

COURTESY TRANSLATION

Note from the French authorities to the European Commission

Directorate-General for Health and Consumer Protection

(DG SANCO E.7)

Concerning: the positions of the French NPPO regarding the various options envisaged for changes in the CPHR in January 2011

The French phytosanitary authorities have the honour of informing the Commission of the positions of the French NPPO with regard to the 15 recommendations formulated by the FCEC (Food Chain Evaluation Consortium) for changes in the Community Plant Health Regime (CPHR) and their possible inclusion in the impact study to be conducted in the first half of 2011 (cf. in italics the options put forward by the FCEC in the document "Working Document for the Conference 'Towards a new plant health law', Brussels, 28 September 2010", the options favoured by the FCEC being indicated in bold typeface).

The present note clarifies the position document of the French authorities on changes to the CPHR (hereinafter referred to as the "French strategy") communicated on 23 September 2010 and attached to this note.

This note includes in particular the positions adopted by the French NPPO in the meetings of the COPHs on 8 and 9 November, 30 November and 1 December 2010.

Encl.:

- Position note of the French NPPO on the evaluation of the Community regime (the "French strategy") communicated on 23 September 2010 to DG SANCO, Unit E7.
- Expert evaluation by the French national plant protection laboratory (LNVP): List of invasive alien plants to be given priority consideration in the revised CPHR (in French only).

I. Recommendations not formulated by the FCEC

1) At the outset, formulation of an additional recommendation “**Placing prevention at the centre of the plant health regime by associating and empowering industry professionals and defining the respective responsibilities and obligations of private operators and inspection services**” appears to the French NPPO to be indispensable because the fundamental issue of the empowerment of industry professionals is addressed in the 15 FCEC recommendations only indirectly in connection with the compensation providing an incentive for effective implementation (recommendation 9) and with protected zones, where involvement of the stakeholders is judged to be necessary to improve the system (recommendation 8).

For that, the French NPPO considers it necessary to encourage industry professionals to define and implement good practice either collectively or individually (cf. focal point 5.a of the French strategy).

This is so because the general health consultation process [*États généraux du sanitaire*] held in France from January to April 2010 underscored the advantages of action by agricultural actors in preventive approaches, which may involve changes to usual practice and organisation. Generally speaking, any system of “good practice” that can be defined collectively across a sector using guides is an integral part of prevention schemes.

Furthermore, major producing enterprises or enterprises active far upstream in the production chain should be encouraged to put in place an organised system for internal management of phytosanitary risk within the establishment concerned, the “phytosanitary management plan”. This new method of risk management should be included in the amended directive 2000/29/EC as a preferred alternative scheme for the management of phytosanitary risks. The development of such a preventive approach would lead to a strengthening of the responsibility of companies for carrying out their own-checks and a reaffirmation of official phytosanitary inspection as second-level action, the aim being to attain a better overall level of phytosanitary quality.

There is also a need to apply in the plant health domain the approach defined in regulation 882/2004/EC on official controls (cf. focal point 8.b of the French strategy), because such an approach would make it possible, as is the case in the food domain and to a degree in that of animal health, to define clearly at EU level the respective responsibilities and obligations of private operators and the control services (organisation, oversight of the possibilities for delegation of certain tasks, etc.).

In particular, industry professionals should at the individual level be explicitly:

- held accountable for defects in the health quality of material they place on the market (by analogy with the similar principle applied in the food sector in accordance with regulation 178/2002/EC),
- placed under an obligation to ensure traceability upstream/internally/downstream,
- placed under an obligation to recall/withdraw potentially contaminated plants and plant products,
- placed under specific obligations for each contingency plan/emergency measures,
- putting in place preventive programmes, notably by implementing good practice defined at sector level,
- able to choose to be part of an establishment approval system linked to fulfilment of conditions for the application of internal controls and adherence to good practice,
- subject to clearly defined conditions involving withdrawal of official approval and sanctions,
- eligible for compensation for economic losses suffered as producers on condition that they have adhered to good practice.

This is not a matter therefore of “transferring responsibility” to the industry, but rather of making explicit, in addition to the official controls as they currently stand, their obligations (good practice, internal traceability, own-checks, etc.) which until now have not been clearly imposed on them.

In parallel with this, where the control services are concerned:

- their responsibilities should be clearly defined along the lines of regulation 882/2004/EC;
- in particular, there is a need to clarify the conditions and procedures for delegation of official controls to other third-party control organisations (such as certifying bodies), especially where quality assurance is concerned (accreditation of such organisations, training, audits, etc.) and procedures for second-level checks by the NPPO;
- it would be appropriate to define the obligations for the training of officers charged with official controls;
- sanctions for serious breaches of Community rules should be envisaged for Member States (MS) that fail to abide by their obligations;
- and lastly, a harmonised fee system should be set up for all inspections leading to issuance of the plant passport (PP) with systematic revision of those fees to match the actual costs of the service provided for inspections of imported plant and plant products and for inspections performed in connection with PP issuance, in order to avoid distortions to competition between Member States (cf. focal point 6.c. of the French strategy).

This recommendation must appear explicitly in the impact study.

2) Further, the French NPPO considers that there is a need to formulate an additional recommendation **“Creation of a specific body for consultation by DG SANCO of the stakeholders on phytosanitary topics, associating the Member States, in order to improve communication with the industry”** (cf. focal point 5.b of the French strategy).

This is needed because exchanges of views with the industry sectors concerned should be systematic before any change is made to regulations (revision of lists of pests, control measures to be implemented, etc.), the aim being to permit greater empowerment and accountability for these actors and proper application of the regulations. Generally speaking, transparency is essential when supporting actions for prevention and control. Consequently, it would be appropriate to set up a special advisory committee on phytosanitary issues in order to improve the process for consulting the industry, and to associate the professionals with the definition of management methods as far upstream as possible and take their expertise into account, without however giving them decision-making powers.

There is no necessity in principle for what is a purely organisational recommendation to be included in the impact study.

3) From the standpoint of the French NPPO, a further additional recommendation should focus on the question of the **prioritisation of pests**, an issue that needs to be addressed explicitly. This is so because for high-priority pests consideration is being given to making surveillance mandatory (recommendation 5) and developing contingency plans (recommendation 6) without clarifying which **criteria are to be applied** for prioritisation.

However, the French NPPO (cf. focal point 1.a of the French strategy) considers that the first stage must consist of a definition of high-priority pests on the basis of the scale of their impact first and foremost on agriculture, horticulture and silviculture (main criterion) followed by their impact on the environment and public and private green spaces, according to their presence or absence in the European Union (EU), and finally the prospects for early detection and successful experiments in control and eradication.

The technical analysis of risk to plant health and the effectiveness of available methods of control must be supplemented by socioeconomic analysis as a tool to assist implementation of public policies (cf. focal point 1.a of the French strategy).

Pests can be categorised on the basis of these criteria. For example, in France the chosen option is to move towards the following categorisation:

- pests of general interest,
- pests of collective interest,
- pests of individual interest.

This recommendation must appear explicitly in the impact study.

