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**MINISTRY OF AGRICULTURE
AND RURAL DEVELOPMENT**

Undersecretary of State

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In accordance with decisions taken during the Conference “Towards a New Plant Health” that took place in Brussels on 28th September, I hereby present remarks on recommendations included in the analysis of the current plant health legislation drawn up by Food Chain Evaluation Consortium.

1 Recommendation 1 - Invasive Alien Species

The protection of EU Member States against the introduction and establishment of invasive alien species must certainly be regulated at the EU level. Because of the overlap of invasive alien species and plant health regulations it seems justified to include such organisms in the phytosanitary legislation. However, this will not be achieved by a straightforward addition of invasive species to annexes of the Directive 2000/29/EC, because quarantine organisms regulations may not be directly applied to invasive species. This applies, in particular, to conditions of introduction and breeding of the species in EU Member States. The “zero tolerance” rule applies to quarantine organisms, which means that the organisms may be introduced and maintained in EU Member States only under strict surveillance for

scientific and research purposes. This rule does not apply at the moment to invasive alien species which may be used for amateur growing, collecting and as ornamentals. On the other hand, inclusion of invasive organisms into plant health regulations must not weaken the current regime for quarantine organisms. Therefore, this topic must be thoroughly analysed. It seems, that phytosanitary regulations may apply to those invasive alien species which have impact on plant health (direct or indirect), as suggested in point *ii* of recommendations. Inclusion into the regime of those invasive alien species that have impact of the environment (option *iii* of recommendations) would require a deeper intervention into the current phytosanitary legislation.

2. Recommendation 2 - Natural spread of quarantine organisms.

Natural spread of quarantine organisms is an obvious consequence of their introduction into a new area. In the light of preventing the damage caused by quarantine organisms, it is not important whether the organism occurred in the new area as a result of artificial introduction or natural migration. Therefore, it is not clear why the prevention of natural spread of quarantine organisms would not receive financial support. The current legal situation may have negative impact on the effectiveness of control and prevention of spreading of quarantine organisms established in certain EU territories. This element of current regulations should be revised under the new plant health strategy (point *iii* of recommendations).

3. Recommendation 3 - Regulated non-quarantine pests - RNQPs

Phytosanitary regulations are intended to, first of all, protect EU Member States against the introduction and establishment of organisms harmful to plants – quarantine organisms. Moreover, the regulations constitute a legal basis for control of the organisms, once they become established. The basic rule applicable to quarantine organisms is zero tolerance – the organisms must be eradicated every time they are found, regardless of the degree of infestation.

Different rules apply to harmful organisms that have impact on the quality of propagation material. Presence of the organisms in propagation material is not acceptable (organisms listed in Annex II to the Directive 2000/29/EC) or tolerated to a certain degree (organisms listed in seed legislation). The purpose of the regulations is to guarantee appropriate conditions for ware production by delivering top-quality, healthy propagation material. At the same time, having regard to the fact that occurrence of the organisms in material other than propagation material is not regulated, seed material quality regulations have limited impact on the prevention of spread of such organisms.

Since objectives of phytosanitary and seed quality regulations are different, it is not advisable to transfer provisions on harmful organisms from the seed legislation into the phytosanitary

legislation. If organisms to which the zero tolerance rule does not apply are covered by phytosanitary regulations, clear-cut quarantine rules may be unnecessarily disturbed.

At the same time, the current legal situation in which harmful organisms are regulated by both the phytosanitary and the seed quality legislation is unacceptable. Therefore, the right solution is to transfer provisions on non-quarantine organisms that have impact on seed material quality from the phytosanitary into the seed legislation. Nevertheless, one must notice that seed quality regulations do not foresee border import controls, thus organisms transferred from the phytosanitary legislation would be excluded from the import regime. In order to ensure equal treatment of plant propagation material produced in EU Member States and such material from third countries, in particular nursery material, it is necessary to adopt the equivalence rule.

4. Recommendation 4 - Prevention strategies at import

The proposal in point *iv a* of recommendations stipulating that certain plants must be subjected to post-import control for latent forms of quarantine organisms, raises doubts. Execution of the proposed solution is difficult as such plants are moved freely between EU Member States; once imported plants are traded (customs exemption), such solution is impossible to execute in practice. Thus, the solution may be applied to a limited extent only to certain plants and should entail blocking of movement of such plants until the control for latent forms of quarantine organisms is completed. Broad application of such practice entailing blocking of movement of imported plants may have significant negative impact on international trade relations.

5. Recommendation 5- Intra EU surveillance

It seems justified to lay down at the EU level general rules and guidelines concerning surveillance of plant health and reporting of surveillance results (point *ii* of recommendations). This would facilitate the coordination of phytosanitary activities at the EU level and the assessment of the phytosanitary status of Member States. It would also be advisable to improve the detection notification system for quarantine organisms. However, having regard to differences between Member States, in particular differences in the crop structure and in the share of individual crops in the crop structure, such rules and guidelines should ensure sufficient flexibility in order to prevent high surveillance costs disproportional to expected results. For instance, depending on the crop structure (large number of small farms / small number of large farms) the obligation to control a certain percentage of the surface area of a crop may bring about completely different results and generate different costs.

6. Recommendation 6 - Plant passport system

Without question, the EU plant passport system needs to be changed. In particular, effort should be made to harmonise plant passports issued in different member states, to improve their identification (point *iii* of recommendations) and to harmonise rules of issuing plant passports (point *ii* of recommendations). Harmonisation and strengthening of surveillance rules of plant passports issued by authorised operators should be considered. The purpose of this exercise is to improve reliability and identification of the documents.

7. Recommendation 7 - Tightening the system of Protected Zones

It would be advisable to change the current system by introducing time limits for protected zones. This will eliminate the risk of maintaining protected zones in spite of the presence of quarantine organisms for which the zones were established (point *i d* of recommendations). Also, quarantine organism control schemes in protected zones should be harmonised on the European Union level (point *i c* of recommendations). This will improve reliability of protected zones and harmonise the regime applicable in the zones at the EU level.

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