

Presentation of the replies provided by the agri-produce traders to the evaluation on the Community Plant Health Regime (CPHR)¹

Brussels, 9 March 2010

➤ **Objectives and scope of the CPHR**

There is no 100% guarantee that Harmful Organisms (HO) will not be introduced due to difficulties to detect them and recognition of unknown HO. However, it is noted that the CPHR has partly prevented the introduction, establishment and spreading of HOs in the EU.

The current CPHR had a positive effect on plant health within the EU and on intra-community trade. Internationally there is a lack of reciprocity and recognition of the EU CPHR by third countries, resulting in Non-Tariff barriers for trade. A reform should reinforce the EU approach internationally and validate the efforts undertaken with a view to facilitate exports to third countries.

On improving scope and objectives of the CPHR opinion diverged amongst agricultural traders. Priority HOs need to be based on a pest risk analysis to determine the potential risk of the HO. The scope should be expanded to include mandatory surveillance of listed HOs and include laboratory and science support issues. The new regime should be enabled to detect potential new outbreaks before they pose a threat to the environment.

The propagation of HOs might not always be linked directly to the trade of plants and plant products but find its roots in other factors. Regarding the natural spread of HOs, one has to make a difference between human and non human assisted natural spread. Nematodes and insects for example can easily be spread by soil or air. Human assisted spread is due to more international trade / transport but also to non-trade related activities, such as tourism. As more people are travelling to farther destinations the risk of introducing HOs via this pathway should not be ignored.

Inclusion of invasive plant species in the regime of quarantine pests should be looked at in connection with the Convention on Biodiversity, EU and national non-native species strategies.

The reform CPHR needs to be co-ordinated closely with the marketing directives for seeds and propagating material and national certification schemes. Also principles of the EU environment policy and Community Customs provisions should be respected. In view of a change to a more hazard oriented policy for the placing of plant protection product on the market with regulation 1107/2009 attention should be devoted to the availability of an adequate and diversified tool box for the efficient combat of plant pests and diseases.

A common EU Plant Health approach needs to be followed in a reformed CPHR:

- improved information on current presence of HOs in the EU
- harmonisation or development of equivalent diagnostic protocols
- improved involvement and corporation with stakeholders
- integrate marketing directives and CPHR into one plant health regulation

Transparency of the notification system should be improved within the new CPHR. The Commission should develop better communication in the area of plant health and clarity on

¹ The presentation is based on replies provided by the CELCAA member organisations COCERAL, Europatat, FRESHFEL, SACAR and Union Fleurs

possible infringements. A Rapid Alert System similar to the RASFF is supported with some noting that inclusion into one system would be more efficient. Such a system should enable access of operators to information about consignments rejected and the motivation of the decision.

Revision of the CPHR should be targeted towards more focus on prevention and early action. More effective link and communication should be developed between MS to combat the potential risk of a spread and greater consistency in the application of the regime is required. To ensure better preparedness in order to prevent and control the introduction/spread of HOs the availability of up-to-date contingency plans by Member States (MS) and improve knowledge of private operators on HOs.

It has to be kept in mind that any extension of the scope of surveillance of the CPHR will definitely need more financial and human resources. In order to cope with the additional requirements a societal agreement must be reached to cover the costs. In order to achieve this public awareness on plant health issues need to be raised.

Furthermore, in view of the importance of the EU market in world trade as importing as well as exporting region any amendment of the CPHR has an impact on global level and should also be evaluated in the context of international agreements and conventions.

➤ **Organisational issues**

The structure of collaboration, responsibilities and delegation of tasks between European and national authorities and operators need to be clarified. Internationally it has to be stated clearly which authority in the EU is in charge of the different responsibilities listed under article 4 of the [IPPC Convention](#). On European level next to work sharing between European and national competent authorities the involvement of EFSA and EPPO should be determined. Furthermore, reflection of the delegation of certain tasks and duties to operators under specific conditions should be conducted.

Work sharing and delegation of tasks and duties to other bodies should be reflected upon in order to:

- provide incentives for timely reporting for outbreaks
- provide incentives for effective implementation of control measures
- improve the rapid alert and stakeholder accessibility to aspects of [EUROPHYT](#)
- improve training provided and funds available for training
- improve communication and consultation of stakeholders

➤ **Surveillance and categorisation of HOs**

Reliable information is more or less available:

- on scientific data for the biological impact of currently listed HO, their presence and their distribution
- on scientific data for the biological impact of HOs recently considered for listing, their presence and their distribution

With a list of 250 HOs it is important to prioritise HOs on a risk based approach taken also into account efforts undertaken by operators. For new HOs expertise needs to be developed, which takes time. Sharing of resources and knowledge between Member States (MS) is crucial.