4) The French NPPO recalls that there is a need to adopt as part of the future legislation (if not adopted immediately in the current context of directive 2000/29/EC) **measures specific to Ultra-Peripheral Regions (UPR)** in the relevant MS, and notably the French overseas *départements* (*Départements d'Outre-Mer* – DOM) (cf. focal point 7.d of the French strategy). To that end, it would be appropriate to draw up lists of pests for UPRs and to put in place a PP scheme specific to movement of commodities from the continental EU to the UPRs, between UPRs and within each UPR, while at the same time maintaining the obligation for systematic control at the point of entry (PoE) of the plants concerned when imported from the continental zone of the EU to UPRs. The French NPPO recalls that it has already had occasion in this connection to propose to the European Commission all the elements for the immediate adoption of such measures for French DOMs in the context of the present directive.

II. FCEC recommendations proposed by the European Commission for inclusion in the impact study

A. Recommendations expanding the scope of the regime

Recommendation 1: Invasive alien species

– *OPTIONS:*

- i. *Status-quo*
- ii. *Explicit inclusion of IAS plants of economic impact [direct and indirect impact on plant health] (e.g. invasive weeds) [clarification of application] – examples here would be *Cyperus esculentus* and *Striga* spp.;*
- iii. *Inclusion of IAS plants with wider/ environmental impacts (habitats and ecosystems) and/or economic impacts on wider range of stakeholders [Impact via plants on plant health and biodiversity] (this would include aquatic plants) – examples here would be *Hydrocotyle ranunculoides*, *Eichhornia crassipes*;*
- iv. *Inclusion of IAS with important human health impacts [Impact via plants on human health] - examples here would be *Ambrosia artemisiifolia*, *Thaumatococcus danianus*, and *Toxicodendron radicans*;*
- v. *Inclusion of IAS vertebrates with impact on plants [moving in the direction of the DG ENV IAS strategy] – an example here would be the grey squirrel (*Sciurus carolinensis*).*

– *PROPOSAL: Include in IA*

– *REASON: Significant impacts possible of full alignment with IPPC scope on resources of Commission and Member States for implementation of plant health regime*

The French NPPO favours the explicit inclusion in the future CPHR of invasive alien species (IAS) with a major economic or environmental impact. Indeed, the CPHR must be part of the IPPC framework and its definition of pests (“any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products” in ISPM 5). The scope of the CPHR should be identical to that of the IPPC, which covers crop plants and wild flora, and take into account the direct and indirect effects of pests (cf. focal point 10.b of the French strategy).

As a consequence, the French NPPO rules out option i. (given that invasive alien plants are not currently explicitly included in the CPHR despite the fact that they can be pests as defined by the IPPC) along with option iv. (because invasive alien plants included in the CPHR must be organisms harmful to plants, i.e. they must have an impact on plant health).

Conversely, option v. can be envisaged for invasive alien vertebrate species with a principal impact on plant health. The example given does not however match this criterion. This is because the grey squirrel *Sciurus carolinensis*, although responsible in the forest habitat for damage to trees due to bark removal and in urban environments for damage to gardens, is essentially prejudicial due to the fact that it is the cause of the disappearance of the red squirrel *Sciurus vulgaris* in areas where it has been introduced. The main impact of this species is therefore on animal biodiversity. For this reason, its relevance in the plant health regime is not self-evident.

In the case of invasive alien plants (IAP), two options may be envisaged in the context of the IPPC: option ii. (IAPs with economic impacts) and option iii. (IAPs, including aquatic plants, with wider/environmental impacts). However, one of the principal conclusions of the general health consultation process in France [*États généraux du sanitaire*] was the necessity of ranking the degrees of priority of pests in terms of the phytosanitary risk they pose. This position was supported by the French NPPO as the first of the 10 ways forward for improvement for overhaul of the CPHR (cf. focal point 1.a of the French strategy).

As a consequence, the French NPPO feels that it is necessary to identify the IAPs that constitute high-priority pests and to draw up:

- a list of high-priority IAPs that could be included in the revised CPHR if option ii. (economic impact) is chosen,
- a list of high-priority IAPs that could be included in the revised CPHR if option iii. (wider/environmental impacts) is chosen.

The criteria to be taken into account are notably the importance of the phytosanitary risk posed by the relevant species and the limited geographical spread of those IAPs in the EU. This is so because while prohibition and control of trade is relatively easy, especially for ornamental plants, official control for the purposes of eradication or containment may prove to be very costly, and thus represent an expense out of all proportion, in the cases of very widespread IAPs in the geographical areas concerned. Restriction of control to plant nurseries in the cases of certain IAPs might however be envisaged.

Consequently, it would be necessary to determine for each of the species under consideration in these two lists (options ii. and iii.) whether it is:

- absent from the territory of the European Union (EU),
- virtually absent from EU territory,
- fairly widespread in the EU (the use of the Protected Zone system might be envisaged in this case).

Additionally, it would be necessary to determine whether the IAPs included in the proposed lists are terrestrial or aquatic species, since control may prove to be particularly problematic in the latter case.

An analysis conducted by the LNPV [*Laboratoire national de la protection des végétaux* / French plant health laboratory], attached to this note, has led to the identification of 22 IAPs with a major impact on agriculture or the environment and limited distribution in the EU. The 22 IAPs might thus be compatible with quarantine status (4 IAPs absent and 18 virtually absent in the Community territory). Three of those IAPs have been subjected to a pest risk analysis (PRA) at the level of the EPPO region and could therefore be included as a priority in the revised CPHR (*Eichhornia crassipes*, *Polygonum perfoliatum* and *Pueraria lobata*).

The French NPPO would also wish see the introduction into EU territory of new alien biological control agents placed within the scope of the CPHR, pursuant to the International Standard for Phytosanitary Measures (ISPM) No. 3 (cf. focal point 10.b of the French strategy). The entry into the territory and introduction into the environment of non-indigenous macroorganisms useful to plants, notably in furtherance of biological control, should be subject to prior authorisation issued on the basis of a pest risk analysis (PRA). Such regulations must be adopted at Community level given the free movement of goods within the EU, the natural spread of certain of these biological control agents and the fact that all MS should possess the same alternative methods of control.

Recommendation 3: Regulated non-quarantine pests (RNQPs)

– *OPTIONS:*

- i. Status quo (PH remains quarantine regime, with some improvements);*
- ii. Zero tolerance regime: manage RNQPs by positioning within PH regime all HOs for which zero tolerance is required;*
- iii. Specified tolerance regime: introduce RNQPs with threshold levels other than zero within the PH regime, as a specific Annex to the Directive 2000/29/EC.*

– *PROPOSAL: Include in IA*

REASON: Amendment of scope of CPHR versus S&PM regime (options ii and iii) may have significant impacts on the volume/costs of import controls (no import controls required for harmful organisms if only regulated by S&PM regime). Combining inspections and certification for both regimes may be more efficient and reduce the administrative burden.

The Community Plant Health Regime (CPHR) and the regime for the marketing of seed and plant propagating material (S&PM) are responses to two different objectives:

- The CPHR is aimed at protecting territory (avoidance of geographical spread of the relevant pests), and therefore at defending the general and collective interest,
- S&PM is aimed at protecting the purchaser (guaranteeing quality, notably the phytosanitary quality, of goods purchased), and therefore at defending individual interests.

The French NPPO does not favour options ii. (zero tolerance regime) or iii. (specified tolerance regime), because this would amount to including in the CPHR provisions not relating to territorial protection and would compromise the clarity of the different scopes of the two regimes.

