

## **FCEC working document**

This document is addressed to participants in the conference organised in the context of the independent evaluation of the Community Plant Health Regime by the Food Chain Evaluation Consortium (FCEC). The document has been prepared by the evaluators, based on the findings to date of the evaluation, and does not present in any way the views of the Commission.

# **Modernising the plant health regime of the European Union in view of globalisation and climate change**

*Conference combining a meeting of the Working Group on Plant Health of the Advisory Group on the Food Chain, Animal and Plant Health and an ad-hoc Working Group of Chief Plant Health Officers, 23-24 February 2010, Brussels*

## **Day 2 (24 February): FCEC evaluation presentations and discussion**

### **Working Document contents**

1. Background to the evaluation .....	2
2. Objectives of the discussion sessions .....	2
3. Interim outcome of the evaluation of the current plant health regime.....	3
4. Reflections on options for the future plant health regime.....	4
Theme A: Definition of scope of CPHR.....	6
Background .....	6
Results of the general survey .....	6
A.1 Invasive Alien Species .....	7
A.2 Presence of harmful organisms (HOs) and natural spread.....	10
A.3 Regulated Non Quarantine Pests (plants for planting).....	10
Theme B: Prevention strategies .....	12
Background .....	12
Results of the general survey .....	12
B.1 Prevention at import: risk analysis of new trade and targeting of risks .....	13
B.2 Prevention intra-EU: EU requirements for general surveillance and reporting .....	14
Theme C: More rapid emergency action and creation of EU/MS emergency team .....	16
Background .....	16
Results of the general survey .....	16
Theme D: Functioning of the internal market.....	17
Background .....	17
Results of the general survey .....	17
D.1 Plant passport system .....	18
D.2 Protected zones: tightening of the system (restoration of credibility) .....	18
Theme E: Incentives .....	20
Background .....	20
Results of the general survey .....	20
<i>Annex 1: Results of General Survey – sections on future improvements.....</i>	<i>22</i>

## 1. Background to the evaluation

The evaluation of the Community Plant Health Regime (CPHR) is being carried out by the Food Chain Evaluation Consortium (FCEC)<sup>1</sup>, led by Agra CEAS Consulting. It was launched in June 2009 and will be completed in late spring 2010. The evaluation covers the implementation to date of the main legal basis of the CPHR (Council Directive 2000/29/EC), the so-called Emergency Measures and Control Directives, as well as coherence with other Community legislation (including legislation on Seeds and Propagating Material – S&PM).

The forward looking aspects of the evaluation seek to identify options for the future EU plant health regime with a view to the development by DG SANCO of a Strategy in this sector. This process parallels that taken in evaluations in other policy areas within the remit of DG SANCO, notably Animal Health, which was also undertaken by the FCEC.

This is the first comprehensive evaluation of the EU's plant health policy framework, since it was established in its current form (i.e. in 1993 with the launch of the Internal Market) to date. Other significant studies related to this policy area and carried out for DG SANCO, all of which are taken into account in this evaluation, include: the evaluation of the Solidarity Regime (2008), the evaluation of the S&PM regime (2008), and the Impact Assessment of *Diabrotica virgifera* (2009).

The evaluation has involved extensive collection of data and views through desk research, a general survey of Competent Authorities (CAs) and stakeholders, a specific cost survey (preceded by a preliminary survey) of CAs and stakeholders, 12 MS field visits, interviews with experts from organizations and stakeholders active in the plant health policy field at EU and international level (including the EPPO and IPPC), and a review of 5 selected Third Country systems (US, Canada, Argentina, Israel and Thailand).

More information on the objectives and detailed methodology of the evaluation can be found on the DG SANCO website at: [http://ec.europa.eu/food/plant/strategy/index\\_en.htm](http://ec.europa.eu/food/plant/strategy/index_en.htm)

## 2. Objectives of the discussion sessions

The evaluation is currently at mid-point; on 26 January interim findings of the evaluation were presented by the FCEC to DG SANCO and the Steering Group for this evaluation. The purpose of Day 2 of the conference is to present these findings to conference participants in terms of the evaluation of the past, and discuss the way forward by reviewing possible options for the future. Participants will be given the opportunity to contribute their comments through a discussion that will follow the FCEC presentations.

This Working Document aims to facilitate this discussion, by providing a succinct overview of the material to be covered by the FCEC presentations, so that participants can prepare in advance and thus allow for a more productive exchange of views and positions. It outlines the

---

<sup>1</sup> DG SANCO Framework Contractor for Evaluations and Impact Assessments. Evaluation led by Agra CEAS Consulting, with the participation of Van Dijk Management Consultants and Arcadia International.

main frame of the options for the future as identified to date, on the basis of the findings of the evaluation of the past and current CPHR<sup>2</sup>.

In terms of the reflections on the options for the future, the key objective of the conference is to identify the main advantages and disadvantages of each option and their likely impacts. The evaluation has identified a range of suggestions for potential future improvements to the regime. These range from 'soft' and relatively straightforward actions or improvements for which there is evidence of general consensus<sup>3</sup>, to policy interventions of more significant potential impact to MS CAs and stakeholders and which therefore require further discussion for their development and analysis. The afternoon session of Day 2 aims to focus on these latter options.

Outside the conference framework, participants are welcome to submit any additional points on the various topics raised. Comments should be sent by **5 March at the latest**, by email to: [Sanco-CPHR-evaluation@ceasc.com](mailto:Sanco-CPHR-evaluation@ceasc.com)

### **3. Interim outcome of the evaluation of the current plant health regime**

The interim outcome of the evaluation in terms of the performance of the CPHR to date, which will be presented before the discussion of the options on the future, will cover in particular the following aspects:

- Scope and objectives of the CPHR: the extent to which objectives have been met, and the extent to which the regime's objectives and scope are still appropriate and relevant;
- Approach followed for the classification of Harmful Organisms (HOs) in Council Directive 2000/29/EC: the extent to which this reflects the different objectives of the regime and priorities on phytosanitary risks (on the basis of pest risk analysis – PRA);
- Surveillance measures: the implementation of compulsory measures for surveillance in relation to Protected Zones and Community measures and the existence in MS of other (currently non-compulsory at EU level) general surveillance programmes;
- Import regime: the implementation and effectiveness of the various provisions concerning imports from third countries (including notification requirements, requirements for controls at point of entry and controls at final destination, use of EUROPHYT system, reduced frequency checks, functioning of derogations, use of additional declarations, and emergency measures on imports);
- Intra-Community movement: the implementation, effectiveness and usefulness of the various provisions of the EU plant passport system;

---

<sup>2</sup> It is noted that the Conference will not cover the outcome of the specific cost survey due to its recent completion; results from this survey are currently being analysed and will be used in the final stage of the evaluation.

<sup>3</sup> Such points include the need for improvement of diagnostic infrastructure and the establishment of CRLs for a limited number of plant diseases, improvement of training and an expansion of BTSF (Better Training for Safer Food) activities in the plant health field, improving the rapid alert and stakeholder accessibility aspects of EUROPHYT, improvement in cooperation and communication of stakeholders, more coordination between plant health inspection and customs authorities (as well as at the level of the Commission between DG TAXUD and SANCO activities), support for the continuation of relevant FP7 activities (EUPHRESKO, PRATIQUÉ). These suggestions will be presented in the evaluation findings on 24 February am. For the position of MS CAs and stakeholders on some of these issues see also the response to Q 7.9 of the general survey (**Annex 1**).

- Protected Zones (PZ) and regionalisation: the implementation, effectiveness and usefulness of the various provisions of the EU PZ system, also in comparison with other forms of regionalisation, and the functioning of plant passports within PZs;
- Control measures for outbreaks and new findings: the implementation and effectiveness of the various control and emergency measures, including the state of emergency preparedness at both MS and EU level;
- Activities in support of the CPHR: in particular, the extent to which the CPHR is supported by research and development activities and capacity, and diagnostic infrastructure and capacity;
- EU financial instruments and contribution: the adequacy and appropriateness of the current financial instruments and the existence of incentives for action / disincentives for failure to act;
- Distribution of responsibilities at the various levels (government, stakeholders) including subsidiarity issues (EU, MS);
- Coherence with other Community policies: including notably the Seeds and Propagating Material (S&PM) regime, EU food law (Control Regulation (EC) 882/2004 and Food Hygiene Regulation (EC) 178/2002), the EU animal health strategy, the Common Agricultural Policy (CAP), the legislative framework on plant protection products, and environmental policies;
- Comparison of CPHR to selected third country phytosanitary systems, including the implications for EU exporters.

The focus of this analysis is on identifying the strengths as well as weaknesses and gaps of the current policy, with a view to moving to the future. This includes examples of success and failures (cases in which the CPHR has provided more effective protection / less effective protection) and critical success factors.

#### **4. Reflections on options for the future plant health regime**

The analysis of the performance of the CPHR, since its establishment in its current form in 1993, has revealed a number of areas where improvements could be made. These improvements would aim to improve the effectiveness and efficiency of the regime in the future, so as to overcome current weaknesses and to better target increasing plant health risks arising from new challenges (including climate change and trade globalisation).

The options by thematic area and in line with the agenda of Day 2 are presented below. The options under each theme are introduced by a brief description of the issues, along with some key relevant conclusions from the general survey of MS CAs and stakeholders. The survey has addressed the future of the regime in several questions by listing various possible improvements to each policy measure. An overview of MS CA and stakeholder responses to these suggestions is provided in **Annex 1**, with specific relevant points presented under the appropriate heading in each theme<sup>4</sup>.

---

<sup>4</sup> To ensure a more balanced presentation of positions, only the results of the general survey of EU level stakeholders are presented in Annex 1.

