU May 2008 – May 2009
17 individual consignments tracked
Exporter of counterfeit pesticides to the EU identified in Shenzhen, China:

Mr. XXXXX

Manager Shenzhen RRRRR Trading Co., Ltd. since November 2008

Previous employee of Shenzhen MMM Co.

26 June 2009

Mr. XXXXX, exporter of counterfeits states:

- He hides the “real” pesticide name
- He fully deals with customs to prepare for fake export license/documents

"Even if it was found by customs, I can solve these problems by paying officials RMB 2000 - RMB 5000 for each container".
Shenzhen RRRRR Co., Ltd
xxxx
xxxx
xxxx
xxxx
Futian District
Shenzhen City
China

Run by Mr. XXXXX

Europol meeting
Dec 15, 2009
Documentary evidence provided
Europol issue emergency “notification”
Jan 4, 2010
Hamburg seizure

24 tons of counterfeit pesticides

Three containers

Shipping documents show:

Three containers of counterfeit pesticides exported from China by one company:

Shenzhen MMMM

Prior employer of Mr. XXXXX
Questions for customs and regulators:

What should be done if documents, companies, and people do NOT exist?
   Stop import?
   Cancel pesticides registrations?

DANGER - HEALTH AND SAFETY!
   not just “trademark counterfeiting”
   example: counterfeit pesticides – re exported from Germany!
Next steps in prosecution?

Counterfeiters from China to EU have been identified.

What are the police, authorities, and regulators doing in the follow up of these identified counterfeiters?

New EU risk looks like Paraguay!

Counterfeiters will now ship only AI

Counterfeit packaging will be shipped separately

Solution: ICAMA database on exporters available to customs and regulators?

Solution: Should documents from export to import follow the AI and pesticides?