The French NPPO considers that it would be necessary to retain in directive 2000/29/EC only those pests with a rightful place in a quarantine regime, but that reciprocally all pests with their rightful place in a quarantine regime should be listed in this directive, which amounts to a preference for option i (the status quo) with some improvements.

Therefore (cf. focal point 1.c of the French strategy), the pests that it is no longer appropriate to retain in the CPHR because they are not the subject of official control by MS with a view to their eradication or containment should be transferred from directive 2000/29/EC to the directives on the marketing of seed and plant propagating material.

Likewise, duplication of pests present in both directive 2000/29/EC and S&PM marketing directives must be resolved by transferring on a case-by-case basis all the provisions to one or other of the regimes in accordance with the chosen objectives.

In any event, such transfers need to be discussed on a case-by-case basis, pest by pest. Additionally, particular vigilance must be exercised with regard to species for which plants may be marketed at differing levels of quality (e.g. fruit-bearing species) because the potential impact of such transfers is more complex in this case.

In the view of the French NPPO, there is also a need to ensure greater coherence in Community provisions on plant health and on the marketing of seed and plant propagating material (cf. focal point 10.a of the French strategy), in order to simplify the application of the regulations by the actors concerned, and to reinforce the effectiveness and cost-efficiency of inspections, without compromise to the stringency of phytosanitary requirements.

In particular, in order to avoid duplication of inspections for material subject both to the plant passport (PP) and to marketing requirements (certification, most notably) there is a need to ensure that phytosanitary controls can be delegated to certifying bodies and vice versa without regulatory impediment.

Conversely, it would seem to be difficult to imagine a merger between the inspection systems instituted under directive 2000/29/EC and the marketing directives. This is so because for seed and plant propagating material the controls differ according to level of quality (e.g. fruit species material) and may depend on the stage in the chain of propagation. Nevertheless, the obligations relating to quarantine pests must be applied identically irrespective of the level of quality of the material concerned.

However, for enhanced effectiveness, encouragement should be given whenever possible for the physical merger between the plant passport (PP) and the certification labels defined by the marketing directives. This option is particularly advantageous in cases such as that in France where the PP controls are delegated to certifying bodies.

Similarly, the PP and certification labels should be attached to the same entities and therefore to the commercial units as is already the case under the marketing directives (cf. recommendation 7 on the PP in this note).

Finally, more systematic use should be made of laboratory testing in connection with the PP as is the case for the marketing directives, and the terminology and definitions used in the two regimes should be identical.

B. Recommendations substantially modifying existing elements of the regime or expanding obligations

Recommendation 5: Intra-EU surveillance

– *OPTIONS:*

- i. Status quo (with emphasis on improving enforcement);*
- ii. Development of common principles and guidelines for harmonized surveillance and reporting;*
- iii. General surveillance mandatory at EC level for priority HOs (other than Emergency Measures and Control Directives) (agreed at EC level and carried out by MS; covering areas where pests could be established);*
- iv. Introduction of co-financing for surveillance.*

– *PROPOSAL: Include in IA*

– *REASON: Significant impacts possible on MS and EU budgets for plant health*

The French NPPO favours options ii. (cf. focal point 2.b of the French strategy), iii. (cf. focal point 2.a of the French strategy) and iv (cf. focal point 2.d of the French strategy).

It is thus necessary to ensure general surveillance of the phytosanitary situation of the territory of the EU using formalised surveillance networks and phytosanitary horizon scanning (cf. focal point 2.b of the French strategy). This is so because a formalised and responsive epidemiological surveillance network is imperative if a rapid and effective reaction is to be triggered in the event of detection of pests, such that their spread and economic impact can be limited, especially when detection involves an emerging pest. Such a network must allow the development of international horizon scanning in order to foster cooperation between countries and international decision-making. General guides could provide guidelines or recommendations for such general territorial surveillance. The implementation of surveillance of this kind is already planned under the directive on sustainable use of pesticides in order to improve farmers' knowledge of pests that degrade quality, with a view to targeting and reducing treatments.

Furthermore, the French NPPO considers it necessary to make explicitly obligatory the surveillance of pests identified as having high priority for the EU (cf. focal point 2.a of the French strategy). This is needed because except in certain specific cases, notably in Community decisions, the surveillance plans specific to certain plants or pests are implemented as and when needed by NPPOs. This approach is inadequate for real knowledge of the phytosanitary situation of EU territory, especially with regard to all the pests representing a threat to the entirety or to a large part of the EU. For such obligatory surveillance of pests of priority importance for the EU, minimum arrangements must be imposed at Community level in order to provide basic guarantees for all MS.

And lastly, the French NPPO feels that it is absolutely necessary to allow the EU's solidarity funds to be mobilised for the financing of such mandatory surveillance of pests identified as having high priority (cf. focal point 2.d of the French strategy). Such a principle of co-financing of mandatory surveillance would in fact send out a positive message that prevention is defined as a core component of the new regulations.

The French NPPO also feels:

- that it is necessary to involve in surveillance and rapid response systems individuals and organisations that are not part of the competent authority (cf. focal point 2.c of the French strategy). This is needed because the organisation of cooperation between all industry actors concerned with phytosanitary policy, encouraging them to belong to such formalised surveillance networks and emphasising the benefits they would derive therefrom, could constitute a pragmatic and effective method of enhancing general surveillance. Where the risk justifies it, those networks should be extended to include non-professional actors present on the ground such as local authorities, given that territorial communities have their own specific powers;
- that, as a consequence, those actors should be involved in programmes of training and follow-up to laboratory testing;
- that the future legislation should contain an explicit definition of the responsibilities of the holders of plants in terms of surveillance and declaration of quarantine or emerging pests, as is the case in the food sector under regulation 178/2002/EC;
- that the general public should be made more aware of phytosanitary issues by means of information campaigns, including in schools, since this can play a not insignificant part in the detection of outbreaks, especially those involving certain easily identified insects;
- that it would be necessary to develop a system of notification (outbreaks, new discoveries) similar to the Rapid Alert System for Food and Feed (RASFF) for contaminated lots or the system that exists in the animal health sector (Animal Disease Notification System – ADNS) for the notification of outbreaks (cf. focal point 2.e of the French strategy);
- that there is a need to have drawn up an annual EU overview (mapping and raw data) with particular attention being paid to protected zones and areas where pests classified as absent are occasionally present (cf. focal point 2.f of the French strategy). This overview could for example be provided by the Food and Veterinary Office (FVO).

Recommendation 7: the Plant Passport (PP) system

– *OPTIONS:*

- i. *Status quo (with emphasis on improving enforcement);*
- ii. **Revise the scope of application, in terms of:**
 - α. Adjust and define application specificities, e.g. lot or individual plant, source and species to improve transparency and administrative manageability;*
 - β. Define stage of marketing chain to which plant passports should apply (chain extends from importer/grower to final consumer);*
- iii. **Harmonise plant passport document;**
- iv. *Setting up an EU wide database.*

– *PROPOSAL: Include in IA*

– *REASON: Revision of the plant passport system may have significant impacts on administrative burden for private operators*

The French NPPO favours improvements to the system of the plant passport (PP) by means of option ii, which consists of a revision of its scope of application and option iii which is aimed at harmonising the presentational format of the PP document (cf. focal point 4.c of the French strategy).