**Agenda of Day 2 (pm): Reflections on options for the future plant health regime**

- 12:00-12:30 A. Definition of the scope of CPHR – how to determine best approach for:
- A.1. Invasive Alien Species;
  - A.2. Natural spread;
  - A.3. Regulated Non Quarantine Pests;
- 14:00-15:00 B. Prevention Strategies:
- B.1. Prevention at import: risk analysis of new trade and targeting of risks;
  - B.2. Prevention intra-EU: EU requirements for general surveillance;
- 15:00-15.30 C. More rapid emergency action and creation of EU/MS emergency team;
- 15.30-16.15 D. Functioning of the Internal Market:
- D.1. Revision of plant passport system (further harmonisation);
  - D.2. Tightening of protected zones system (restoration of credibility);
- 16.15-17.00 E. Incentives

## Theme A: Definition of scope of CPHR

### *Background*

Historically, the CPHR has mainly focused on the objective of food security, by protecting plant health on an operational level so as to ensure viable and safe agricultural and horticultural production. More recently, the policy has also addressed certain plant health risks in the forestry sector. The question that arises in this context is the extent to which a more explicit protection of the broad environment, and thereby including public green, forests and natural habitats, should be within the remits of the plant health policy.

The definition of the scope of the policy clearly impacts on the number and nature of quarantine HOs to be included in the Annexes to Directive 2000/29, as well as the appropriateness of the measures currently provided by the Directive to prevent the introduction, spread and establishment of quarantine HOs within the EU. This issue is also concerned with the extent to which IAS are included in the scope of the Directive and on the feasibility of a more explicit inclusion of measures against natural spread, particularly in relation to the presence of infection sources that are not themselves subject to movement in trade. Furthermore, the question arises of the extent to which tolerance levels could be introduced for some HOs within the current system (for Regulated Non Quarantine Pests) and whether the Directive provides the appropriate framework for the regulation of these pests.

### *Results of the general survey*

#### **General survey results (Q 1.4):**

##### *What should be done in future to improve the scope and objectives of the CPHR?*

- The majority of MS (17 out of 26 MS CAs) and of EU level stakeholders that responded to this question (4 out of 5) consider that the current scope and objectives need to be revised;
- 25 out of 26 MS CAs (27 out of 29 stakeholders) and all the EU level stakeholders that responded to this question in the survey (6) would like to define priority HOs on the basis of impact on agriculture, horticulture and forestry; whereas 19 out of 25 MS CAs (and 4 out of 5 stakeholders) are in favour of defining priority HOs on the basis of the impact on the environment and public/private green.

##### *IAS*

- 11 out of 18 MS CAs (1 out of 2) are in favour of the option of including IAS that have an (indirect) impact on biodiversity in general; whereas the inclusion of IAS that have an impact on human health is rejected by 15 out of 20 MS CAs (only 1 stakeholder expressed a favourable view).

##### *Natural spread*

- The inclusion of a more active prevention of natural spread is supported by 23 out of 25 MS CAs (4 out of 4 stakeholders).

##### *RNQPs*

- 11 out of 22 MS CAs (3 out of 5 stakeholders) are in favour of defining priority HOs on the basis of the prospects for listing under S&PM regime.

##### *Prioritisation of HOs:*

- 12 out of 23 MS CAs (3 out of 5 stakeholders) are against restricting the scope of the CPHR to focus on priority HOs;
- 21 out of 26 MS CAs and all stakeholders (7) are in favour of prioritization on the basis of presence or absence from the EU; 21 out of 25 MS CAs (6 out of 7 stakeholders) are in favour of defining priorities on the basis of prospects for early detection/successful eradication/control.

Source: General Survey (full results in Annex 1)

## A.1 Invasive Alien Species

### Description of the issue

Overall definitions need clarification, i.e.:

Invasive = what is meant by the term ‘invasive’? must be established; may mean spread and may mean impact?

Alien = definition and degree of ‘alienness’ (i.e. how far back, establishment in new environment (e.g. American Beaver (Castor Canadensis))

Species = subspecies strain or biotype (bumble bee)

An overview of the current coverage of IAS in the scope of Directive 2000/29, and under the EPPO, IPPC and CBD is provided in Figure 1.

The Convention on Biological Diversity<sup>5</sup> (CBD) aims to prevent the introduction and spread outside their natural past or present ranges of non-native species which pose a threat to biological diversity (ecosystems, habitats or species).

The International Plant Protection Convention (IPPC) also contains provisions applicable to IAS when the species concerned are pests of plants or plant products, including those found in natural and semi-natural habitats (the IPPC definition of a quarantine pest covers a significant part but not all of what is considered as an invasive alien species under the CBD<sup>6</sup>).

In following the IPPC approach, in 2002, the EPPO established a special international Panel of experts on Invasive Alien Species. IAS are broadly defined by the EPPO as weeds which can harm both cultivated crops by means of competition, and biodiversity in the wild uncultivated environment. Traditionally, the EPPO – like the EU - has given priority to pests of cultivated plants, i.e. insects, nematodes, fungi, bacteria, viruses, but increasingly it has also been concerned with IAS.

Historically, the CPHR has dealt with what causes harm to agriculture and forest products, i.e. HOs which are plant pests *directly* harmful to plants or plant products, therefore within the IPPC definition (rather than CBD), although not in full alignment with it. All the EU countries are signatories to both, but these are quite different in scope, as IPPC-related activities are administered in many countries by agricultural authorities and CBD matters by environmental authorities.

The issue to be addressed is the extent to which the CPHR includes IAS (plant species) *not directly* injurious to plants and plant products (indirect harmful effects on plants/harmful effects on non-cultivated plants), and therefore fully aligning to the IPPC (ISPM no. 5 and

---

<sup>5</sup> Article 8(h) and decision VI/23 of the CBD.

<sup>6</sup> The implementation of the IPPC is directly relevant to implementation of Article 8(h) of the CBD. ISPM 11 rev. 1: *Pest risk analysis for quarantine pests including analysis of environmental risks*, was adopted in 2003 and further revised and supplemented in 2004 to address in detail the environmental risks of plant pests. ISPM 5: *Glossary of phytosanitary terms*, was supplemented with *Guidelines on the understanding of potential economic importance and related terms including reference to environmental considerations*. This clarifies that the IPPC can account for environmental concerns in economic terms using monetary or non-monetary values; thus the scope of the IPPC covers the protection not only of cultivated plants but also of uncultivated/unmanaged plants, wild flora, habitats and ecosystems.

11: the scope of these covers pests of cultivated plants in agriculture including horticulture and forestry, uncultivated/unmanaged plants, wild flora, habitats and ecosystems).

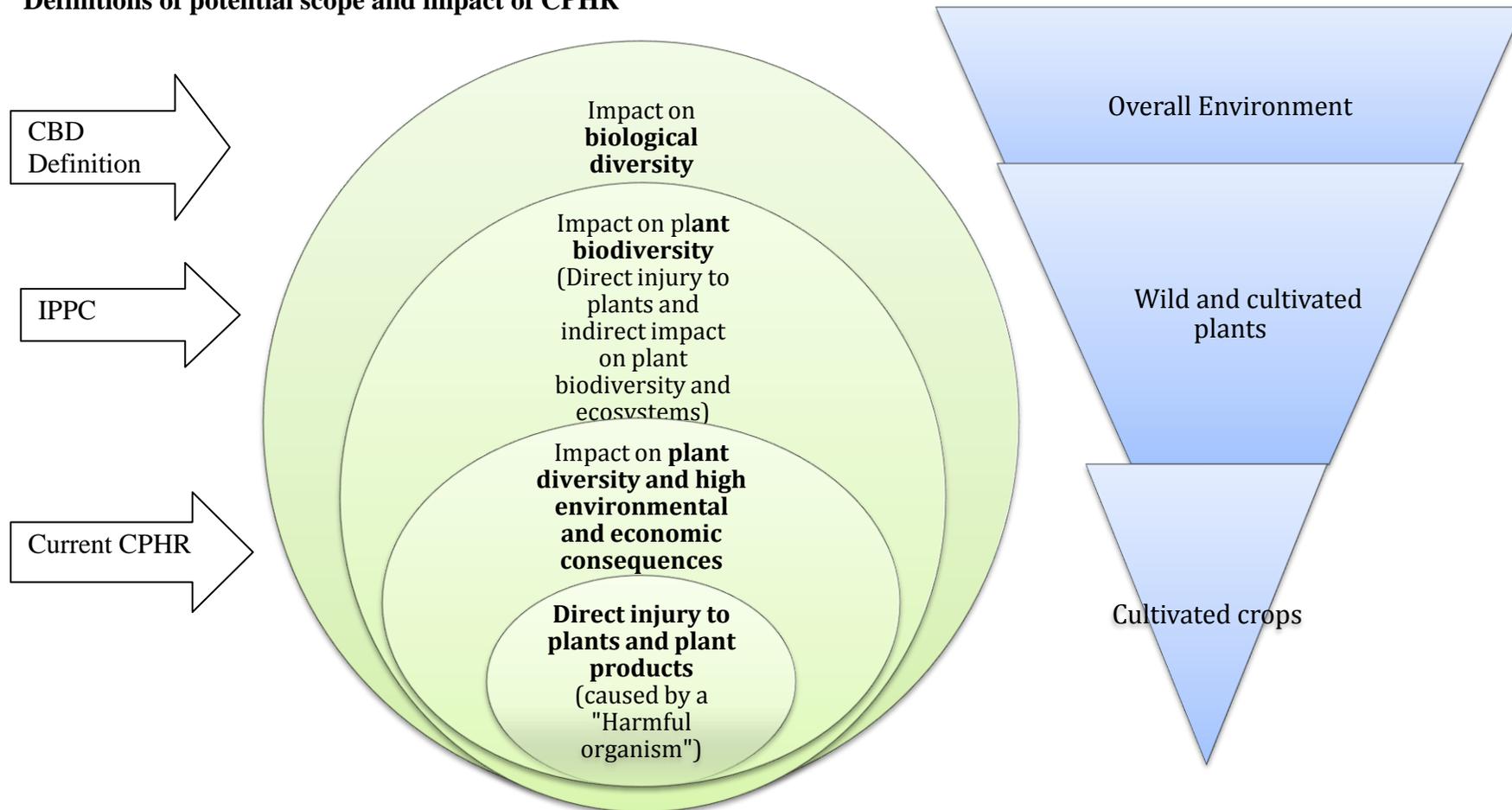
Furthermore, an assessment is needed as to whether IAS – taking the broader CBD definition – should be dealt with within the framework of the CPHR. At EU level, there should be a policy to deal with IAS, which do not fall within Animal Health, Plant Health (e.g. birds, aquatic plants etc): plants and animals that are invasive are covered under IPPC or OIE only if they qualify as plant pests or animal diseases, whereas there is no framework to deal with environmental pests. It is noted that on 3 December 2008, the Commission adopted a Communication on invasive alien species (“Towards an EU Strategy on Invasive Species”).

