




Development of Plant Health Regulations
International, EU and UK

Dr Elspeth Steel
International Training and Development
Fera International

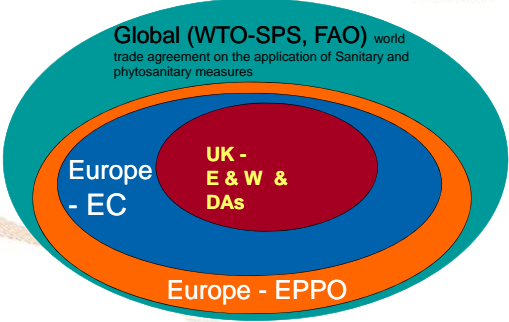
Thursday 19th November 2009, Brussels



- International, European and UK framework for plant health legislation.
- IPPC
- EC Directives
- UK schedules



Developing Plant Health Legislation



Global (WTO-SPS, FAO) world trade agreement on the application of Sanitary and phytosanitary measures

Europe - EC


UK - E & W & DAs

Europe - EPPO

Developing Plant Health Legislation

WTO- SPS

World Trade Organisation Agreement on Sanitary and Phytosanitary Measures (1994)

The WTO-SPS Agreement (1994) 

- The WTO was formed in 1994
- Provides a common institutional framework for the conduct of trade relations among member countries
- Settles trade disputes and provides a trade review mechanism
- There are several agreements on trade in goods including: agriculture, textiles and clothing and sanitary and phytosanitary measures.

The WTO-SPS Agreement (1994) 

- Recognises the “basic right to protect human, animal and plant life and health”.
- Also recognises the work and procedures of the “three sisters”, *i.e.*
 - the IPPC and Regional Plant Protection Organisations (plant health);
 - the OIE (animal health);
 - the Codex Alimentarius (human health).
- Principles

The WTO-SPS Agreement
(continued)



But phytosanitary measures must be:

- based on scientific principles using risk assessment (PRA)
- not maintained without scientific evidence
- non-discriminatory
- based on international standards
- **transparent**; requirements, restrictions, prohibitions, and rationale for these measures and any modifications made to them, should be published and available upon request. Should be notified to the WTO.

The WTO-SPS Agreement
(continued)



- But, in reality, notification, implementation, standard setting etc. is all through FAO – IPPC.

Legislation



fera
The Food and Environment
Research Agency

IPPC

- Multilateral treaty for international cooperation in plant protection
 - Over 160 countries
 - From Albania to Zambia
- A standard setting organisation



The International Plant Protection Convention (IPPC)

- **The philosophy behind the convention is:-**
 spread and introduction of pests only preventable if all countries take adequate measures to avoid and control;
- **Thus quarantine is a joint responsibility;**
 Countries should establish appropriate infrastructures to protect from new introductions and to control pests in their territory;
- **Countries are able to take quarantine measures that impede trade only if biologically sound and economically justified.**



fera
The Food and Environment
Research Agency


Key principles

- Countries have the right to use phytosanitary measures
- Measures should be:
 - only applied when necessary
 - technically justified
 - no more restrictive than necessary to address risk
 - non-discriminatory
 - transparent

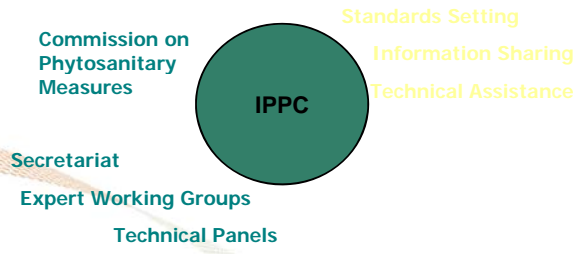

The Food and Environment
Research Agency

Obligations

- National Plant Protection Organisation (NPPO)
- Regulate imports
- Publish phytosanitary requirements
- Conduct surveillance, treatments and certify exports
- Share information on pests and regulations
- Notify trading partners of non-compliance


The Food and Environment
Research Agency

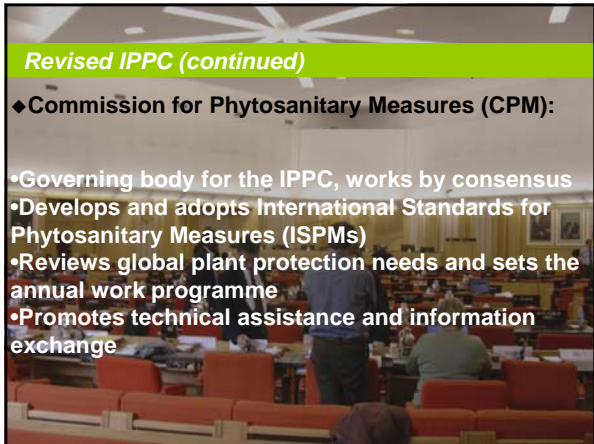
Covers all types of plants and pests



Revised IPPC (continued)

◆ **Commission for Phytosanitary Measures (CPM):**

- Governing body for the IPPC, works by consensus
- Develops and adopts International Standards for Phytosanitary Measures (ISPMs)
- Reviews global plant protection needs and sets the annual work programme
- Promotes technical assistance and information exchange




Development of Legislation 

WTO- SPS
IPPC

ISPMs - International Standards on Phytosanitary Measures (on-going)

ISPMs – International Standards for Phytosanitary Measures 

- Provide guidance to member countries in fulfilling requirements of the IPPC.
- Developing since 1993;
- Describing why to do certain actions in plant health;
- How to do them – for example how to export, import measures, lists of pests etc. ;
- Now developing pest specific standards, for example pest free areas for fruit flies;
- A glossary of definitions – not always obvious!

