

Plantum-20102924

European Commission
Health & Consumers Directorate-General
Attn. Mr R. Baayen
B – 1049 Brussels
BELGIUM

Gouda, 25 October 2010


Dear Mr Robert Baayen,

Following the Conference “Towards a new Plant Health Law” of 28 September 2010, Plantum NL has reviewed the options and recommendations presented and would like to share our points of view on the subjects of our interest. Our comments are provided in the enclosed document.

Plantum NL, as a stakeholder representing the Dutch plant breeding industry as well as plant propagators and traders of seeds and young plants, is of the opinion some of the proposed options will have notable impact on the industry. We therefore believe it is of great importance to work out the recommendations to an efficient and cost effective system, which on the one hand supports the goal of the CPHR but also reflects the needs of the industry. To do so, we recommend to continue to involve the industry in the further development of the new Plant Health Law and to investigate the possibility of the cooperation with the industry and the delegation of phytosanitary tasks to the professional seed and propagation industry under official supervision . We would like to refer to the IPPC which allows delegation of tasks under official supervision.

We would be most pleased to supply any additional information you might require and we would like to be closely involved in the further development of the new Plant Health Law as in the end it is in the interest of all stakeholders to have a strong, transparent and effective regime.

Yours sincerely,



Mr A.C. van Elsen
managing director

Enclosed: Views of Plantum NL on the options and recommendations concerning the key areas

Plantum NL

Postadres:

Postbus 462, 2800 AL Gouda

Bezoekadres:

Vossenburchkade 68, Gouda

Telefoon +31 (0)182 68 86 68

Fax +31 (0)182 68 86 67

E-mail info@plantum.nl

Internet www.plantum.nl

K.v.K. Rotterdam 24319599

BTW-nr. NL809984738B01

Views of Plantum NL on the options and recommendations concerning the key areas of policy change

1) Proposed impact assessments

We support the impact assessment of the five key areas mentioned in the “working document”: scope of the CPHR, intra-EU surveillance obligations, plant passport system, protected zones system and incentives for effective implementation.

But, we believe that the recommendations for the prevention strategies at import will have (an economic) impact as well and therefore we suggest to having an impact assessment on this subject too.

2) Views on the recommendations and options in relation to the scope of the impact assessments

Recommendation 3: Regulated non-quarantine pests (RNQPs)

We do not support the recommendation to introduce RNQPs in the CPHR with a zero tolerance. We do believe a zero tolerance is not in line with the definition of IPPC and is also not feasible nor justified. The question which arises is what would be the benefit of this new proposed classification for HOs with a zero tolerance (= the same as q-organism?) to the current classification.

We would like to emphasize that in our opinion the CPHR should target at quarantine pests and diseases and that the classification of pests and diseases should be discussed in relation with the Marketing Directives for Seed and Propagation Material. HOs which will be classified as RNQP should be moved to the S & PM marketing legislation. The S & PM marketing legislation is based on the responsibility of the supplier of the propagation material to comply with the requirements. This is controlled by the official authorities by way of random checks. The requirements for the health of the propagation material are based on the starting point of “almost free of pests” instead of an absolute zero tolerance level. Adequate tolerance levels and testing procedures are to be defined for each RNQP-species in consultation with stakeholders and official authorities responsible for implementing and securing compliance with S&PM marketing legislation.

A review of the HOs listed as quarantine pest based on PRAs is necessary. This may result in qualifying some quarantine pests as RNQP and falling in the scope of the Marketing legislation.

Recommendation: Prevention strategies at import

A proactive risk analysis on “new” HOs or pathways for the EU would help to prevent introduction. Early communication on these new HOs and related measures with the industry is of great importance.

We do believe for possible latent or some new (unknown) HOs it would be worthwhile to have post entry inspections and as part of intra-EU surveillance. In this case as well as for horizon scanning for new phytosanitary risks we would strongly advice to involve the private operators as they are the daily ears and eyes in the field. Together with strong incentives for

private operators to report HO's in an early stage, it would help to avoid introduction of new HO's in the EU.