### **Options for discussion during Day 2 of the conference**

The options identified for further consideration are as follows (options are alternatives):

- 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 plants 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 non-plants with impact on plants [moving in the direction of the DG ENV IAS strategy] – an example here would be *Sciurus carolinensis*.*

**Definitions of potential scope and impact of CPHR<sup>7</sup>**



<sup>7</sup> The positioning of the CPHR in this graph represents the inclusion of IAS as it stands today in the CPHR legislation (Directive 2000/29/EC); in practice, the approach for the protection of the natural environment may be wider, as the cases of *Anoplophora spp.*, *Phytophthora Ramorum* and of PWN has demonstrated.

## ***A.2 Presence of harmful organisms (HOs) and natural spread***

### **Description of the issue**

In the definition of natural spread that appears to be commonly followed, ‘natural’ is defined as not related to human activity, whether the ‘unnatural’ is related to human activity.

Legislation deals with introduction and spread of HOs, not presence. The results of the general survey, the interviews and the MS field visits point clearly in the direction of the need for an active prevention of natural spread. This reflects both the acknowledged advantages of such action to effectively and efficiently address natural spread and a perceived gap in early/preventive action. The issue here is how to address control of natural spread, at which stage and with which tools (i.e. inclusion in the solidarity funds?). Evidence, including notably from studies on *Diabrotica virgifera*, and also PWN, points to the difficulties of addressing natural spread when the spread has already attained certain levels, and the need to act early to prevent these levels from being reached; it is noted that recent research on *Diabrotica virgifera* suggests that the only feasible action is the eradication of satellite outbreaks.

### **Options for discussion during Day 2 of the conference**

The options identified for further consideration are as follows (option i is a straight alternative; options ii to iii could be complementary):

- i. *Status quo (but clarification of application);*
- 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.*

## ***A.3 Regulated Non Quarantine Pests (plants for planting)***

### **Description of the issue**

Regulated Non Quarantine Pest (RNQP) is defined by the IPPC (ISPM no. 16 and 21) as: “*a non-quarantine pest whose presence in **plants for planting** affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated within the territory of the importing contracting party.*”

The question to address here is what would be the right positioning of the HOs considered as suitable to be regulated as RNQPs: the PH regime or the S&PM regime? Most likely these would be some of the HOs listed in Annex II, Part A, Section 2 to Council Directive 2000/29/EC, and some HOs listed in the various S&PM Directives.

It has also generally been observed by several MS that a number of HOs qualify for transfer between the two sets of Directives – such ‘borderline’ cases’ would include:

- HOs currently included in the S&PM Directives but which could be transferred to Directive 2000/29/EC because a zero tolerance is required: potential examples include *Bruchus* spp. on legume seed, certain vine viruses, and apple proliferation mycoplasma (tolerance level is zero);
- HOs currently included in Directive 2000/29/EC but which could be transferred to the S&PM Directives because the objective is to ensure plant health quality at the start of the production chain: potential examples include *Ditylenchus dipsaci*, *Xanthomonas fragariae*; Pepino mosaic virus; *Phytophthora ramorum*?

A simple variant of the option to systematically include RNQPs in either set of legislation (PH or S&PM) would be to maintain the status quo and simply review some of the 'borderline cases'. A disadvantage of this approach might be that the differences in objectives and intervention logic of the two regimes, and the consequences for listing HOs in one or the other set of legislation, might remain unclear and sustain the existing confusion.

In terms of the suitability of the PH regime to cover RNQPs with threshold levels other than zero, the question to address is whether RNQPs should be introduced into what has so far been a quarantine regime, as this would imply the introduction of the principle of tolerance levels and may therefore alter the objectives and the appropriateness of the measures foreseen by the regime.

### **Options for discussion during Day 2 of the conference**

The options identified for further consideration are as follows (options are alternatives):

- i. *Status quo (with potential transfer, as appropriate, of certain 'borderline' cases);*
- ii. *Introduce RNQPs with threshold levels other than zero within Directive 2000/29, as a specific Annex;*
- iii. *Manage RNQPs by positioning within S&PM Directives all HOs which are regulated with the aim of ensuring plant health quality at the start of the production chain.*

## Theme B: Prevention strategies

### *Background*

This theme addresses the need for more and better prevention in the system. This covers the different measures, namely controls at external borders and the monitoring of the internal EU territory. Improving prevention strategies touches upon the extent to which there is a need to prioritise and how to achieve this, so as to better target measures, in view of the evolving challenges and current resource constraints. The emphasis of any prioritisation would be to improve prevention, and does not therefore imply a narrowing of the scope of the regime.

In the context of the significant expansion in trade volumes and change in trade patterns (new products and sources of supply), the EU is faced both with increasing and emerging risks of introduction of HOs. The current system of import controls may not be fully appropriate – given the resources available - to cope with these new challenges, the question is therefore whether new tools or strengthening of the existing ones should be foreseen.

Measures within the EU could also be strengthened for a more coordinated and consistent approach than is the case at present, and to face up to the new challenges.

### *Results of the general survey*

#### **General survey results (Q 6.7):**

*Should the Community Plant Health Regime be revised in order to have more focus on prevention and early action?*

- **All the MS (CAs) agree that more focus should be given to prevention.**

#### **General survey results (Q 1.4):**

*What should be done in future to improve the scope and objectives of the CPHR?*

- 17 out of 23 MS CAs (4 out of 4 stakeholders) are in favour of introducing mandatory surveillance for listed HOs.

#### **General survey results (Q 2.7):**

*What should be done in future to improve surveillance of HOs?*

- 21 out of 24 MS CAs (6 out of 6 stakeholders) expressed a preference for focusing surveillance on priority HOs, on the basis of phytosanitary risk and significant socio-economic impact;
- 19 out of 21 MS CAs (1 out of 3 stakeholders) are in favour of introducing explicit Community legislation for global surveillance/monitoring for listed/not listed HOs;
- 21 out of 25 MS CAs (2 out of 5 stakeholders) underlined the need for reinforcement of phytosanitary import control;
- 6 out of 6 stakeholders seek the involvement of persons/organisations not belonging to the CA in surveillance and rapid alert/early warning systems;
- The need for improved staff resources/training for national authorities is supported by 24 out of 25 MS CAs (6 out of 6 stakeholders); the same result is reported with regards to enhancement of capacity building in MS by 25 MS CAs (4 out of 4 stakeholders).

**General survey results (Q 3.9):**

*What should be done in future at EU/MS level to improve controls on the presence of HOs on imports from TCs, and possibly to facilitate trade?*

- All MS (CAs) that responded to the survey (26) highlighted the need for an improvement of the link between PH and customs nomenclature, as well as the link between PH and Customs IT system (4 out of 4 stakeholders). All the MS CAs also highlighted the need of improvement of cooperation between PH authorities and customs (5 out of 5);
- The improvement of the risk basis of controls is an option supported by all MS CAs (26) and 4 out of 4 stakeholders;
- With regard to the EC emergency measures, 23 MS CAs out of 25 (4 out of 5 stakeholders) highlight the need for strengthening the implementation of the system, and 22 out of 24 MS CAs highlight the need for an improvement (5 out of 6 stakeholders);
- The enhancement of capacity building in third countries (TCs) is suggested by 18 out of 19 MS CAs (6 out of 6 stakeholders);
- The development of a notification system similar to RASFF is supported by 19 out of 22 MS CAs (6 out of 6 stakeholders);
- 16 out of 22 MS CAs are in favour of tightening the enforcement of current provisions concerning import controls at CA and industry levels (3 out of 4 stakeholders);
- According to 16 out of 21 MS CAs and 4 out of 5 stakeholders, appropriate sanctions for infringement should be introduced;
- 22 out of 24 MS CAs are in favour of evaluating temporary derogations after several years (6 out of 6 stakeholders);
- Improvement in the use of notifications by the MS and in the control of the correct use of the additional declaration are needed, according respectively to 21 out of 24 MS CAs (5 out of 5 stakeholders) and 21 out of 25 MS CAs (2 out of 3 stakeholders);
- The system of reduced frequency checks should be revised according to 11 out of 18 MS CAs and 3 out of 3 stakeholders.

Source: General Survey (full results in Annex 1)

***B.1 Prevention at import: risk analysis of new trade and targeting of risks***

**Description of the issue**

A range of measures can be envisaged to improve prevention at point of entry. The need for a more precautionary approach via a long list of HOs to be subject to specific import controls (adjusting current Annexes 1 and 2 of the Directive) has been identified, along with a specific approach for risk analysis of new trade in plants for planting and plant propagating material based on commodity pathway analysis. In all cases, any revisions to be based on (fast track) Pest Risk Analysis (PRA).

In addition to the above, there is a number of recommendations for ‘soft’ interventions, for which there is a consensus. These include: improving the use of EUROPHYT in risk analysis; promoting information exchange and cooperation between MS; harmonising the approach to import inspections between MS by means of EU level training (e.g. BTSF) and

exchange programmes and the provisions of EU-wide general guidelines to inspection services; promoting information exchange and cooperation with third countries, including via training (e.g. BTSF); and, improving cooperation between customs and plant health services both at Commission and MS levels.