European & Mediterranean Plant Protection Organisation 

Intergovernmental organisation responsible for European cooperation in plant protection
Under the IPPC is the regional PPO for Europe.

EPPO's activities include:

- Setting regional standards for phytosanitary measures;
- Organising working party and panel meetings bringing together experts from the region;
- Distributing pest information and encouraging participation via workshops and conferences.

BUT: EPPO can only recommend, not regulate.

EU – EC implementation

- Legislation development in Council Working Group or Standing Committee for Plant Health.
- Council Working Groups, Presidency and COPHs
Develops main administrative legislation and some technical control directives e.g. PCN, Potato bacterial diseases;
Only Commission can propose new legislation (but Council influences)
- SCPH develops main technical and implementing legislation. Meets monthly
- Both elements of PRA – risk analysis and risk management are done by SCPH – with advice on risk analysis from European Food Standards Agency and specific working groups

Operation of the EU Plant Health Regime

Adoption of new measures.

- The Commission proposes draft measures;
- Opinion (vote) on draft measures given by the **‘Standing Committee on Plant Health’**
- composed of representatives of all Member States and chaired by a representative of the Commission.
- Addressed to Member States.
- For the UK usual to have both Policy and E&A present, with Forestry Commission

Operation of the EU Plant Health Regime

Implementation of measures.

- Member States competency through a single and central coordination and contact authority.
- The National Plant Protection Organisation for UK is led by Policy at Fera but the NPPO includes Wales, Scotland, Northern Ireland, Guernsey, Jersey, Isle of Man and Forestry Commissions for both ‘mainland’ and Northern Ireland. Complex!

UK legislation



- Required to closely follow EC legislation;
- Devolved administrations required to have own Orders – E, W, Sc, NI, Jersey, Guernsey, IoM
- Forestry Authority – forestry order
- Legislation articles – how, who, what...
From the EC legislation but not the same
- Schedules – phytosanitary measures – closely mirror EC directive, incorporate emergency legislation;
- Amended frequently.
- Plant Health Act unaltered since 1967.

Legislation publication - Explanation



- Legislation in the EU is all published in the *Official Journal*.
- All have a unique number they are usually referred to by them – all have year of publication first.
- Thus 2000/29/EC Or 91/414/EC
- England legislation as Orders, also unique number, such as
- 2005 no. 2530 *The plant health (England) Order 2005*

EU strategy for Plant Quarantine



Objectives

1. To prevent the **introduction** into the Community of pests and diseases harmful to plants and plant products;
2. To prevent the **spread within** the Community of pests and diseases harmful to plants and plant products.

EU strategy for Plant Quarantine



Legislative framework =

Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.

- Legislation applicable to all Member States.
- Member States decide on the type of national legislation and implementing measures to achieve the aim of the EC Directive.

EU strategy for Plant Quarantine



Directive 2000/29 (as amended) – Structure:

- 'Articles' which give the main structure to all of the legislation – what, why, how, when.
- 'Annexes' which list the harmful organisms subject to controls. How these are to be controlled and the plants and plant produce controlled. English Orders reflect this, with the schedules reproducing the annexes.

EU strategy for Plant Quarantine



From outside the EU

Main legislation consists of :-

- Lists of 'Harmful organisms not known to occur' in the EU;
- Safeguarding requirements for imports which have either -
 - technical import requirements or prohibitions.
- Import controls on plants and plant products at the point of first entry into the EU-
 - Checking of phytosanitary certificates.



Annex V A II
List of plants and produce requiring a Phytosanitary Certificate.



- Includes:
All plants for planting
Citrus fruits – appropriate mark of origin
Many other fruits IF they come from non-European countries. [not NON – EU countries]

EU PLANT HEALTH DIRECTIVE 2000/29/EC



ANNEX I

Part A Harmful organisms whose introduction into, and spread within, all Member States shall be banned.

Section I Harmful organisms not known to occur in any part of the Community and relevant for the entire Community.





EU PLANT HEALTH DIRECTIVE 2000/29/EC

ANEX I

Part A Harmful organisms whose introduction into, and spread within, all Member States shall be banned.

Section I Harmful organisms not known to occur in any part of the Community and relevant for the entire Community.

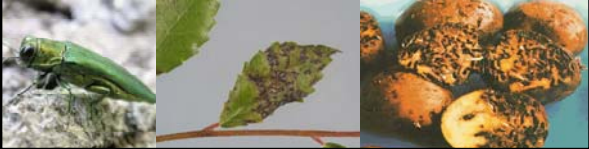


EU PLANT HEALTH DIRECTIVE 2000/29/EC

ANEX II

Part A Harmful organisms whose introduction into, and spread within, all Member States shall be banned if they are present on certain plants or plant products.