Development of a harmonised model for the PP is indeed imperative. Such a model for the PP need not however be necessarily a single format irrespective of species or plant type. Indeed, it is possible for different but harmonised models to coexist in the EU (e.g. ligneous plants as distinct from vegetable plants, certified material as distinct from non-certified material, and so on).

Moreover, use of an identical logo for all MS would enhance the PP's visibility by standardising it, ensuring immediate recognition.

The PP must also be streamlined by including only essential mandatory statements. This minimum of information could be reduced to no more than the logo and a reference number to ensure effective traceability for the material concerned.

The PP must in fact now become a genuinely effective tool for traceability enabling immediate tracking back down the chain upstream or downstream in the event of the detection of a pest on material. As a consequence, the number that should appear on the PP should no longer be the “Individual serial, or week or batch number” (cf. directive 92/105/EEC) but a number such as the individual lot number or the lot registration number or the number of the accompanying document. That would in effect provide traceability even for enterprises that do not place commercial labels on their lots (e.g. small businesses, low value-added industry sectors, etc.). In any event, use of the number of the establishment alone can be seen to be inadequate for rapid and effective traceability.

Moreover, experience in the food domain (regulation 178/2002/EC) shows that an effective way of ensuring traceability is to place a clear obligation on industry professionals to put in place an upstream/internal/downstream system of traceability, to retain information on their suppliers and customers, and to make that information available for phytosanitary agencies.

Consequently, with regard to the replacement passport it would no longer be necessary to show the code for the producer or the importer registered on the initial plant passport. This would be so because that sensitive commercial information would be accessible when required through the internal traceability system imposed on the company. Only the marking “RP” might be retained on the replacement passport because it would enable identification of lots that have been subject to a potential phytosanitary risk.

A key issue for attaining the goals of traceability relates to the determination at Community level of the unit to which the PP should be attached. The optimum choice would in theory be to attach the PP to the smallest unit, i.e. the individual plant. This option can in fact be envisaged in certain cases such as fruit or ornamental trees. Conversely, this would not be reasonable for very small units in large quantities per lot such as seeds. A PP attached to each commercial unit (individual plant, tray, sachet, bag) in a lot (a number of units of a single commodity identifiable by its homogeneity of composition, origin etc., forming part of a consignment) might be enough if a clear obligation is placed on firms to ensure the traceability of the products they put on the market. Such attachment of the PP to the commercial unit would also make harmonisation possible with the marketing regime for seed and plant propagating material for which this option has been chosen for the attachment of certification labels.

Where option iv is concerned (“setting up an EU-wide database”), the French NPPO feels that this must be treated with caution. It is the case that for imports the registration using harmonised tools of all movements of plants on EU territory or in certain pre-export situations, along with real time data display, would make it possible to manage risk on a permanent basis and to take any corrective action that may be necessary without delay (cf. focal point 4.c of the French strategy). However, the issue of the cumbersome nature of the management of such a unified database arises for plants originating in the EU, especially if for reasons of traceability the PP must be placed on the individual plant. For plants not imported from third countries that must be accompanied by a PP, it can therefore be seen to be preferable to assert that the primary obligation of traceability should be placed on the industry. The professionals concerned must also be under an obligation to make available to the authorities the required internal traceability data as soon as a phytosanitary problem is detected. It might however be possible to envisage and it might be useful to build a EU database listing the producers subject to the PP requirement, especially those in the approval system (cf. below).

Lastly the French NPPO feels it to be necessary:

- to adopt a system of prior approval of establishments wishing to move plants subject to a PP requirement (cf. focal point 4.a of the French strategy), an approval that would be issued after verification of the capabilities of the establishment, especially with regard to internal quality controls;
- to control and harmonise the self-printing scheme for plant passports (PP), with criteria for the granting of this facility (e.g. existence of a phytosanitary management plan, a high confidence index for the establishment) and printing standards (e.g. placing and size of PP items) that are clearly defined, in order to have the necessary guarantees in place when this facility is used (cf. focal point 4.b of the French strategy).

This is so because the current PP system's credibility problem is that it allows it to be believed that the system provides an individual attestation of the phytosanitary quality of the material accompanied by a PP. However, that cannot be the case given that a minimum yearly inspection of establishments is insufficient to achieve that goal, which would in fact require individual checks on all material in movement.

In reality, the inspection of an establishment under the PP system must involve not only phytosanitary checks on the material present on the day of the inspection, but also – and above all – verification of the proper running of the establishment, that is to say of the conditions in which the plants and plant products are produced with a view to preventing phytosanitary problems. Such inspections must make it possible to feel confidence in the establishment's procedures throughout the year. The PP must reflect the confidence of the official phytosanitary services in the establishment. The PP must therefore evolve in the direction of an establishment approval system.

In order to restore the PP's credibility, there is a need to be more transparent as to the objectives it pursues. There is a need to be open about the fact that the PP system is not so much a product inspection system (along the lines of the phytosanitary certificate) but more a system for overall approval of the activities of establishments producing or selling the products (by means of a second-level check on their production procedures).

That approval should be issued following the inspection not only of the phytosanitary quality of the material present, but above all of the establishment's internal risk management system. The conditions governing issuance should be clearly defined (e.g. good practice, traceability, internal checks). This overall approval would be necessary for the establishment to be authorised to market plants and plant products subject to a PP requirement. It could be withdrawn immediately on detection of major non-compliance. Such non-compliance might relate not only to the presence of regulated pests but also to poor practice reflected in breaches of pre-established rules, hence a lack of confidence on the part of the phytosanitary authorities in the establishment concerned. Such approval would be prevention-focused since it would provide an option to the phytosanitary authorities to apply sanctions without needing to wait until actual detection of contamination. It would also make industry professionals more accountable.

The frequency of inspections would be modulated according to type of establishment, analysis of the risk by the phytosanitary authorities and the company's internal management (quality system). This system would thus encourage greater effectiveness in official inspections on the basis of enhanced clarity as to the control points and more effective targeting of establishments that pose risks.

Due to the substantial workload that can be foreseen for some small establishments (in the ornamental sector especially), a choice could be left to producers and resellers as to whether or not to participate in this approval system, in which case businesses choosing not to participate in the approval scheme would be subject to more stringent official control as a result.

Official control should apply at every stage in the marketing chain. The approval system could therefore be proposed to all establishments, including those selling to the end consumer such as garden centres, independently of the material to be found there. In the marketing chain, the PP should be imposed for all transfers of commodities between industry professionals (producers and

resellers, including garden centres). Conversely, the PP would not be imposed for sales by professionals to end users and professionals would not be under an obligation to ensure downstream traceability with respect to sales to end users (there would however be a need to encourage garden centres to do this voluntarily in order to facilitate product recalls if needed).

Subject to the legal feasibility of this, it would also be desirable, in the interests of greater accountability, to confer upon professionals selling plants and plant products accompanied by a PP liability for losses suffered by third parties due to regulated pests present on the material concerned, unless it could be proved that the professionals concerned had fulfilled all their obligations (reversal of the burden of proof).

There is also a need to place professionals under an obligation to withdraw/recall commodities from their customers if contamination is identified on the products they have placed on the market.

And lastly, a harmonised system of fees should be introduced for all inspections carried out in connection with PP issuance, and the level of those fees should be revised systematically to reflect the actual cost of the service provided in order to avoid distortions in competition between MS (cf. focal point 6.c of the French strategy). The cost of the PP would thus be transferred to the operators in all MS.

