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Unit E7  
DG SANCO  
European Commission**

**27 October 2010**

**Dear Robert,**

## **REVIEW OF THE EU PLANT HEALTH REGIME**

Following the presentation of the Food Chain Evaluation Consortium's (FCEC) report on 28<sup>th</sup> September, to help inform the Commission's thinking in drawing up draft proposals for consideration the UK would like to submit comments on the way forward. These points are without prejudice to the position the UK will take in response to any Commission action plan or legislative proposals which will emerge from the evaluation and review process.

First, by way of general comment the UK would like to register its support and appreciation for the very open and inclusive way in which the review process has been conducted by the Commission; the importance being attached to strengthening partnership working with private stakeholders underscores the need to maintain this approach as the review progresses. In terms of the future operation of the regime, the UK also supports the suggestion made by the European Seeds Association for establishing an Advisory Forum which could serve as a mechanism for ongoing collaboration at EU level with stakeholders.

### **(1) Expanding the scope of the regime**

#### **Recommendation 1: Invasive Alien Species**

The UK agree that it makes sense to consider whether the mechanisms for preventing plant health threats could also be utilised in respect of key Alien Invasive plant species. We support the comments already made by a number of Member States that any extension considered needs to be confined to the priority cases only. The key issue will be the level of resources needed to meet any new obligations. Without commitment to the UK's final position, we support further development of this proposal.

#### **Recommendation 3: Regulated non-quarantine pests**

While the UK supports further work to clarify the relationship between the treatment of pests under the Plant Health regime and the parallel Seeds and Propagating Material regimes, we do not consider the option recommended by the FCEC as providing a workable approach. As discussed at the recent joint meeting of COPHs and the Heads of Service covering S & PM, we believe any solution needs to consider the appropriate level of control

for each organism on a case by case basis. This should include consideration as to whether deregulation is the appropriate solution for some organisms. Any solution also needs to include an effective mechanism for ongoing review and adjustment of legislation to ensure that the level of control applying to organisms reflects their actual quarantine status.

## **(2) Recommendations substantially modifying existing elements of the new regime or expanding obligations**

### **Recommendation 5: Intra-EU surveillance**

The UK can support the recommendation for the development of common principles and guidelines for harmonised surveillance and reporting. The recommendation to make general surveillance mandatory at EU level for priority Harmful Organisms (agreed at EU level and carried out by MS; covering areas where pests could be established) is also something we could support exploring further; the UK agrees that given resource constraints it is important that member states focus action on those pests of relevance to their territory. The suggestion that surveillance should be subject to co-financing needs clarification and should be considered alongside other suggestions with financial implications in the context of a wider discussion on cost and responsibility sharing.

### **Recommendation 7: Plant passport system (PP)**

The UK supports work to improve confidence in and understanding of the plant passport system. We also support standardisation where there is a genuine problem. It is important that any detailed development should reflect stakeholder views. It is also important to avoid unnecessary burdens by ensuring the system is built around existing commercial procedures.

### **Recommendation 8: Tightening the system of Protective Zones (PZ)**

UK supports reviewing the present approach and in particular sees merit in considering how the IPPC concept of Pest Free Areas might be used as a means of improving internal controls with a view to focussing action on risks relevant to particular regions. This links to the comment above on best use of resources in relation to surveillance.

## **(3) Recommendations with substantial financial impacts**

### **Recommendation 2: Natural spread**

### **Recommendation 9: Incentives**

### **Recommendation 15: Financial Framework**

UK agrees that the regime should include effective measures to prevent natural spread of harmful organisms and in that context we would also encourage development of appropriate measures which encourage early control action. We believe the approach to Solidarity funding and other financial support options, such as a Plant Health Fund, need to be considered in the context of a wider debate on cost and responsibility sharing. UK considers that such a debate needs to be informed by a detailed engagement with key

stakeholder groups to help analyse what activities different players currently undertake by way of mitigating/responding to risks. This would help identify future potential roles and any consideration as to what measures might be appropriate.

#### **(4) Recommendations largely focussing on improved practices**

##### **Recommendation 4: Prevention strategies at import**

The UK supports the emphasis put on the need to respond rapidly to new emerging risks and the focus on targeting trade in planting/propagating material as representing the highest risks. We agree in principle on the need for commodity pathway analysis to help assess the impact of new trades. In considering this aspect UK considers it important to develop a targeted streamlined approach that provides for a rapid initial sift which does not unduly restrict trade but is able to pick up those high risk trades which require more detailed assessment before consignments are allowed entry. We also support the suggestion for strengthening prevention through the introduction of post-entry inspections for latent Harmful Organisms. UK was surprised at the suggestion that an Impact Assessment on recommendation 4 was not being proposed. We believe that such an Assessment is necessary given the potential impact on different elements of the trade, which is likely to include Small and Medium Enterprises.

##### **Recommendation 6: Emergency action**

UK agrees on the need for both effective horizon scanning and pro-active planning to be able to respond rapidly in the event of outbreaks. Contingency plans to deal with key pests are already an integral part of our planning at national level and we support the development of this work at EU level. Developing an efficient process incorporating a rapid assessment of risks and streamlined decision taking is also fundamental to securing an effective system for responding to threats and UK looks forward to helping take this work forward.

##### **Recommendations 10, 11 and 12 on horizontal issues**

Given the resource constraints facing authorities, the UK supports the need to continue developing collaboration on plant health research and development and training activities. Continued cooperation between DG SANCO, EFSA and EPPO is clearly key to underpinning the decision making process with timely risk assessments. The need to have a rapid assessment of risks in relation to new emerging trades and in taking emergency action in the event of outbreaks makes it very important to agree an approach which produces PRAs which do not duplicate work and which are fit for purpose. UK is also supportive in principle of considering the idea of establishing Reference Laboratories and believes it would make sense to consider this in relation to developing National Reference Laboratories as a first step.

I hope these comments are helpful in clarifying the UK's thinking at this stage of the review process and I and my colleagues look forward to engaging with the Commission and other Member States as this important work is taken forward.

Yours sincerely

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**Head of NPPO**