### **Options for discussion during Day 2 of the conference**

The options identified for further consideration are as follows (option i is a straight alternative; options ii to iv could be complementary):

- i. *Status quo with improvements ('soft' interventions)*
- ii. *Widen the list of HOs subjected to import controls (Annexes to Directive 2000/29);*
- iii. *For emerging risks (particularly new trade in plants for planting/PM material): commodity pathway analysis;*
- iv. *For plants for planting/PM 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 permits or import bans where necessary.*

### **B.2 Prevention intra-EU: EU requirements for general surveillance and reporting**

#### **Description of the issue**

Surveillance is currently compulsory only in the case of emergency and control measures. Several MS carry out additional surveillance for certain HOs, according to their own priorities.

The questions to be addressed in this context include whether more global surveillance could be introduced on a compulsory basis for HOs of EU 'priority', and whether the compulsory surveillance methodology and reporting could be harmonised at EU level.

The introduction of surveillance on a compulsory basis introduces the issue of whether EU co-financing should be made available for this measure.

## Options for discussion during Day 2 of the conference

The options identified for further consideration are as follows (option i is a straight alternative; options ii to iv could be complementary):

- i. *Status quo (with emphasis on improving enforcement);*
- ii. *Global 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):*
  - a. *How to prioritise HOs? e.g. Annex I and II, section I: HOs not present; Annex I and II, section II: HOs locally present?;*
  - b. *Degree of subsidiarity? Prioritisation of HOs at EC level (e.g. US approach: representativeness of broad range of methods and classes of pests and ranking);*
- iii. *Development of common principles and guidelines for harmonized surveillance and reporting;*
- iv. *Introduction of co-financing for surveillance.*

## Theme C: More rapid emergency action and creation of EU/MS emergency team

### *Background*

Article 16 of Directive 2000/29/EC sets out the basis for emergency measures at EU level (or initial control measures taken by MS). Measures are taken and reviewed/revise (or repealed) at the Standing Committee on Plant Health on the basis of Pest Risk Analysis (PRAs).

The need for more rapid action in emergency situations was repeatedly identified in the context of the various themes covered by the evaluation, both with regards to the imminent danger posed by imports from third countries and other findings or outbreaks within the Community. In many cases there is a call for action in advance of any emergency situation arising, in particular in the form of horizon scanning and contingency plans, the uptake of which is currently very variable amongst MS.

### *Results of the general survey*

#### **General survey results (Q 6.8):**

*What should be done in future at EU/MS level to ensure better preparedness to prevent and control the introduction/spread of HOs?*

- 25 out of 26 MS CAs (6 out of 7 stakeholders) expressed the need for an improvement of the availability of up-to-date MS Contingency Plans;
- Improvement of the knowledge of private operators in the production and trade chain is sought by 23 MS CAs (6 out of 7 stakeholders);
- The development of an EU emergency team is sought by 19 out of 21 MS CAs (2 out of 4 stakeholders);
- 19 out of 22 MS CAs are in favour of introducing new legal instruments for rapid intervention by the EC in case of outbreaks of new HOs (1 out of 5 stakeholders);
- The improvement of the import control system to deal with emergency situations is sought by 22 out of 25 MS CAs (4 out of 6 stakeholders).

Source: General Survey (full results in Annex 1)

### **Options for discussion during Day 2 of the conference**

The options identified for further consideration are as follows (option i is a straight alternative; options ii to v could be complementary):

- i. Status quo (with improvements, e.g. as proposed under option i, Themes B.1/B.2);*
- ii. Horizon scanning;*
- iii. Compulsory development of contingency plans (EU or MS?) 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.*

## Theme D: Functioning of the internal market

### *Background*

Measures of the intra-EU plant health regime have aimed to guarantee the functioning of the internal market (through the plant passport system), as well as establishing the possibility of maintaining the quarantine status of certain HOs even though these had been introduced or established in some areas within the EU (through the concept of Protected Zones).

The limitations of these tools have been highlighted in the evaluation of the CPHR to date, and therefore there is need to understand what changes would be needed in order to ensure the proper functioning and the achievement of objectives.

### *Results of the general survey*

#### **General survey results (Q 4.7):**

*What should be done in future at EU/MS level to ensure that plant health rules make a greater contribution to improved and safe intra-Community trade in plants and plants products?*

- All MS CAs and EU-level stakeholders that responded to this element of the survey (25 MS; 6 stakeholders) are against abolition of the plant passport system;
- 24 out of 25 MS CAs agreed on the need for a revision (2 out of 3 stakeholders); all the MS CAs (25) are in favour of harmonization (5 out of 6 stakeholders);
- All MS CAs (24) highlight the need for an improvement of the risk analysis in the current system (7 out of 7 stakeholders);
- 19 out of 21 MS CAs are in favour of setting up an EU-wide e-database of plant passport information (5 out of 5 stakeholders);
- 14 out of 23 MS CAs are in favour of dropping the option that plant passport can consist of two documents (1 out of 3 stakeholders);
- 13 out of 22 MS CAs would like to modify the system for exceptions of small producers (3 out of 3 stakeholders);
- 13 out of 23 MS CAs are in favour of:
  - modifying the system of exceptions for final consumption products (3 out of 4 stakeholders); and
  - expanding the scope of plants and plant products for which plant passports are required (1 out of 2 stakeholders);
- 13 out of 19 MS CAs are in favour of simplifying documentation requirements (6 out of 7 stakeholders);
- 13 out of 22 MS CAs are in favour of attaching the plant passport to the individual plants or smallest units, all (4) stakeholders are against;
- 12 out of 25 MS CAs are in favour of improving the producer registration system (4 out of 7 stakeholders);
- 25 out of 26 MS CAs (and all (5) stakeholders) agree on the need of an improvement of staff resources and training for national authorities, 23 out of 25 MS CAs to improve resources for implementation of requirements (and all (7) stakeholders).

Source: General Survey (full results in Annex 1)

### ***D.1 Plant passport system***

#### **Description of the issue**

The plant passport system was introduced in 1993<sup>8</sup> and it aimed at harmonizing the phytosanitary conditions for movements between and within MS for live plants and plant products. It is “*an official label which gives evidence that the provisions related to PH standards and special requirements are satisfied*” (art.2 (f) of Directive 2000/29), i.e. that the material originates from a registered and officially inspected place of production. It is therefore a system based on the principle of prevention at source. The system includes the registration of establishments in an official register, and their control by inspections, the issuing of plant passports by the responsible official body of the MS or by authorised establishments, and exemptions from both the registration and plant passport requirements for small producers operating in local markets (i.e. for local movement of the products).

The evaluation identified a number of weaknesses in the implementation of the current system, which point to the need for revision with a view to improving harmonisation and ensuring that objectives are being met.

#### **Options for discussion during Day 2 of the conference**

The options identified for further consideration are as follows ([option i is a straight alternative](#); [options ii to v could be complementary](#)):

- i. Status quo (with emphasis on improving enforcement);*
- ii. Revise the scope of application, in terms of:*
  - a. Adjust level of detail and complexity of plants covered to improve transparency and administrative manageability;*
  - b. Stage of marketing chain to which they should apply.*
- iii. Harmonise plant passport document*
- iv. Setting up an EU wide database*

### ***D.2 Protected zones: tightening of the system (restoration of credibility)***

#### **Description of the issue**

According to Art. 2(h) of Directive 2000/29 a protected zone (PZ) in the Community is a country (or a territory within a country) where:

- One or more HOs, established in one or more parts of the Community, are not endemic or established despite favourable conditions for the HOs to establish;

---

<sup>8</sup> Since 1993 the main control has been at the outside border; products within the EU are subject to the plant passport system. Products come into the EU with a phytosanitary certificate. Once within the EU this is converted to a plant passport to move within the EU.

- There is a danger that certain HOs will establish, given favourable ecological conditions, for particular crops, despite the fact that these organisms are not endemic or established in the Community.

PZs receive, at the request of the MS, special protection against the introduction of one or more of the HOs listed in Directive 2000/29. In general, import and movement requirements into these areas are stricter<sup>9</sup>. In some cases the specified HO is present in the PZ but is under eradication. A PZ may comprise an entire MS or cover only part of its territory and each zone is defined separately in relation to each particular HO. The current legislation stipulates that the PZ status would be removed if eradication of outbreaks over a two year timeframe proves unsuccessful, and a similar timeframe is required to declare a PZ free of a specific HO.

The evaluation identified a number of weaknesses in the implementation of the current system, which point to the need for revision with a view to improving enforcement and restoring confidence in the system as well as ensuring that objectives are being met.

### **Options for discussion during Day 2 of the conference**

The options identified for further consideration are as follows (option i is a straight alternative; options ii to iii could be complementary):

- i. *Status quo with improvements (enforcement):*
  - a. *Improve surveillance targets (more proportionate approach)*
  - b. *Involve stakeholders*
  - c. *Harmonized eradication programmes*
  - d. *Ending status on time (timing and procedure)*
- ii. *Moving to PFA concept (stricter system – ISPM 4, e.g. status lost immediately in case of outbreak)*
- iii. *Abolition of PZ system*

---

<sup>9</sup> Special requirements apply in the case of plants, plant products and other material destined to PZs, as indicated by specific marking in the plant passport document.

## Theme E: Incentives

### *Background*

The importance of rapid notification, early action and appropriate implementation of eradication and surveillance plans emerged as a key element for the success of plant health strategies. Currently there is a lack of incentives for ensuring these elements are in place; this is evident at various levels, e.g. for private operators (grower/trader) depending on sector, as well as at the level of the CA.

The lack of incentives may undermine the achievement of the regime's objectives, as has been demonstrated by some failures of the system in the past. It is crucial therefore to establish clear lines of responsibility and roles for all actors via the structuring of incentives and sanctions.