Recommendation 8: Tightening the system of Protected Zones (PZ)

– *OPTIONS:*

- i. *Status quo with improvements (enforcement):*
 - a. *Improve surveillance targets (more proportionate approach);*
 - b. *Involve stakeholders;*
 - c. *Harmonised eradication programmes;*
 - d. *Ending status on time (timing and procedure);*
- ii. *Moving to PFA concept:*
 - a. *Maintain PZ in addition to PFA;*
 - b. *Abolition of PZ system;*

– *PROPOSAL: Include in IA*

REASON: Revision of the PZ system links into the plant passport system revision

The French NPPO favours reinforcement of the system of Protected Zones (PZ) and its credibility; it therefore favours option i. along with its sub-options a, b, c and d (cf. focal points 2.f, 5.a and 7.a of the French strategy).

PZs should relate only to pests that are identified as being of high priority for the MS in which they are located. Those pests do not need to be of major importance for the EU as a whole; they need only constitute a severe threat for the economy or the environment of the areas concerned. Since the principle underlying the PZ concept (regionalisation) runs counter to the common market as such, each PZ must in fact be a genuine response to a priority issue for the MS wishing to establish it. As a consequence, the MS should no longer be content simply to show that the proposed PZ is free of the relevant pest, but should also provide proof that the PZ presents real and justified advantages. This option seems the most robust in terms of ensuring the credibility of the scheme.

Moreover, arrangements for mandatory surveillance in PZs should be introduced in the revised CPHR. This is so because, given that the concept of the PZ imposes constraints on countries wishing to market their products to the zone concerned, the MS where the PZ is located should itself shoulder some of the cost as compensation. It is of fundamental importance that the surveillance arrangements should be harmonised between MS to ensure fair sharing of the costs between PZs and provide safeguards that will strengthen their credibility. Outside the minimum common core defined at EU level, a degree of flexibility must nevertheless be left to MS where the implementation of the mandatory surveillance is concerned.

Lastly, steps should be taken to ensure improved demarcation of PZs and minimum action for eradication should be defined at Community level. When an outbreak is discovered in a PZ, the time period before eradication is currently two years, and in the meantime trading by other operators can continue to other PZs, a state of affairs that should be remedied. More stringent measures should therefore be required, such as the immediate demarcation of a buffer zone around the contaminated area.

The restriction of the PZ system to pests of priority importance for MS wishing absolutely to protect themselves against those pests, mandatory surveillance of PZs in accordance with minimum arrangements defined at EU level and eradication measures defined for PZs at Community level should make it possible to arrive at a new and more satisfactory balance between the interests of MS with or without PZs for a given pest, since this would enable the burden to be shared more fairly.

The issue of a possible move from the PZ concept to the PFA – “Pest Free Area” – concept deserves further consideration because the difference between the two systems is currently less than clear. This can be said because although PFAs seem to be established essentially in order to facilitate exports, they can also allow an importing country to justify measures to protect its territory (requirements imposed on imports), which brings them closer to the definition of PZs. The key differences seem to relate to surveillance and the steps to be taken in the event of detection of an outbreak (immediate revision of the boundaries of the PFA). Consequently, a reinforcement of the PZ system with regard to these two aspects might make it possible to move from the PZ concept to that of the PFA, which would be desirable to make the system more easily understood internationally (coherence with IPPC concepts and terminology).

C. Recommendations with substantial financial impact

Recommendation 2: Natural spread

– *OPTIONS:*

- i. Status quo;*
- ii. Inclusion in scope of regime of measures concerning presence (in addition to movement, which is current focus);*
- iii. Inclusion of prevention measures (for natural spread) in solidarity regime.*

– *PROPOSAL: Include in IA*

– *REASON: Significant impacts possible on EU/MS budget for plant health*

The French NPPO favours options ii. and iii. i.e. explicit inclusion in the future CPHR of the natural spread of pests and its inclusion in the solidarity regime.

The French NPPO considers in fact that there is a need to extend the financial participation of the European Commission (solidarity fund) to the management of outbreaks deriving from the natural spread of high-priority pests at Community level, in order to improve measures to control such outbreaks (cf. focal point 6.b of the French strategy). French experience thus shows that the mobilisation of Community funding is sometimes the only effective tool for the mobilisation of all actors involved in control.

Recommendation 9: Incentives

– *OPTIONS:*

- i. *Extend current scope of solidarity:*
 - **Eradication measures (current scope):**
 - a. *Extend (within current scope) to cover loss of destroyed material;*
 - b. *Extend (within current scope) to cover business losses;*
 - **New measures (new scope):**
 - c. *Co-financing of certain measures e.g. surveillance, contingency planning;*
- ii. *Potential role for cost-responsibility sharing (in line with current discussion on such initiatives in the context of the EU Strategy on Animal Health).*

– *PROPOSAL: Include in IA*

REASON: Significant impacts on EU/MS budget for plant health

The French NPPO favours options i.a. and i.b. (cf. focal point 6.a of the French strategy), i.c. (cf. focal points 2.d, 1.b and 10.f of the French strategy) and ii. (cf. focal points 6.a and 10.e of the French strategy).

This is so (cf. focal point 6.a of the French strategy) because the issue of economic losses can act as the most important brake on the responsiveness of the industry and proper implementation by the industry of control measures imposed on them for phytosanitary reasons. There is therefore a need for clear definition of the framework and arrangements for swift compensation of producers, and to do so before a crisis occurs. Such transparent, pre-established rules will in fact help guarantee good outbreak management by ensuring the participation and cooperation of the industry and by the same token action in a calm and collected atmosphere.

The solidarity regime must be explicitly broadened to include economic losses suffered by those in the industry not only due to the destruction of plants, but also due to other measures such as crop rotation as an alternative method of controlling certain pests (cf. focal point 10.d of the French strategy) or the withdrawal of the plant passport (PP) for one or more plant species in a company for a period of several years.

Furthermore, compensation of producers and operators on the basis of public/industry co-financing constitutes another effective tool for their accountability. The EU must participate in this compensation scheme, as consistent with the mutual fund scheme for which provision is made in Article 71 of Community regulation 73/2009/EC within the framework of the Health Check on the Common Agricultural Policy (CAP).

The financing of surveillance and control measures and especially the participation of industry professionals, MS and the EU respectively (with a broadening of the solidarity regime) must be defined in accordance with the level of priority and the emerging character of the pest, the type of financial risk (direct or indirect costs), and within the limits set by adherence to imposed provisions. In particular, the share of public funding must be greater if the pest has high priority for the EU.

Additionally, it is very important to make the link between financial solidarity on the part of the public authorities and accountability on the part of the industry by making compensation conditional upon operators' adherence not only to the regulations, but also to good practice, with a view to fostering their commitment to responsible approaches.

Recommendation 15: Financial Framework

– *OPTIONS:*

Only a recommendation is given concerning the need to increase resources and/or prioritise to meet the objectives set out in the options. The recommendation also refers to the need for a financial instrument for better preparedness in case of emergency such as a Plant Health Fund (= Recommendation 9).

– *PROPOSAL: Include in IA (under Recommendation 9)*

REASON: Significant impacts on EU/MS budget for plant health

France emphasises the necessity of increased Community resources and prioritisation in order to achieve the goals defined in these options (cf. focal points 1.a, 1.b and 2.a of the French strategy).

