



star fruits

**OFFICIAL INFORMATION TO CHILEAN APPLE EXPORTERS AND
TO EUROPEAN UNION AND UNITED KINGDOM APPLE IMPORTERS:
2019 EXPORT MONITORING FOR CRIPPS PINK AND ROSY GLOW APPLES FROM CHILE**

The process of authorizing Cripps Pink and Rosy Glow planting in Chile is now completed. Control of parcels declared by growers is currently underway.

Each of the authorized Cripps Pink and Rosy Glow plantations have been associated with the official reference code of the orchard where the fruit was grown (CSG) subject to biosecurity regulation in Chile and granted by the National Plant Protection Organization of Chile (*Servicio Agrícola y Ganadero - SAG*).

Part of the authorization program developed in Chile is to make sure that each Cripps Pink and Rosy Glow apples exported outside Chile are complying with Plant Variety Rights regulation in Chile and abroad.

The process for monitoring the fruit exported from trees of both Cripps Pink and Rosy Glow that have been declared in Chile, to Star Fruits in regard to Cripps Pink and ANA in regard to Rosy Glow, during late 2018, is now being developed and implemented.

To ensure that there is limited additional administration required in the first year following the tree declarations, the reporting process is designed to be as simple as possible.

A key element of the process is the requirement for both exporters and importers to report the CSG number that has been declared in relation to the trees authorised for each grower property. Indeed, Chilean exporters and EU / UK importers should be aware that the fruit from both Cripps Pink and Rosy Glow trees in Chile that enters the EU and UK is protected by the EU Plant Variety Right for these varieties.

To ensure the compliance of exporters and importers with EU regulation regarding importation of fruits of varieties protected Plant Variety Rights within the EU, Star Fruits will offer a **Certificate of approval**. This certificate will be free of charge. The only obligations that exporters are required to meet, are:

- Informing their receivers in EU and UK of the details of every shipments to those destinations so that importers can demonstrate at any time to Star Fruits the authorized origin of the fruits; and
- Reporting the CSG numbers and fruit volumes shipped outside Chile to Star Fruits on a monthly basis and at any time upon demand.

Considering that this Certificate of approval is completely voluntary, exporters agreeing to the Certificate of approval and supplying the simplified information required, will ensure that access

to the EU and UK market is open for them without any restriction, except importing fruits from unauthorized trees, and notwithstanding Star Fruits' rights and capacity to require at any time upon demand to Chilean exporters and importers in EU and UK that they validate the authorized origin of the Cripps Pink and Rosy Glow apples imported into EU and UK from Chile.

To ensure that the European importers (EU and UK), who may report to Star Fruits upon request, have the CSG numbers, **all exporters** will need to ensure that the CSG numbers are included with each packing list that is prepared for an export load.

The full list of CSG numbers will be available on the website www.crippspinktreeschile.com. So it should be a simple process for both exporters and importers to check that the CSG numbers that have been provided by growers are for trees that have been authorised by Star Fruits and ANA.

If no guarantees can be provided in this respect to ensure the compliance of Cripps Pink and Rosy Glow apples entering in the EU and UK, notably by contracting the Certificate of approval or providing to EU & UK importers the CSG numbers in each packing list of shipments exported to EU and UK, Star Fruits

- Will implement random control, both at exporters and importers levels, and
- Reserves its rights to enforce EU regulations on importation of fruits of varieties protected by Plant Variety Rights, including activating Custom measures.

Star Fruits informs as well Chilean exporters and EU and UK importers that custom monitoring protocols will be implemented with the EU and UK customs, and

- **If fruits are being identified as being packed from unauthorised growers not part of the official list of CSG numbers,**
- **Or if Star Fruits can't obtain from exporters and/or importers the exact origin of the fruits entering into EU and UK,**

Then Star Fruits will activate the Custom measures, and fruits will be blocked at the EU and UK customs and rejected from any commercialisation within the EU and UK.

Star Fruits reserves also its rights to engage any legal action at destination in EU and UK based on the infringement of the Community Plant Variety Right of Cripps Pink and/or Rosy Glow varieties, and to require compensations from exporters and importers for the damages and costs suffered by Star Fruits in such situations.

The present communiqué is sent to you only to inform you of the current situation regarding the Cripps Pink and Rosy Glow varieties production in Chile and conditions for legally importing fruits in Europe and UK, as well as Star Fruits' position.

This communiqué contains no threat to economic actors in the supply chain, but

- Aims to legally remind those involved of the obligation that need to be met regarding the applicable regulations on Plant material protected by Plant Variety Rights within EU and UK, and
- Wishes to offer simple protocols to the industry players to develop and secure their activities in an environment that is respectful of the Intellectual Property rights of the variety owners.

Through these protocols Star Fruits is seeking to provide very clear direction in regard to Cripps Pink and Rosy Glow apples entering the EU and UK. At the same time Star Fruits is also demonstrating to breeders and variety owners on the one hand, and the international fruit industry on the other hand, the best balance of IP management to maximize their respective activities and interests regarding the introduction, evaluation and commercial development of new varieties, while complying with all applicable plant variety and trade regulations.

For more information:

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