### *Results of the general survey*

#### **General survey results (Q 7.9):**

*How should organizational aspects be developed and improved in future to ensure the effective implementations of plant health provisions?*

- With regard to incentives, the introduction of compensation for mandatory destruction, for the timely reporting of outbreaks and for the implementation of control measures is supported respectively by 21 out of 23 MS CAs (2 out of 3 EU-level stakeholders that responded to the survey) and 21 out of 24 MS CAs (2 out of 3 stakeholders);
- The increased use of sanctions for the timely reporting of outbreaks and for the implementation of control measures is supported respectively by 16 out of 21 MS CAs (but generally opposed by stakeholders) and 16 out of 21 MS CAs (1 out of 3 stakeholders);
- 17 out of 20 MS CAs (1 out of 2 stakeholders) are in favour of the introduction of liability between producers as a form of incentive for the effective implementation of control measures;
- Delegation of tasks and duties to other bodies is opposed by 15 out of 21 MS CAs (1 out of 4 stakeholders); more centralization of tasks and duties to the 'Responsible Official Bodies' is supported by 11 out 23 MS CAs and rejected by 5 out of 5 stakeholders;
- The increase in funding for plant health services at MS level is supported by 22 out of 23 MS CAs, the re-definition of priorities within the national PH budget by 16 out of 22 MS CAs.

Source: General Survey (full results in Annex 1)

## Options for discussion during Day 2 of the conference

The options identified for further consideration are as follows (option i is a straight alternative; options ii to iii could be complementary):

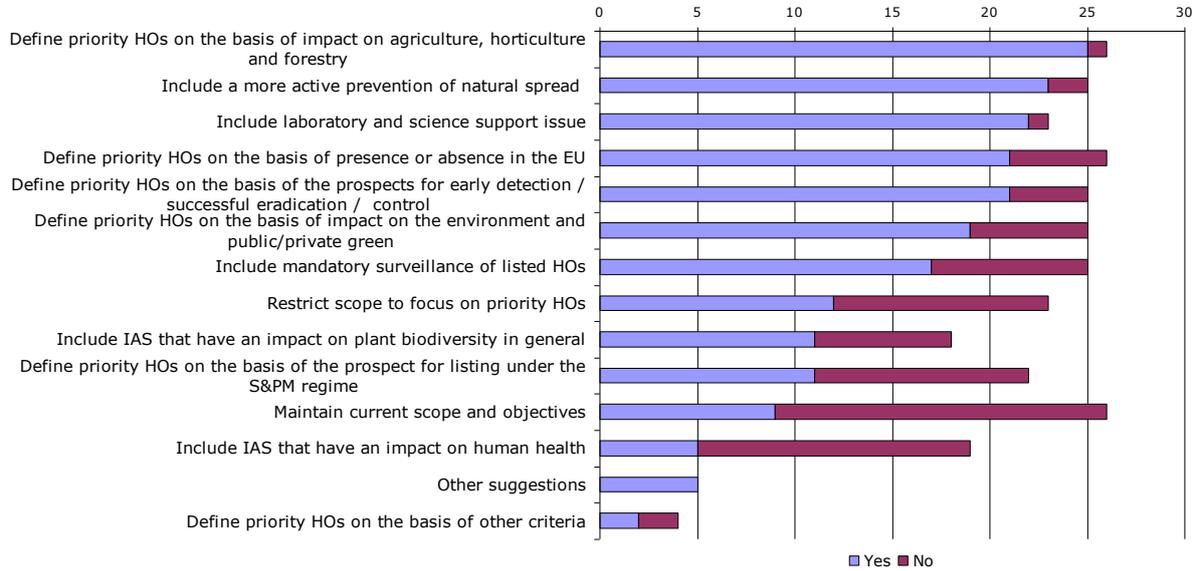
- i. *Extend current scope of solidarity:*
  - a. *Extend to cover loss of destroyed material;*
  - b. *Extend to cover business losses (or would this be better dealt with by a grower based insurance scheme?);*
- ii. *Co-financing of certain measures e.g. surveillance, eradication, contingency planning;*
- iii. *Potential role for cost-responsibility sharing (in line with current discussion on such initiatives in the context of the EU Strategy on Animal Health).*

**Note: the purpose of the last option is to initiate a first broad discussion on this issue.**

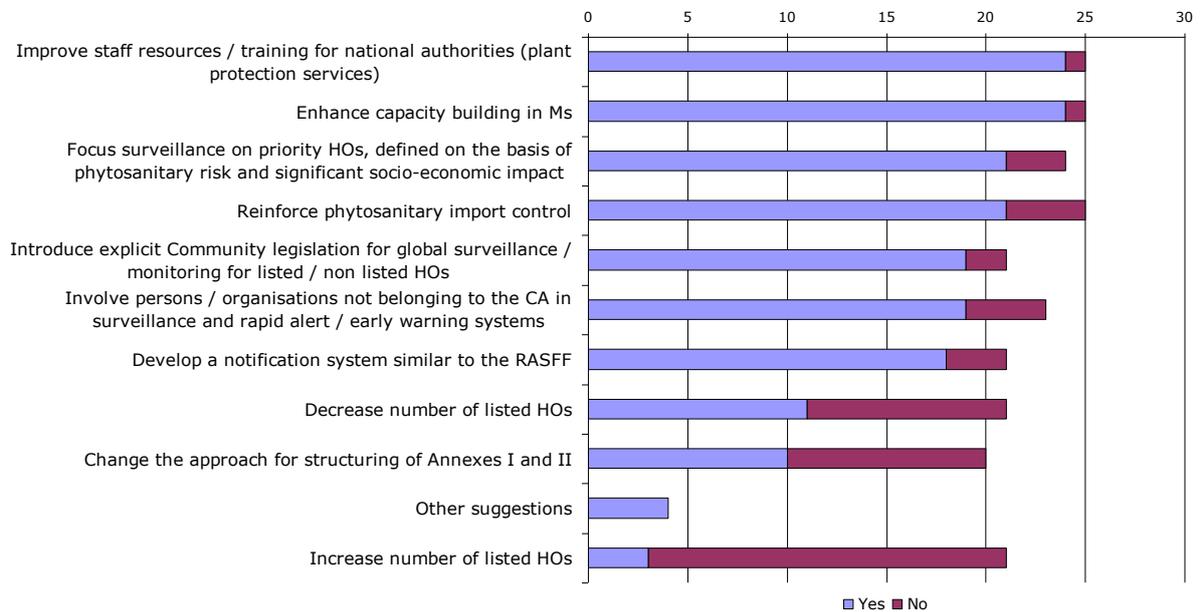
**Annex 1: Results of General Survey – sections on future improvements**

**Results of General Survey of Member State Competent Authorities**

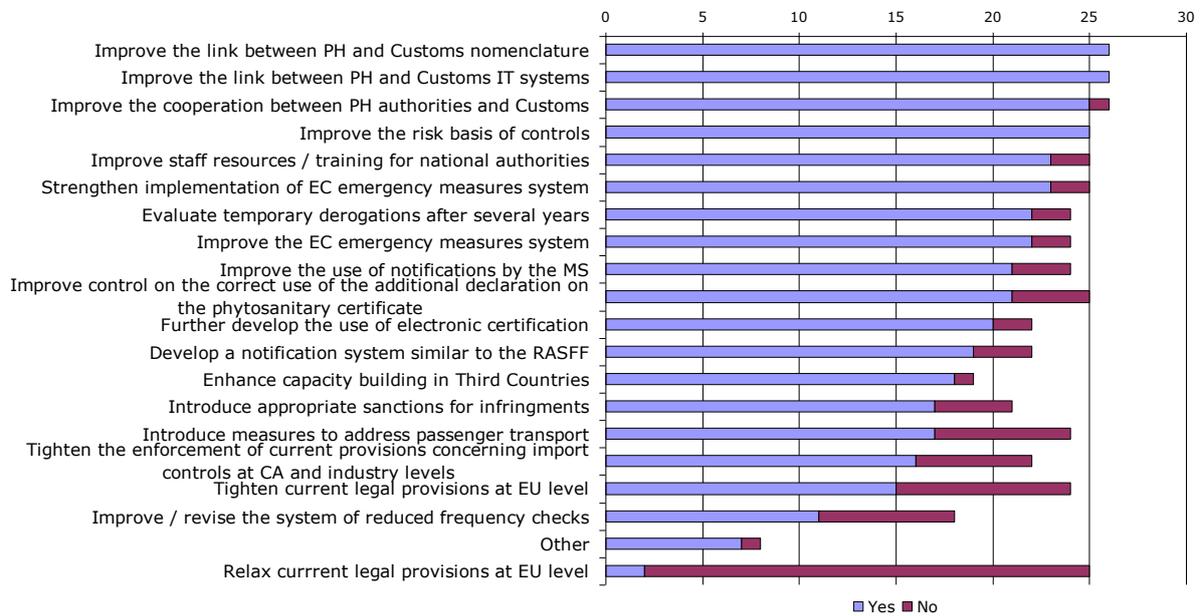
**1.4. What should be done in future to improve the scope and objectives of the CPHR?**



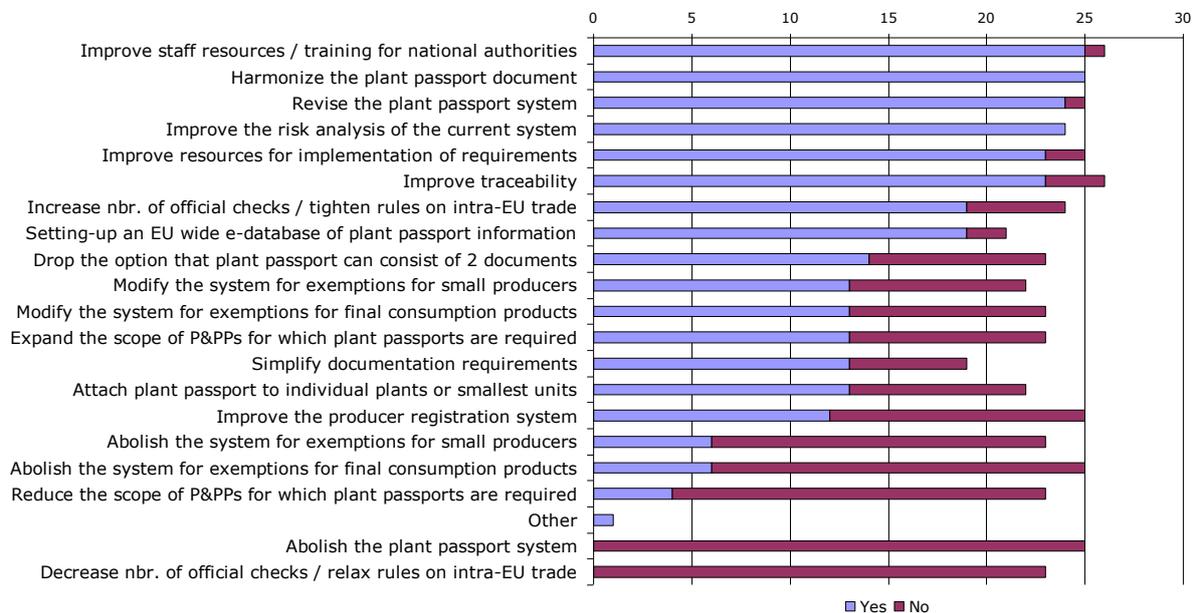
**2.7. What should be done in future at EU/MS level to improve surveillance of HOs?**