We do believe new emerging risks will not only occur in plants for planting but may even arise in the future more in new type of products, packing material etc., and so there is a need for a broad look on these possible new pathways.

Recommendation: Plant Passport system

We agree with the conclusion in the evaluation report that there is a need for a more harmonised plant passport system to increase the confidence in the system. However, the form of a new harmonized document may have great impact on the seed companies and plant propagators. Moreover, the document is "only" proof that the phytosanitary guarantees are met and when necessary the supplier can be traced. The inspections behind the passports are more important than the plant passport format and we do believe especially these inspections need better harmonisation between MS.

We do believe a simple harmonized EU PP logo would be suitable for plants for planting, in combination with an unique product identification (registration number of the supplier, species / lot number and country of origin). This would suit the seed and plant propagating industry and enhance the recognisability of the plant products in trade and sufficiently support tracking and tracing.

We are not in favour to apply a plant passport in all cases to the smallest possible unit (for instance every chrysanthemum cutting) as this would not be workable.

3) General considerations proposed by Plantum NL to the development of the new Plant Health Law

Coherence with the marketing directives, including the categorization of pests

To the S & PM industry (represented by Plantum in the Netherlands) it is of great importance that the coherence between the marketing legislation for S & PM and the CPHR is thoroughly examined especially in relation to the classification and tolerance levels for HO's.

As mentioned before, in our opinion the CPHR should target at quarantine pests and diseases and RNQPs should be moved to the S & PM marketing legislation. Setting up clear criteria for the categorization of HO's and review of the current listed HO's would be a good starting point for further developments.

Delegation of phytosanitary tasks under official supervision and stakeholder involvement in developing a new Plant Health Law

We believe there is need for efficient implementation of policy in relation to the available budget of the EU and MS for the CPHR, and thus we believe there needs to be a focus on high risks (high risk pests and related product flows) and to seek collaboration with the (professional) industry. It is not only in the interest of society, but of equal importance and commercial interest to the S & PM industry to prevent the introduction and spread of HO's to avoid crop losses, costs for eradication measures and possible claims from clients. The professional seed and plant propagation industry, with a global focus, has already developed preventive measures and is equipped to perform certain inspection and (lab) tests. Active involvement of professional operators will support early detection and prevention actions. Under this system we do believe the "reduced check system" at import could be enlarged to proven professional operators.

We recommend to implement the possibility of delegation of official tasks to professional private operators under a system of official supervision.

We support the suggestion of the European Seed Association (ESA) to install a technical advisory group to the standing committee on Plant Health, with participation of professional stakeholder organizations.

Support export of plant products produced in EU MS and exported by another MS

We do believe the CPHR should also support the (re)export of seeds and propagation material from EU member states produced in other MS. The EU communication document has no legal status at the moment and MS can refuse to do extra inspections or use the communication document needed for (re)export. In practice this causes a lot of discussions and problems between NPPO's and private operators. It is therefore of great importance this EU communication document gets a legal status within the framework.

Additionally it is important to secure the official status of the EU phytosanitary communication document as an official supportive document for issuance of re-export certificates since intra-EU shipments do not require presence of a phytosanitary certificate.

Farm Saved Seed under the CPVR and phytosanitary risks

For seed potatoes there are severe phytosanitary risks attached to the use of Farm Saved Seed and thus the uncontrolled movement of seed potatoes within the EU. Current CPHR legislation does not cover provisions to prevent spreading of quarantine pests through Farm Saved Seed (not certified seeds). Use of FSS/not certified seed in the current manner (seeds saved on a certain farm unit can be transported to and used on another farm unit as long as both belong to the same "farm holding") is inhering very high risk of spreading of quarantine pests; finally it threatens regular seed production. FFS/or not certified seeds need to be included into routine quarantine pest diagnostic in order to ensure sustainable crop production.

In the evaluation of the Community Plants Variety Right this is one of the arguments to suggest to withdraw or at least limit the existing Farm Saved Seed provision.