Possibilities to improve the level of surveillance of HOs at EU/MS level:

- reduce number of listed HOs
- change the approach for structuring annexes I and II

- focus surveillance on priority HOs
- improve staff resources and training for national authorities
- enhance capacity building at MS level
- involve persons/organisations not belonging to competent authorities in surveillance and rapid alert/early warning systems
- develop a notification system informing and alerting competent authorities and operators on existing and emerging HOs

Such a notification system should provide an indication on the total number of interceptions for plant health phytosanitary issues reported by the EU Member States every year. An indication of the risk involved and bringing the number of interceptions in relation with the total trade volume of the product by country would avoid stigmatizing some origin countries or products and would avoid creating “false” problems.

In defining and implementing official measures for the eradication or containment of HOs difficulties were observed with delays in notification of outbreaks by MS and a lack of sharing eradication expertise between MS built up during national eradication campaigns.

EU emergency measures are considered to be effective in eradication of the targeted pests and in containing/reducing the respective pests. However, Member States do not implement emergency measures simultaneously and with the same rigour leading to a potential risk of introduction.

Pests for which containment is no longer effective or appropriate should be deregulated or moved from quarantine to regulated non-quarantine pest (RNQP) as the measures are not always in line with the policy to reduce or control the organisms concerned.

➤ **Trade facilitation**

Electronic phytosanitary certificates are not yet allowed for import, although the IPPC provides this possibility. It is time for modernisation and a change in this respect and to introduce and support electronic phytosanitary certificates, formalise the use of the EU communication documents, communicate on EU import requirements, in case of a risk analysis take the position of exporters into account and support MS in bilateral contacts with important trading partners. Communication and information on import requirements of the EU to third countries need to be improved, especially to developing countries. General information could be provided in the [Export Help Desk of DG Trade](#) and specific human capacity building could be provided through training programmes not only towards local competent authorities but also to private operators.

This results in better application by third countries, more trust in the guarantees given by them and leads to less incidents and lower costs.

Reduced frequency of checks is considered to be an effective measure to target resources from areas of a reduced/no risk to areas of greater risk. It also reduces unnecessary bureaucracy and costs. Reducing frequency of checks could be further extended with the operators taking over further responsibility via the approved trader scheme. In particular traders with highly perishable and fresh products (floriculture and fruit and vegetables) are very supportive of this approach and believe that it should become the general rule for the application of phytosanitary measures

The system of reduced frequency of checks could be further improved. Concerning criteria for eligibility pre-export checks carried out by the phytosanitary services in the country of export could be better recognised and officially taken into account so as to provide guarantees on the safety of the product, even if the minimum of 600 inspections in the EU

is not fulfilled. The list of products should be reviewed and adjusted by the European Commission and the Standing Committee on Plant Health twice a year, on the basis of up-to-date data and information, in order to better reflect the exact phytosanitary situation.

When introducing the system of reduced phytosanitary checks in 2005, the EU has given a clear signal of trust towards third countries in the quality and efficiency of their phytosanitary inspection services and that phytosanitary checks at the EU border should mostly be carried out focusing on risk-based criteria. The EU should promote this approach further during bilateral negotiations and in international fora (WTO SPS Committee, IPPC), to ensure that agri-produce is subject to phytosanitary checks based on their actual phytosanitary performance and on proven low-risks.

➤ **Imports**

Import controls at border level are considered to be effective in preventing introduction of HOs. According to agri-produce traders they do not need to be reinforced. The risk of introducing HOs with the import of bulk commodities is considered to be low. For bulk commodities, like cereals and oilseeds, rapid testing methods would improve cost effectiveness. These should be available for raw materials used in milling, malting and compound feed industry.

Concerning advantages of checks at the final destination instead of the point of entry bulk traders note that the goods could be transported to final destination before sampling and analysis. However, disadvantages could happen for bulk commodities in case of non-conformity. Fresh produce traders note that inspections should be focused at the growing sites and boundaries between infested and not infested areas rather than points of entry to better target risks and minimise the risk of a spread. In any case the possibility to have checks at final destination should not end up in practice in a double inspection as unfortunately is too often the case.

A more risk based imports inspection system would help to focus on risks of certain pathways and prevent the introductions of HOs. Once a particular risk is detected, efficiency can be further improved in the new CPHR in foreseeing to send EU inspectors into third countries for pre-clearance. This would avoid introduction of a certain HO into the EU, and avoid trade distortion.

➤ **Intra-community trade**

Plant health rules for intra-Community trade have been in overall not fully effective during the last 15 years in preventing the spread of HOs, but have been effective in ensuring the free circulation of plants/plant products within the EU.

The plant passport system provides sufficient guarantees that plant and products thereof are safe to move within the EU and the system allows sufficient traceability for plants and plant products within EU. well for fruit & vegetable and cereal seeds. For cereals not used as seeds it was considered as functioning not so well.