Section I Harmful organisms not known to occur in the Community and relevant for the entire Community.






fera
The Food and Environment Research Agency

EU PLANT HEALTH DIRECTIVE 2000/29/EC

ANEX II

Part A Harmful organisms whose introduction into, and spread within, all Member States shall be banned if they are present on certain plants or plant products.

Section I Harmful organisms not known to occur in the Community and relevant for the entire Community.



EU Plant Health Import Regime

- Minimum conditions for carrying out plant health checks at border inspection posts include:
- **access to** appropriate administrative, inspection and testing facilities:
- **access to facilities** for proper storage and destruction/treatment of intercepted consignments.

EU strategy for Plant Quarantine (2)

Within the EU

Main legislation consists of :-

- Lists of 'Community harmful organisms;
- Movement controls with:
 - Harmonised phytosanitary checks for Community produce on the grower's premises.
 - **'Plant Passport'** for the movement of plants and plant produce **within** and **between** Member States.

Commission Directive 2000/29/EC

– Article 6, paragraph 5, indent 6:

- Any producer for whom the official examination referred to in the second subparagraph is required under paragraphs 1 to 4 shall be listed in an official register under a registration number by which to identify him. The official registers thus established shall be accessible to the Commission on request

Implementation of plant passporting system – Plant Health register

• Who must be registered at Plant Health register:

- Producers, importers and wholesalers of plants and plant products which is listed in Annex V A of directive 2000/29EC

ANNEX I

Part A Harmful organisms whose introduction into, and spread within, all Member States shall be banned.

Section II Harmful organisms known to occur in the Community and relevant for the entire Community.




EU PLANT HEALTH DIRECTIVE 2000/29/EC

ANEX II

Part A Harmful organisms whose introduction into, and spread within, all Member States shall be banned if they are present on certain plants or plant products.

Section II Harmful organisms known to occur in the Community and relevant for the entire Community.



Extra Requirements

- As well as listing the regulated harmful organisms; there are additional to listings of requirements for imports and movements within the EU are:
 - Annex IV safeguarding clauses; (may require pre-export treatments, inspections, testing etc.)
 - Annex V AII and VBII listing of hosts.

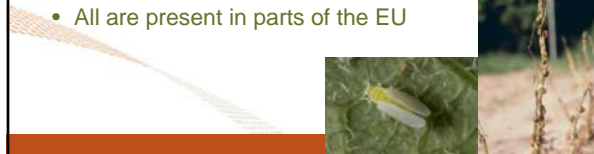
EU strategy for Plant Quarantine (3)

- Application of the principle of regionalisation:
 - 'Protected Zones'**
- Specific additional controls for certain harmful organisms present in the Community or only a risk for restricted areas of the Community;
- Two distinctive types of zones
 - differences in ecological conditions (localised crops);
 - differences in distribution of certain pests;

Examples of Protected Zone Pests
Annex IB (all hosts)



- *Globodera pallida* (Also I A II)
- (Sugar) Beet necrotic yellow vein virus (Rhizomania)
- Tomato spotted wilt virus (Also II A II)
- *Leptinotarsa decemlineata*
- All are present in parts of the EU



Examples of Protected Zone Pests
Annex IIB (with named hosts)
Pests Absent from EU



- *Anthonomus grandis* (Gossypium)
- *Sternochetus mangiferae* (Mangifera seeds)
- *Curtobacterium flaccumfaciens* pv *flaccumfaciens* (Gossypium)
- *Glomerella gossypii* (Eucalyptus)
- *Gonipterus scutellus*



Examples of Protected Zone Pests
Annex IIB (with named hosts)
Forest Insect Pests present in EU



- *Dendroctonus micans*
- *Gilpinia hercyniae*
- *Ips amitinus*
- *Ips cembrae*
- *Ips duplicatus*
- *Ips sexdentatus*
- *Ips typographus*
- *Thaumetopoea pitycampae*



EU strategy for Plant Quarantine



Legislation also contains:

- 'Safeguard clause' - Member States can take emergency action and introduce emergency legislation;
- Requirement to notify harmful organisms detected on imports;
- Financial solidarity to assist with expenditure of eradication action;
- Community Inspectorate FVO of 'SANCO'- investigate export countries and how Member States implement requirements.

EC Control Directives for harmful organisms



All are Potato Pests

- *Globodera pallida* & *G. rostochiensis* (Potato Cyst Nematodes)
- *Clavibacter michiganensis* spp *sepedonicus* (Potato Ring Rot)
- *Synchytrium endobioticum* (Potato Wart Disease)
- *Ralstonia solanacearum* (Potato Brown Rot)



Emergency legislation



- Provisions to rapidly introduce measures to protect against the introduction of newly emerging harmful organisms.
- Current examples:
 - *Paysandisia archon* Pest of palms
 - *Anoplophora chinensis*
 - *Diabrotica virgifera*
 - *Phytophthora ramorum*