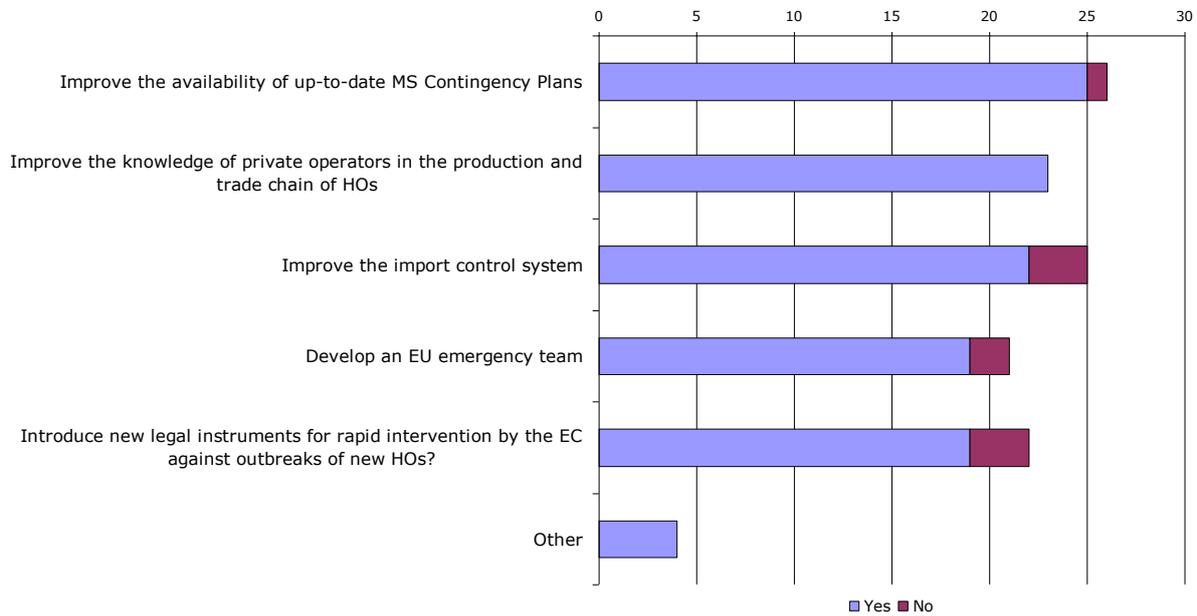
3.9. What should be done in future at EU/MS level to improve controls on the presence of HOs on imports from third countries, and possibly to facilitate trade?



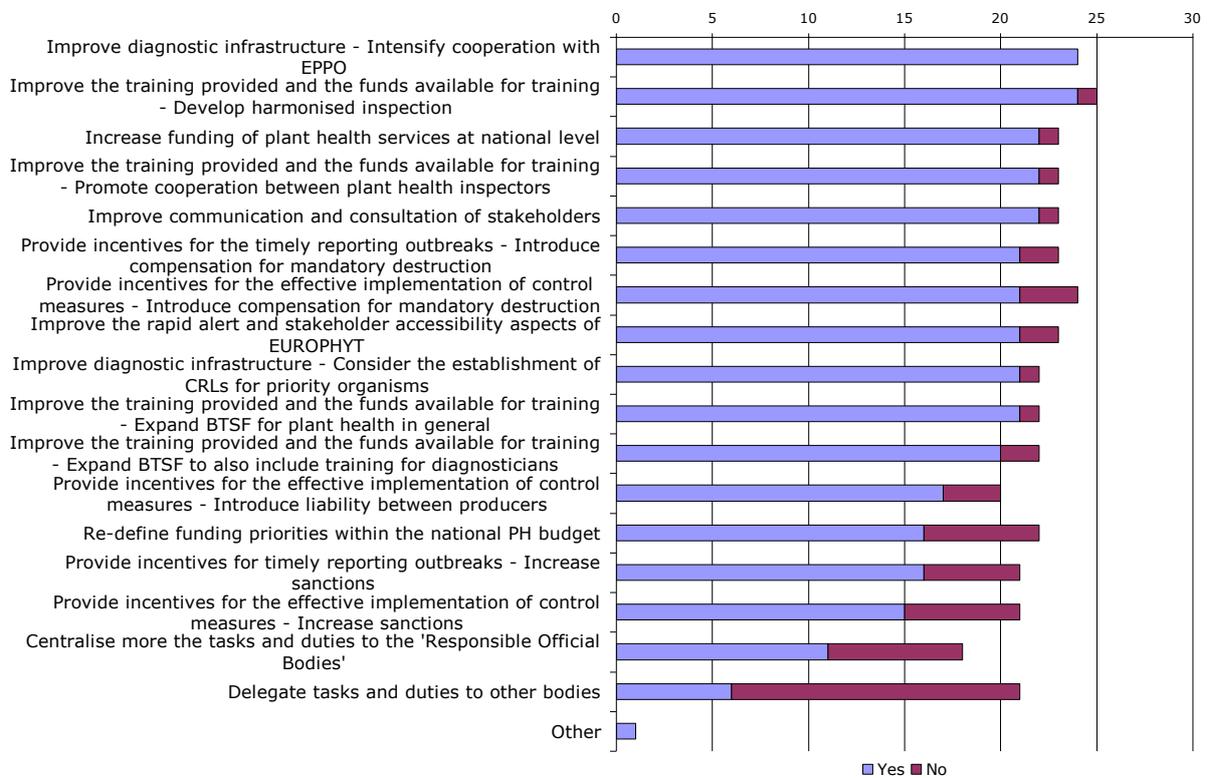
4.7. What should be done in future at EU/MS level to ensure that plant health rules make a greater contribution to improved and safe intra-community trade in plants and plant products?



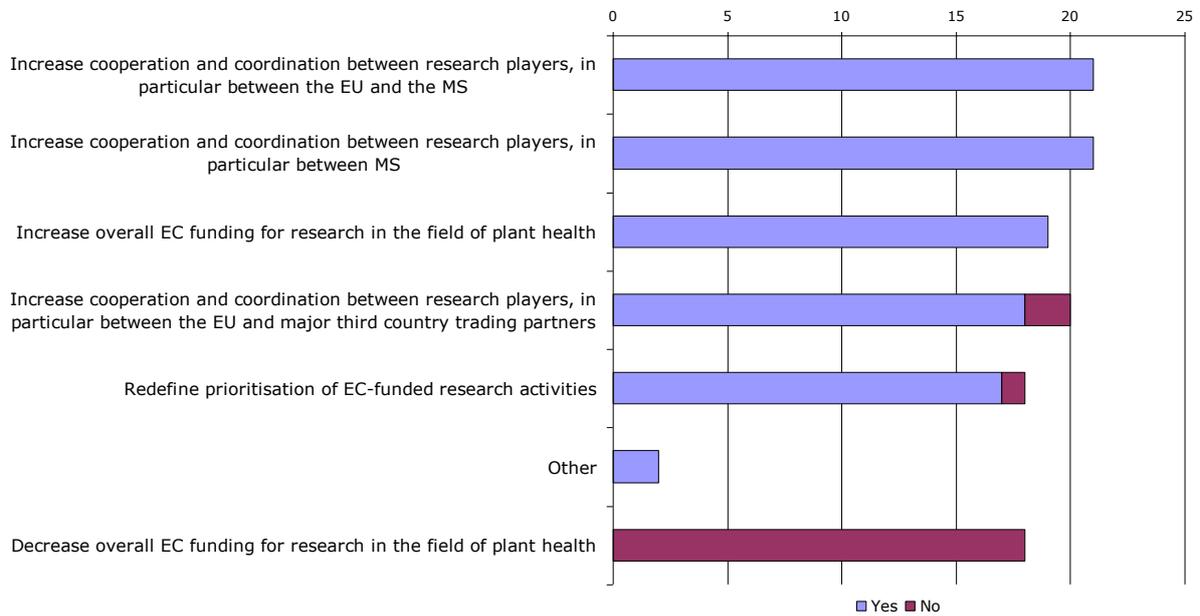
6.8. What should be done in future at EU/MS level to ensure better preparedness to prevent and control the introduction/spread of HOs?