France also favours the implementation of a specific financial instrument for the plant health sector, possibly in the form of a plant health fund (cf. the animal health fund). This is so because such a fund would facilitate extension of the scope of solidarity (cf. recommendation 9, option i. and focal points 6.a, 2.d, 1.b and 10.f of the French strategy) and EU co-financing for pests of Community interest (cf. recommendation 9, option ii. and focal points 6.a and 10.e of the French strategy). Indeed, regulation 73/2009/EC adopted following the CAP Health Check authorises MS to co-finance plant health insurance systems (Article 70, private and mutual funds) and systems for the compensation of farmers for economic losses due to outbreaks of pests (Article 71). However, the formation of industry funds appears difficult to envisage outside the agricultural sphere. Consequently, the Community fund for plant health (i.e. a transformed solidarity regime) could be mobilised to supplement the CAP mutual fund in order to co-finance:

- compensation in sectors not covered by industry funds (e.g. forestry, ornamental plants, urban areas) for measures required to manage outbreaks of pests defined as being of priority importance for the EU,
- and surveillance and prevention measures imposed at Community level.

There is nevertheless a need for further examination of the complementarity of CAP funds and plant health funds.

Work to define the levels of priority of different pests should make it possible to determine a ranking for public intervention, and to give focus to the sharing of responsibilities between private and public actors. Redeployment and mobilisation of resources and procedures in this direction constitute a prerequisite for effective public policy (cf. focal point 6.a of the French strategy).

III. FCEC Recommendations not proposed by the European Commission for inclusion in the impact study

A. Recommendations largely focusing on improved practices

Recommendation 4: Prevention strategies at import

– *OPTIONS:*

- i. *Status quo with improvements ('soft' interventions);*
- ii. *Widen the list of HOs subjected to import controls (Annexes to Directive 2000/29/EC);*
- iii. *For emerging risks (particularly new trade in plants for planting/ propagating material (PM): commodity pathway analysis;*
- iv. *For plants for planting/propagating material strengthen measures:*
 - a. *Official post entry inspections for latent HOs;*
 - b. *Improve collaboration with country of origin, including via pre-export inspections where necessary (e.g. on the basis of repeated interceptions for certain products from certain origins);*
 - c. *On the basis of commodity pathway analysis, introduce import bans where necessary.*

– *PROPOSAL: Not necessary to include in IA*

REASON: Broad support for improvement and better application of the current system

At the outset, the French phytosanitary authorities wish to recall that the memorandum entitled "Food, feed, animal and plant imports: safety and compliance with Community rules", submitted to the ministers of agriculture at the Council session of 23 June 2008, identified the necessity for "improvement in import controls and definition of a new EU strategic framework for import controls covering all plant and animal products". This observation is picked up in the conclusions of the EU Council of 16 December 2008 concerning the "safety of imported agricultural and agri-food products and compliance with Community rules", with the European Commission notably being invited to submit to the Council and the Parliament a report on the effectiveness and consistency of sanitary and phytosanitary controls on imports, accompanied by proposals, if appropriate, with a view to continuing a well-functioning Community framework on imports.

The French NPPO will follow with close attention the action taken in response to this report, which was submitted at the end of 2010. It therefore feels that recommendation 4 concerning preventive strategies at import should be included in the impact study since it could have consequences as important as recommendations 7 (Plant Passport system) and 8 (Tightening the system of Protected Zones).

Generally speaking, the French phytosanitary authorities favour a strengthening of requirements and controls at import (cf. focal point 3 of the French strategy). Imported products must be subject to stricter requirements appropriate to the risks posed by the products concerned and providing effective guarantees of their phytosanitary quality, plus protection of EU territory.

The French NPPO favours option ii. (cf. focal point 3.a of the French strategy). This is because it wishes to generalise the ban on imports from all third countries of certain types of material that may potentially be a vector for quarantine pests, such as for example soil attached to plants. Some countries (Brazil, United States, Thailand, Australia) have built their regulatory systems around the principle of a general ban with authorisations only for products for which risk analysis has demonstrated the absence of risk of introduction of quarantine pests. In the view of the French NPPO, the EU's system of protection must move in the direction of an equivalent approach.

The French NPPO also favours options iii. (tests based on commodity pathway analysis for emerging risks, especially in new trade in plants intended for planting/propagating material) and

iv.c. (introduction of import bans where necessary on the basis of commodity pathway analysis). The general rule to be applied by default to imports must be to ban new trade except where it has been proven to be safe, such proof being obtained by commodity pathway analysis. The French phytosanitary authorities therefore take a favourable view of the implementation of a system of prior authorisation for new trade flows, with a ban on imports so long as commodity pathway analysis has not concluded that the proposed trade is innocuous. As a minimum, approval from the MS should be necessary before any authorisation is given for a new commodity/origin coupling in light of a pest risk analysis (PRA). However, in order to reduce costs and provide better safeguards in the system, it would be preferable for the authorisation procedure to be centralised at Community level and for the relevant decision to be taken in the Standing Committee on Plant Health. The Commission should be assisted by EFSA for the execution or the verification of the PRA, which would require a strengthening of that agency.

Conversely, the French NPPO takes a highly unfavourable view of option iv.a. This is the case because an increase in official post-entry inspections for latent pests places responsibility, effort and cost for a major part of the inspections on the importing country instead of the exporting country. The system of controls at destination is also very cumbersome in terms of its implementation and monitoring and must not therefore be generalised but continue to be limited to certain very particular circumstances.

For the same reasons, Post-Entry Quarantine (PEQ) must continue to be an exception and be used sparingly where there is no alternative. This is a tool that should therefore be reserved for types of material for which contamination by latent pests is impossible to detect before shipment or on inspection at entry, and for which there is a situation of urgency or imports of the commodity are absolutely imperative. This is so because comparative analysis of PEQ's advantages and disadvantages shows that this phytosanitary measure places too great a burden on operators and especially on official control services in the importing country. PEQ runs counter to the principle of the IPPC whereby management of risk and therefore the burden involved must be shouldered by the exporting country. This is a tool that should therefore be reserved for particular circumstances where the advantages are justified for a given MS. As a consequence, the general principle should continue to be a ban on material presenting a risk from the health standpoint.

The French phytosanitary authorities also consider that the implementation of post-import surveillance, including regular inspections of businesses importing plants from third countries, does not constitute a reliable and advantageous alternative given the cumbersome administration it can entail.

Likewise, the French NPPO does not favour option iv.b. which involves improving collaboration with the country of origin, including via pre-export inspections where necessary (e.g. on the basis of repeated interceptions for certain products from certain origins).

In accordance with option iv.c., the preference of the French NPPO is therefore for a ban on trade in high-risk plants and plant products, especially material intended for planting, where it has been established that infestation cannot be detected by inspection at the point of entry into the Community and where toleration of the risk is not possible. Where high-risk plants can be imported, notably under derogations, in the event of non-compliance with the phytosanitary requirements, the Commission must provide for sanctions, possibly going as far as banning imports of the relevant plants.

Although import controls must remain within the remit of the NPPOs, it would be desirable to make operators more accountable for the phytosanitary quality of the lots imported (cf. part 1 of this note on the obligations to be made explicitly incumbent on the industry, including importers). It would be necessary to lay down an obligation for operators to assist the competent authorities in the event of a phytosanitary problem arising and to provide them with information on new trade flows and problems detected. In the context of a system of prior authorisation for new trade, those in the industry should also have to carry out a PRA that would then be checked by the public authorities (or contribute financially to the performance of the PRA at the very least).

