



EUROPEAN NURSERYSTOCK ASSOCIATION

President: Mr. Jaume Riera - Secretary: David Brown

www.enaplants.eu

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Dear Mr Baayen

Towards a New Plant Health Law

I am writing as President of ENA, the umbrella organisation for growers of Nurserystock across Europe about the proposals from DG Sanco regarding the Community Plant Health Regime. The member organisations of ENA unanimously asked me to write to you to formally submit our comments. I have used the working document presented at the conference in Brussels and added in comments from ENA, which ENA trusts you will find useful.

Proposal of DG SANCO concerning the key areas of policy change that are likely to have significant economic, social or environmental impacts:

- (1) Scope of CPHR
 - (a) Invasive alien species (IAS)
 - (b) Regulated non-quarantine pests (RNQP)
- (2) Intra-EU surveillance obligations
- (3) Plant passport system
 - (a) Scope
 - (b) Harmonisation
- (4) Protected zones system
- (5) Incentives for effective implementation
 - (a) Co-financing of measures against natural spread
 - (b) Coverage of losses of growers, cost-responsibility sharing, plant health fund, sanctions

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 artemisifolia*, *Thaumatococcus danoniana*, 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

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ENA does not support expanding the scope of the regime to the of IAS plants. ENA believes that expanding the scope of the regime in this way risks losing focus on the primary purpose of the regime - to protect the plant health status of the EU against pests and diseases. ENA is further concerned that financial resources for plant health will not be sufficient to deal with eradication efforts for IAS. ENA believes that IAS should be better targeted through environmental instruments.

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.

ENA can support this recommendation.

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

ENA believes that this recommendation should be broadened to include common principles and guidelines for timely and rapid communication between MS inspectors when a finding is made. This will assist traceability.

Recommendation 7: Plant Passport (PP) system

– OPTIONS:

- i. Status quo (with emphasis on improving enforcement);*
- ii. Revise the scope of application, in terms of:*
 - a. Adjust and define application specificities, e.g. lot or individual plant, source and species to improve transparency and administrative manageability;*
 - b. Define stage of marketing chain to which plant passports should apply (chain extends from importer/grower to final consumer);*

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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

ENA can agree with this recommendation.

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

ENA can agree with this recommendation, but believes that it should be extended to include a harmonised approach to how Protected Zones are financed particularly outside the production environment.

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

ENA believes it is sensible to include natural spread in the scope of the regime.

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

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

ENA agrees that incentives should be introduced, but option i b. - extend (within current scope) to cover business losses is the preferred option for ENA members. This will encourage better and more timely operation of the regime. ENA also believes that introducing incentives will play a powerful role in reminding society of the public good of plants and therefore plant health. ENA calls for a wide debate with stakeholders on how incentives should be introduced.

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

See Recommendation 9.

D. Recommendations largely focussing 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

ENA can accept this recommendation but believes that it should be included in the Impact Assessment as any ban on imports is bound to have an impact.

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);

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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

ENA agrees with this recommendation.

E. 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

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

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

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

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

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ENA believes that any public awareness campaign must be devised with widespread support of all stakeholders, including producers and traders, before it is introduced.

Yours sincerely

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