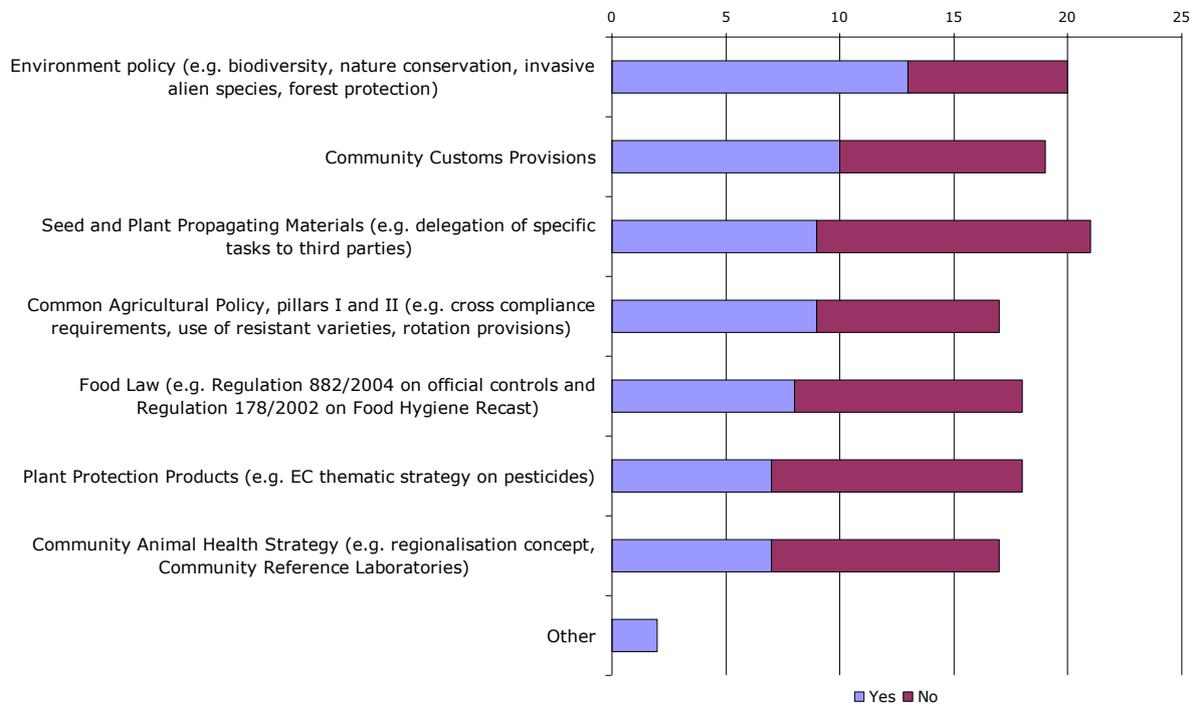
7.9. How should organisational aspects be developed and improved in future to ensure the effective implementation of plant health provisions?



8.6. What should be done in future to improve the contribution of EC-funded research in the plant health field to the achievement of the CPHR objectives?

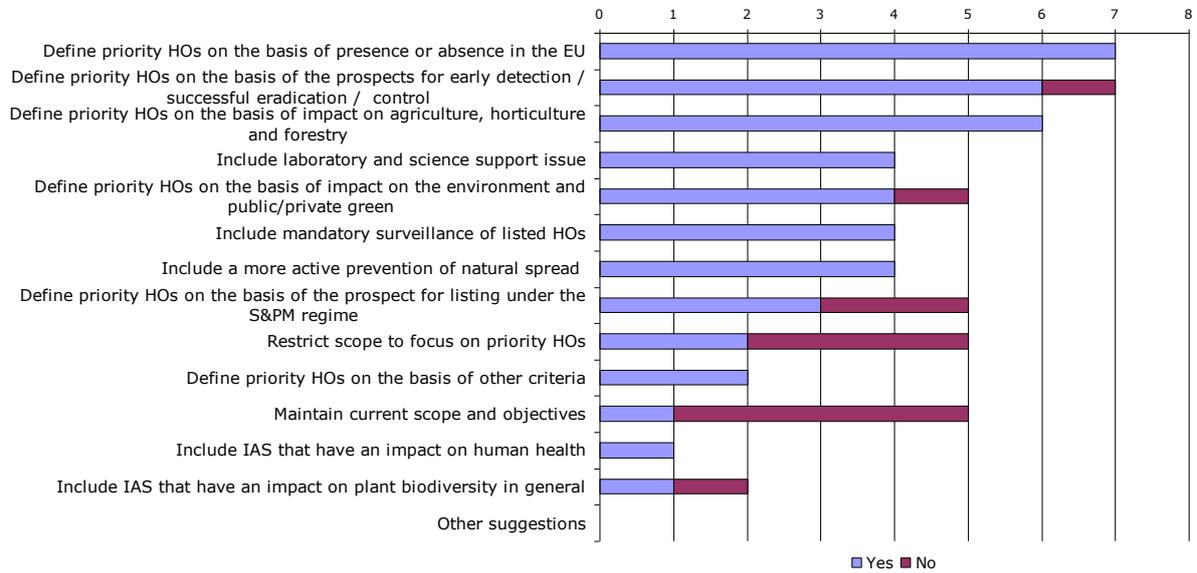


9.2. Should any revision of the CPHR in future guided by any of the principles developed under the following EU policy areas?

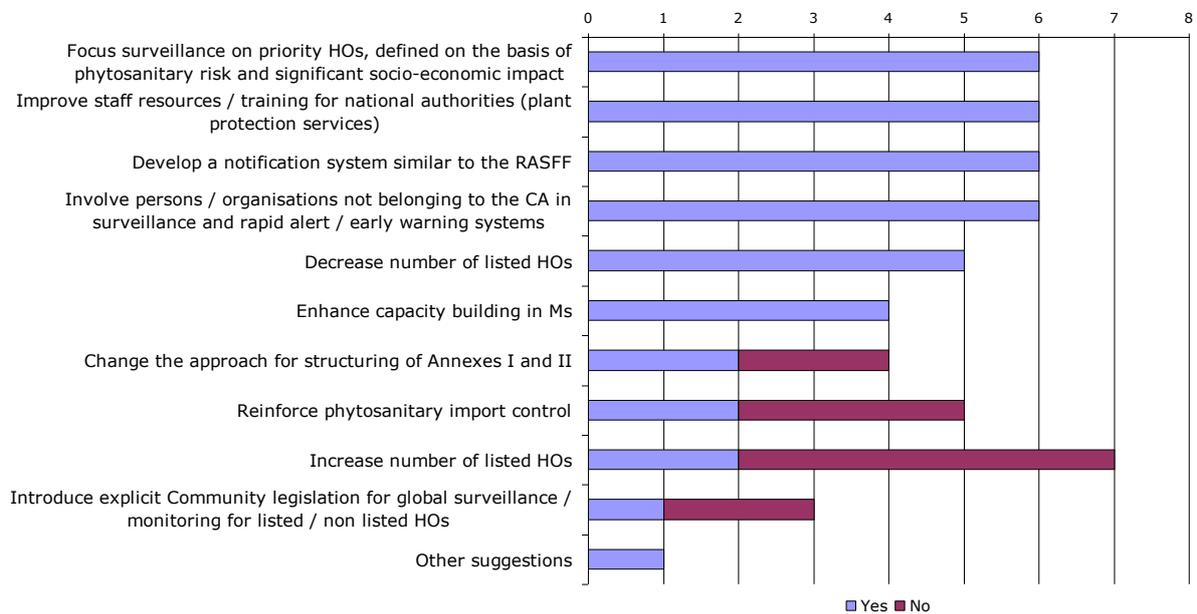


**Results of General Survey of Stakeholders (only EU professional organisations are included, 8 in total)**

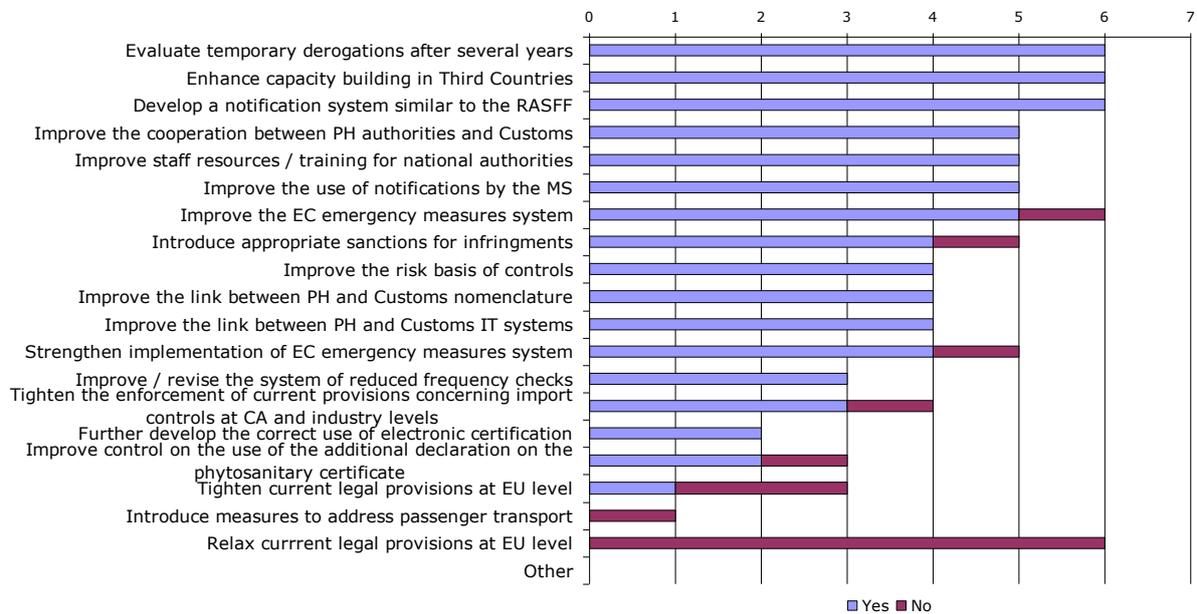
1.4. What should be done in future to improve the scope and objectives of the CPHR?