The French NPPO considers that the risk associated with commodities carried by travellers from third countries is real. It therefore favours:

- increasing the awareness and accountability of travellers and airlines and shipping lines regarding the phytosanitary risks that exist and the requirements that must be complied with,
- the implementation for travellers of straightforward, harmonised rules between MS that can be easily communicated to the public, notably informing travellers on plants that are banned and the penalties incurred. In the cases in which the principle of a derogation for the possible introduction of small quantities by travellers is maintained, the applicable rules must be covered by Community provisions along the same lines as those of regulation (EC) 206/2009 clearly defining the small quantities of products of animal origin that can be imported without inspection at a Border Inspection Post (BIP),
- and collaboration with customs authorities for the application of controls on passengers that would not be systematic but randomised and unannounced, as is already the case in the veterinary sphere, which would not impose too great an extra burden on control services.

A similar approach must be adopted for small quantities of plants and plant products contained in personal deliveries and packages arriving from third countries.

The French NPPO also considers that it would be necessary to better define the regulatory specifications to be met by points of entry to the EU (PoE) in terms of equipment, operation and approval procedure (cf. focal point 3.b of the French strategy). In order to secure and harmonise import controls, these requirements should be regulated at EU level and PoE approval should be entrusted to the European Commission, as is the case in the veterinary sphere for Border Inspection Posts (BIP).

The French NPPO supports the creation of a database containing the importers registered in the various MS, because when import controls are applied to a consignment heading for another MS, this would make it possible to verify at PoE level whether the importer is in fact registered in the relevant MS and to alert the latter if that is not the case.

Given the role played by customs as a filter for the imposition of phytosanitary controls on imported lots prior to customs clearance, it is imperative to distribute across the Community a consolidated, regularly updated list of the plants and plant products concerned, accompanied by their customs nomenclature entry. Indication of customs nomenclature lists is used in a growing number of regulations concerning restrictions on international trade. The principle of such a harmonised list is already the subject of a request in point 3 of the memorandum submitted to the Council in July 2008 concerning eight major focal points for an overhauled plant health strategy (document DS 671/08).

The French NPPO also feels that it is necessary to implement a harmonised phytosanitary pass attesting to due performance of phytosanitary inspections on import similar to the common veterinary entry document (CVED), this being the main guarantee for state agencies of the harmonised application of import controls. Customs clearance procedures are in fact complicated by the lack of a harmonised and unified document attesting to the compliance of lots of plants and plant products. This is particularly true where operators wish to carry out customs clearances for their commodities in a Member State other than that of the PoE where the imported plants have been inspected (cf. focal point 3.d of the French strategy).

In the case of imported products, it is desirable above all to develop networked efforts on the basis of an integrated information system at EU level. This is because the Europhyt system currently provides only an overall listing of interceptions of non-compliant commodities, which is insufficient, especially for the production of the reliable statistics that can be useful in ensuring fast reaction by border inspection services. Such an integrated IT system could take a form similar to "TRACES" as used in the animal domain (cf. focal point 3.d of the French strategy).

Recommendation 6: Emergency action

– *OPTIONS:*

- i. *Status quo, with improvements;*
- ii. ***Horizon scanning;***
- iii. ***Compulsory development of contingency plans according to harmonized framework;***
- iv. *Minimum mandatory emergency actions (e.g. definition of demarcated areas, intensifying monitoring);*
- v. ***Speed up process for adoption and adaptation of both emergency and control/eradication measures.***

– *PROPOSAL: Not necessary to include in IA*

REASON: Broad support; no significant financial impacts foreseen

The French NPPO favours options ii. (cf. focal point 2.b of the French strategy), iii. (cf. focal point 1.b of the French strategy), iv. (cf. focal point 2.a of the French strategy) and v. (cf. focal point 7.b of the French strategy).

According to regulation 178/2002/EC, the European Food Safety Authority (EFSA) has as a notable task that of conducting action for the identification and characterisation of emerging risks in the domains within its remit (cf. Article 23, point f of that regulation), including plant health. In practice in the plant health domain, this role is played largely by the European and Mediterranean Plant Protection Organization (EPPO) for the whole of the Europe zone. Greater investment in this task by EFSA, in close conjunction with EPPO, would therefore be required. This is because it would be necessary for EFSA to take on a genuinely active role in monitoring health risks, notably by systematically analysing EPPO and NPPO alerts, and by recommending without delay to the Standing Committee on Plant Health that emergency measures be taken against pests it judges to be of importance for the EU.

Pre-crisis preparation is essential if good crisis management is to be assured. Consequently, the definition of the degrees of priority of pests at EU level must lead in operational terms to the mandatory preparation of pre-determined contingency plans for pests that are particularly dangerous and at our borders (cf. focal point 1.b of the French strategy). This is so because while regulations must treat with the same rigour the hundreds of regulated pests, all could not be reasonably subjected to operational anticipation of the same intensity. What is needed is to identify the most serious threats and:

- to prepare concerted contingency plans drafted at national level but following guidelines defined at Community level,
- to provide appropriate resources and procedures for their implementation.

EU financing can be seen to be necessary for the proper implementation by MS of such contingency plans in the event of detection of the pests judged to be of high priority at EU level.

In those contingency plans, minimum arrangements should be imposed at Community level to provide basic guarantees for all MS. However, a degree of flexibility must be left to the national level for the precise definition of the details of implementation. The chosen balance between mandatory minimum measures defined at Community level and additional measures left to the judgement of each MS will depend on the characteristics of the pest involved and especially its capacity to establish itself on EU territory. The greater that capacity, the more the measures to be implemented must be laid down in detail at Community level. Conversely, in the case of pests whose expected behaviour differs between EU areas, greater flexibility needs to be left to the MS. For this reason, only a case-by-case approach is possible.

The relevant issues are identical for emergency measures against pests that have already appeared on EU territory. Minimum steps must be imposed at Community level for pests of priority importance, in order to ensure that practices are harmonised in the MS and based on scientific foundations, but national flexibility must be preserved as appropriate to the characteristics of the pest.

Moreover, it is imperative to accelerate the process of adoption/adaptation of emergency measures, following interceptions for example (cf. focal point 7.b of the French strategy), by clarifying and improving the functioning and implementation of the Community process, applying a different approach according to type of pest. In the case of emerging risks, it is necessary to recognise the possibility of reliance on more succinct, simplified pest risk analyses (PRA), in order to be able to take urgent steps without having to wait for the finalisation of a complete pest risk analysis (PRA). The creation in the framework of the European Commission of a long-term ad hoc working group devoted to the drafting of emergency measures, just as there exists a technical group charged with revising annexes, would also help speed up the process.

And lastly, industry professionals should be consulted collectively when drawing up emergency plans and measures because the roles of each actor need to be clearly defined to match the relevant pest.

B. Widely supported recommendations on horizontal issues without multiple policy options

Recommendation 10: Research and development and scientific advice

– *OPTIONS:*

Only a recommendation is given concerning the need to continue EUPHRESKO for coordination of national research funding, the availability of stable EU/MS plant health research funding, and cooperation between SANCO, EFSA and EPPO.