Problems remaining with the EU plant passport system concern the time needed in issuing a plant passport for bulk commodities. The plant passport system does not sufficiently consider risk analysis. Greater scope in reducing inspection levels exists for low risk crops (certain fruit and vegetables) and for products requiring phytosanitary certificates from the importing country. Resources should be directed to high risk areas or those for areas where there is uncertainty of the risk. There appears not to be adequate scope in the system for covering newly identified HOs, which are not listed, leading to slow reaction of the system and to take action. Pests for which containment is no longer effective or

appropriate should be deregulated or moved from quarantine to regulated non-quarantine pest (RNQP) regulation.

Agri-produce traders request to decrease the number of official checks and relax the rules on intra-Community trade, improve the risk analysis of the current system, improve staff resources/training for national authorities, improve resources for implementation of requirements, harmonise the plant passport document by having a standard form covering all HOs in the country of origin, simplify documentation requirements and improve traceability.

Agri-produce traders had diverging views on extending provisions to small producers and to final consumption goods. While bulk commodity traders (cereals, oilseeds and feed stuffs) requested to apply the same provisions to all, fresh produce traders asked for exemptions of small producers serving the local market and for products destined for the final consumption.

➤ **COSTS**

The fees are disproportionately high in relation to the produce value because of the quantity shipped, small mixed loads and controls on evenings of the weekend.

Application of fees under the CPHR results in a distortion of competition between MS given the different options provided by Directive 2000/29. Traders request full harmonised fee systems.

If the financial contribution from the Community was increased by 20% focus should be given to prevention at the source, namely more education and exchange of information to third countries. This might eventually lead to the recognition of control systems in third countries and, thus leading to fewer import controls. Moreover, one should focus on a more risk based approach for listing HOs.

If the Community financial contribution was to be decreased by 20% less priority should be given to the distinction between propagating material and consumption products.

➤ **Concrete cost examples**

- **Fruit and vegetable sector (information provided by FRESHFEL)**

- **Official registration of producers, warehouse, importers of plant products:**

- ITA: Registration fee 100,00 €

- Periodic subscription to Italian RUP 25,00 €

- **Border control:**

- Minimum phytosanitary fee 31,50 €

- **Use of an official plant health certificate:**

- Minimum health certificate fee 55,28 €

➤ **BENEFITS OF THE CPHR**

The CPHR is very important and beneficial for the intra-community trade. For the (re)export to third countries the CPHR offers no guarantees, if there are no HOs in Europe.

➤ **OPPORTUNITIES FOR IMPROVEMENT OF THE COST-BENEFIT BALANCE OF THE CPHR**

- **Opportunities for a cost reduction with equivalent or increased benefit** include reduced frequency for one or more obligations, the delegation of one or more obligations, the improved balance of cost sharing between public authorities and

private operators as well as additional synergies with obligations imposed under other EU legislation

- **Opportunities for a increased benefits with equivalent costs** include improved plant health controls by inspection services and private operators as well as improved preparedness fro emergency situations.
- **Opportunities for the extension of the scope of the current CPHR** include the consideration of Invasive Alien Species that have an impact on human health, mandatory surveillance of listed HOs and laboratory and science support issues. Approved laboratories on plant health should be established in all EU MS.

➤ **SCIENTIFIC BACKGROUND**

Agricultural traders are not aware or research projects commissioned by DG research to support the CPHR.

Redefining the prioritisation of EU funded research activities and increasing the co-operation within the community of researchers should be considered in order to improve the contribution of the EU funded research in plant health to the achievement of CPHR objectives.

Areas for innovation and research would amongst others be in improving the testing methods. Next to rapid test for bulk commodities as mentioned above alternatives need to be found to the egg plant test needed to confirm bacterial diseases (e.g. ralstonia / clavibacter) after a positive IF/PCR test on potatoes. Such a test takes approx. 7 weeks which would result in a considerable economic loss if the blocked lot are seed potatoes, even if at the end the lot is given free.

➤ **OTHER ISSUES**

Protected zones and regionalisation

The EU regionalisation approach involving primarily protected zones is not adequate. With the increasing size of the EU a regionalised approach for certain import controls would be appropriate, e.g. for pests affecting citrus.

The protected zones principle should be upgraded so as to more closely reflect the Pest Free Area principle of [ISPM N° 4](#).

International aspects

The EU should take a lead in the IPPC to generate more harmonisation of protective measures at international level. This would validate the EU regime and its approach and avoid that plant health is used as a tool for protectionism. Traders would welcome international standards on protective measures to be taken to prevent propagation of HOs and determine quarantine measures which should be taken.

Fumigation of wood packaging material

Existing EU phytosanitary legislation lays down mandatory requirements for imported wood packaging material (WPM) for the control of quarantine pests. These rules are in alignment with those established under the [ISPM N° 15](#) of the IPPC. Approved measures are limited to heat treatment and methyl bromide fumigation an ozone depleting substance phased out under the Montreal protocol and banned in the EU from 18 March 2010 onwards. Alternatives need to be developed without delay to ensure EU phytosanitary requirements do not compromise the Montreal protocol and the EU ban and to safeguard against introduction of HOs into the EU via WPM .