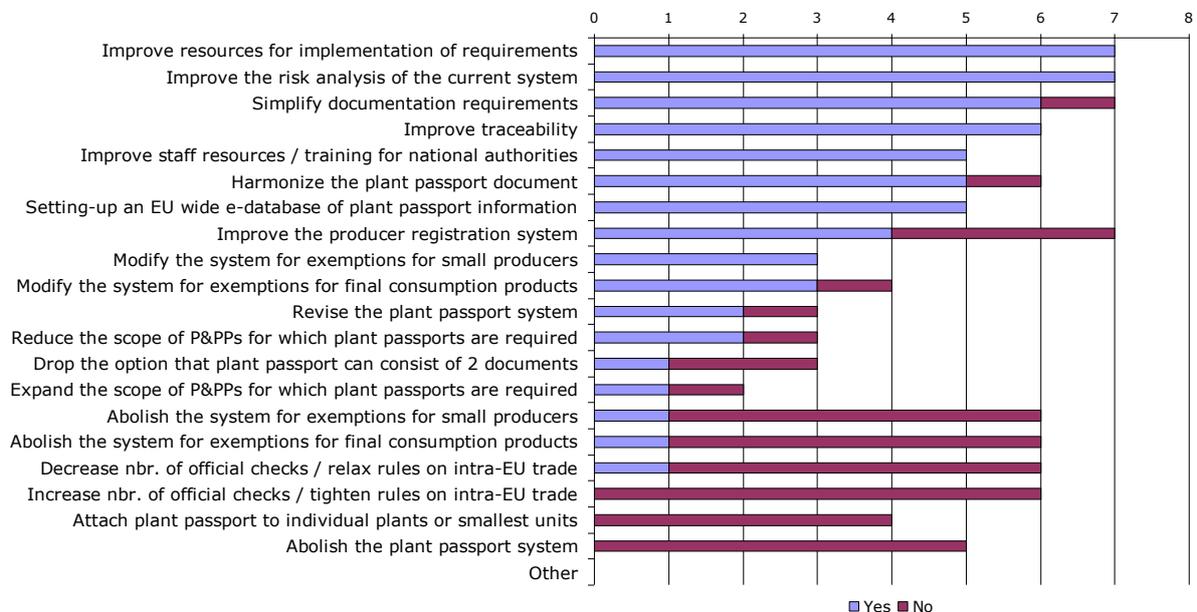
2.5. What should be done in future at EU/MS level to improve surveillance of HOs?



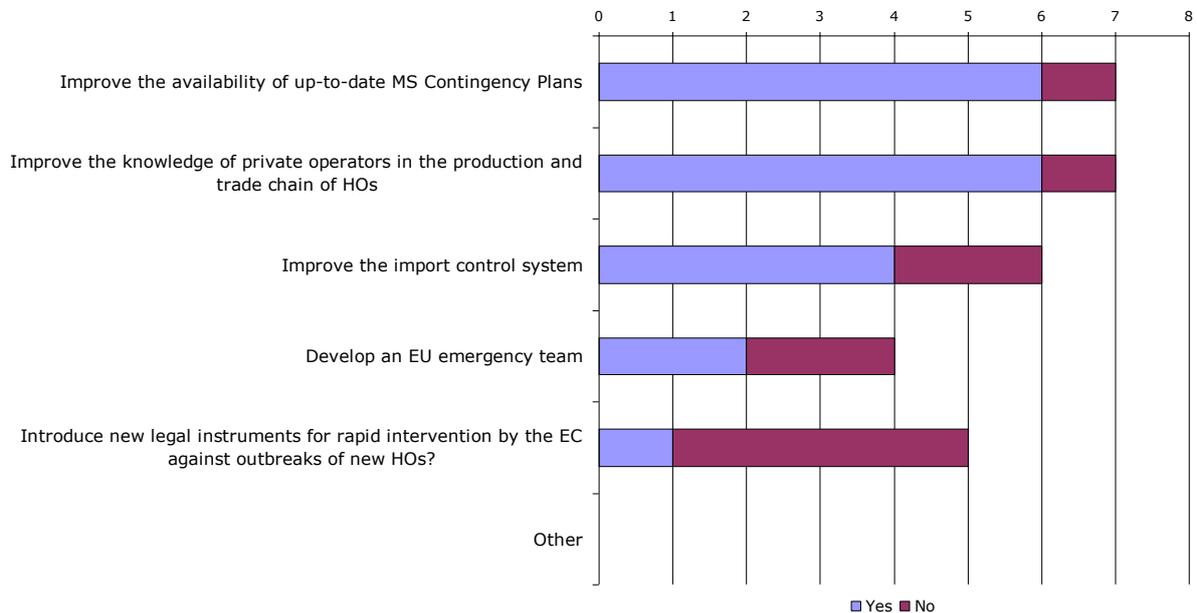
3.7. What should be done in future at EU/MS level to improve controls on the presence of HOs on imports from third countries, and possibly to facilitate trade?



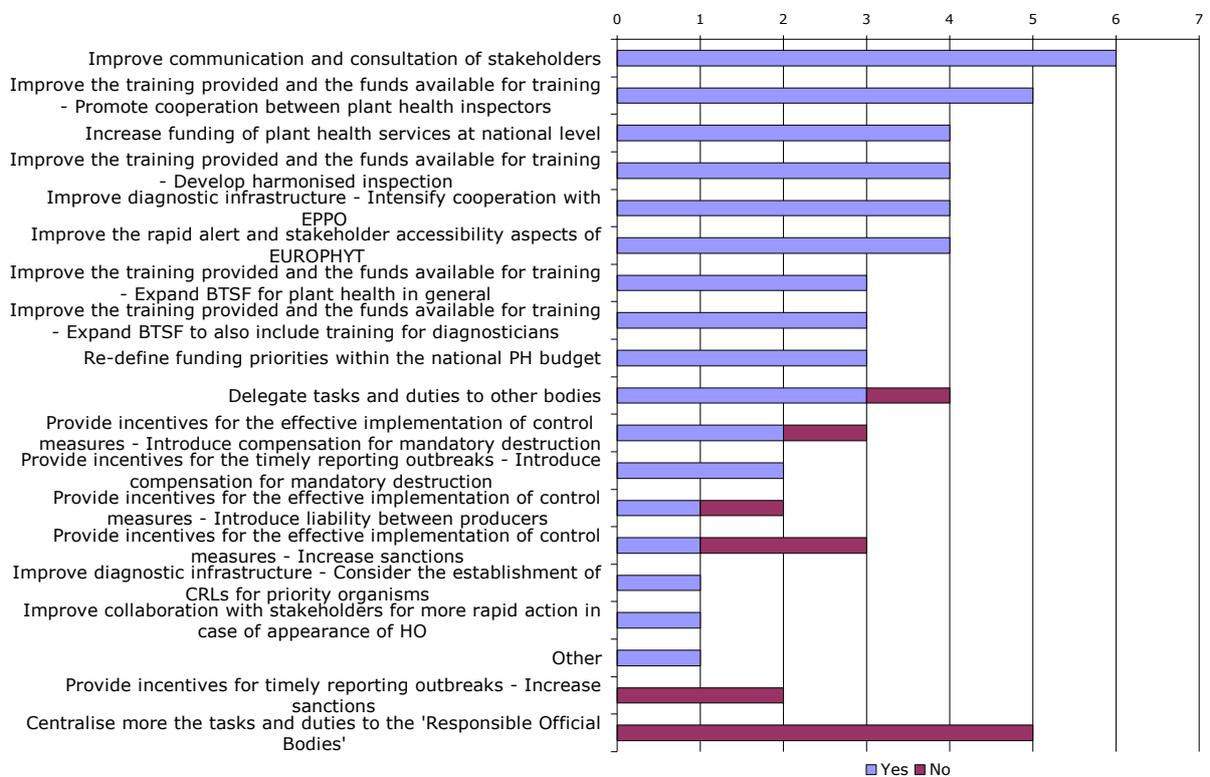
4.5. What should be done in future at EU/MS level to ensure that plant health rules make a greater contribution to improved and safe intra-community trade in plants and plant products?



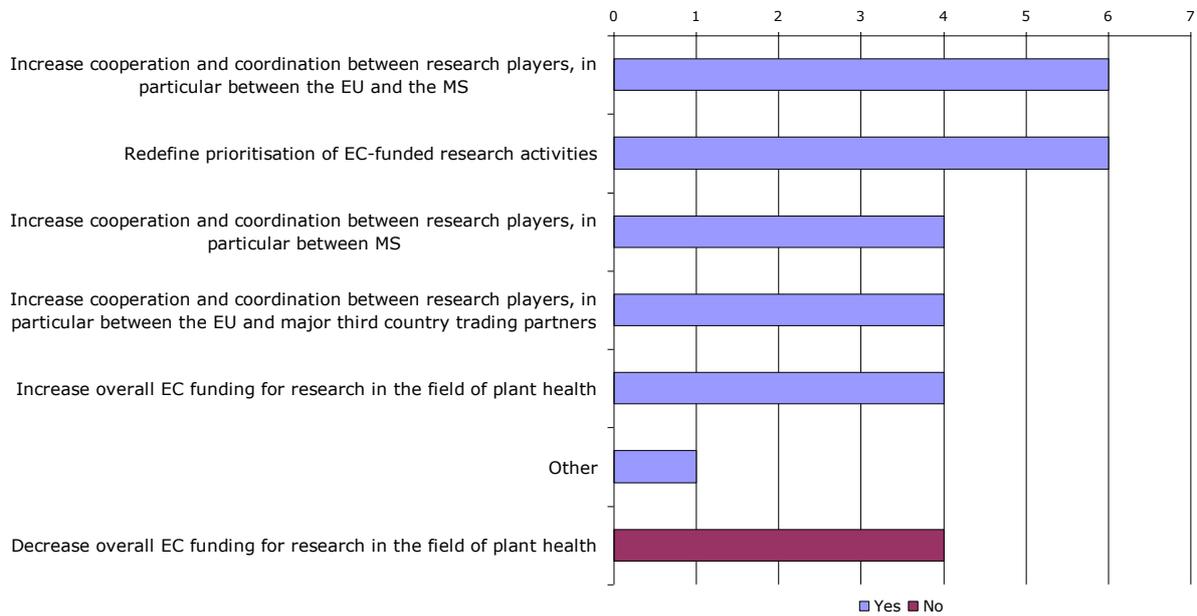
6.7. What should be done in future at EU/MS level to ensure better preparedness to prevent and control the introduction/spread of HOs?



7.9. How should organisational aspects be developed and improved in future to ensure the effective implementation of plant health provisions?



8.6. What should be done in future to improve the contribution of EC-funded research in the plant health field to the achievement of the CPHR objectives?



9.2. Should any revision of the CPHR in future guided by any of the principles developed under the following EU policy areas?