– *PROPOSAL: Not necessary to include in IA*

– *REASON: Broad support; no significant financial impacts foreseen*

The French NPPO favours the support and development of research through encouragement for provision of sufficient and stable resources for the financing and coordination of research, continuation of the EUPHRESKO programme and identification of the appropriate organisations for the execution of the study of the economic impact of pest risk analyses (PRA) (i.e. follow-up on PRATIQUE, and cooperation between SANCO/EFSA and EPPO).

The French NPPO considers it necessary to make the issues surrounding scientific support part of the plant health strategy (cf. focal point 9.a of the French strategy). This is the case because the maintenance of a capacity for fundamental and applied research is essential to relevant biovigilance, notably in the light of emerging risks, and to the choice of measures to limit risks of spread.

Likewise, it feels that research and interdisciplinary cooperation must be fostered (cf. focal point 9.b of the French strategy). Indeed, while research needs are great in genetics, biology and fundamental ecology, it is nevertheless true that it is manifestly of primary importance to strengthen interdisciplinary work by means of partnerships, especially within UE. Cooperation between research institutes and technical institutes must also be encouraged.

And to conclude on this, the French NPPO favours an increase in the resources devoted to the performance of pest risk analyses (PRA) and socioeconomic analyses (cf. focal point 7.c of the French strategy). This is because PRAs provide the technical and scientific basis required for decision-making in all areas: regulation, deregulation and changes to existing regulations (e.g. changes in annexes, changes in Protected Zone status). Phytosanitary and socioeconomic analysis must be conducted on an ongoing basis with coordination and annual programming at Community level in accordance with the resources available to EPPO, EFSA and MS.

Recommendation 11: Diagnostics

– *OPTIONS:*

Only a recommendation is given concerning the need to enhance the diagnostic capacity in this sector in the EU, to complete the establishment of NRLs in MS and to establish EU-RLs.

– *PROPOSAL: No direct need for further analysis in IA*

REASON: Broad support; no significant financial impacts foreseen

The French NPPO favours improvements in diagnostic capabilities through the completion of the creation of National Reference Laboratories (NRL) in the MS and the creation of European Union Reference Laboratories (EU-RL) for a limited number of high-priority pests.

This is the case because the setting up of EU-RLs would provide a functioning network (cf. focal point 8.f of the French strategy). The consensual, transparent designation of a lead body for each topic area (NRL and/or EU-RL) along the lines defined by regulation 882/2004/EC is one of the options for harmonisation of practice. In particular, harmonisation of diagnostic protocols is a major issue, as is the development of fast detection methods.

Recommendation 12: Training

– *OPTIONS:*

Only a recommendation is given concerning the need to continue and strengthen training activities.

– *PROPOSAL: Not necessary to include in IA*

REASON: Broad support; no significant financial impacts foreseen

The French NPPO favours the strengthening of training for inspectors and extension of training to include experts responsible for diagnostics.

This is so (cf. focal point 3. of the French strategy) because the discussions conducted in France as part of the general health consultation process [*États généraux du sanitaire*] have underscored the fact that a failure in the controls in a single country or point of entry into the EU can have major consequences for the other countries and regions. National efforts can be fully meaningful only if there is vigilance and biosecurity that all MS must provide at the borders. This matter of fact echoes the unanimous conclusions of the Agriculture Council meeting of 16 December 2008 on import controls, and the French authorities will follow with close attention the action taken in response to the report produced on this subject by the European Commission at the end of 2010.

Consequently, the French NPPO considers it essential to harmonise and improve the effectiveness of inspection practices, and to do so by adopting several simultaneous approaches:

- improving the level of qualification of inspectors by putting in place a EU training plan for the best possible harmonisation of the skills of inspection services (cf. focal point 8.c of the French strategy), because in MS services across the whole EU it is essential to maintain and strengthen the entire range of necessary technical skills as acquired in initial and further training of high quality. In this respect, the training dispensed under the BTSF (“Better Training for Safer Food”) programme should be reinforced and the content enhanced. In addition, it is essential for translators to be present on training courses in order to ensure that the language barrier does not impede achievement of the desired level of qualification. It is a fact that BTSF courses are very largely conducted in English;
- fostering exchanges of good practice between inspectors (cf. focal point 8.d of the French strategy) because analysis of interception notifications also reveals very clearly that certain Member States (MS) “specialise” in detecting certain pests, especially on import.

Exchanges of good practice between inspectors would allow each MS to benefit from the experience of the others;

- executing comparative inspections on topics of high priority along the lines of the inter-laboratory “ring-tests” (cf. focal point 8.e of the French strategy), because the execution of comparative inspections on topics with a high level of priority at regular, predetermined intervals would help harmonise inspection practices in the case of high-priority issues.

Recommendation 13: EU/MS emergency team

– *OPTIONS:*

Only a recommendation is given concerning the need to establish an EU/MS Emergency Team.

– *PROPOSAL: Not necessary to include in IA*

REASON: Broad support; no significant financial impacts foreseen The French NPPO favours the creation within DG SANCO of a team to deal with plant health emergencies, supported by an extensive network of experts in the MS, as is the case in the animal health domain.

This is needed because it is imperative to accelerate the process of adoption/adaptation of emergency measures. Indeed, swift reaction and reflection are made easier if permanent organisations pre-exist and if procedures have been defined in advance at both national and Community levels, with close collaboration between the different teams (cf. focal point 7.b of the French strategy).

According to the Community decision to set up an emergency veterinary team, this manifestly has three core tasks: supporting the European Commission in drafting Community emergency measures, supporting MS in implementing those measures and coordinating actions between MS.

It is necessary to verify how far the current operational approach in the veterinary domain can be transposed to the plant health sector. In the latter case, two tasks would need to be dissociated: support for the management of outbreaks and assistance in drafting emergency measures. In the case of this second task, it would be useful, as has already been said, to set up at the European Commission a long-term technical group charged with the drafting of emergency measures, just as there is a technical group responsible for revision of annexes.

Recommendation 14: Communication and transparency

– *OPTIONS:*

Only a recommendation is given concerning the need for an increased public and political awareness through EU and MS level public awareness campaigns.

– *PROPOSAL: Not necessary to include in IA*

REASON: Broad support; no significant financial impacts foreseen

The French NPPO favours the development and execution of national and Community campaigns to raise the awareness of the general public and political decision-makers of the issues surrounding plant health.

In conclusion, the French NPPO wishes to make it clear that it maintains at this stage in the discussions all the positions indicated in the French position note on evaluation of the CPHR (the “French strategy”) communicated to DG SANCO on 23 September 2010, which contains 10 ways forward for improvement and 41 associated sub-points, even where these are not repeated in the present note.

In particular, the French NPPO recalls that it favours the replacement of the current Community directive with a Community regulation in order to better harmonise practice between MS (cf. focal point 8.a of the French strategy).

Furthermore, the French NPPO requests that the Commission, when considering its impact study, take due account of the recommendations and options for regulation expressed by the working groups (task forces) and the COPHs, these being repeated in the present note where the French positions are concerned. It invites the Commission to maintain a platform for consultation of the MS on the various topics that may be addressed in the context of revision of the regime.

And lastly, it wishes to congratulate the FCEC (Food Chain Evaluation Consortium) Consortium on its excellent report on the evaluation of the CPHR and the possible development of the regime, which has laid a very satisfactory foundation for reflection and discussion in the MS and the Commission.