



Department  
for Environment  
Food & Rural Affairs

I am writing to inform you of new legislation that will come into force on 21 April 2020, amending the Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019, to address new plant health threats.

We recognise the challenges that your sectors and the individual businesses your organisations represent are facing at the current time. Therefore, we have reflected carefully on the timing of the regulations, but believe it is important to proceed now for the following reasons. First, these changes have been supported by the Plant Health Advisory Forum and Tree Health Policy Group and were also welcomed in recent responses to an updated Pest Risk Analysis on the threat posed by *Xylella fastidiosa*. Second, the changes have been identified as priorities for improving the UK's plant biosecurity, in response to known threats, thereby protecting UK business, society and the environment in the short term, as well as in the future. They have been supported by stakeholder groups, to protect relevant sectors from the threats concerned and ensure a level playing field within the industry. As such we have concluded that it remains important to introduce these enhanced protections now, to deliver the benefits identified (ie maintaining the UK's pest status for the organisms concerned) despite the challenging circumstances we are all faced with at present, as a result of Covid-19.

The UK is applying the EU Plant Health Regulation (EU 2016/2031) and the Official Controls Regulation (EU 2017/625) during the transition period. This includes provisions to enact national measures in response to unacceptable pest threats, in the absence of EU legislation to mitigate such threats satisfactorily.

In accordance with Article 52 of EU Plant Health Regulation, we have written to the EU to notify them of measures the UK believes should be taken against certain pests which pose an unacceptable level of pest risk for the UK. National legislation is being introduced through the Official Controls (Plant Health and Genetically Modified Organisms) (England) (Amendment) Regulations 2020, in response to these new threats, recognising that EU legislation will not provide the required level of protection for the time being.

*Xylella fastidiosa*

*Xylella fastidiosa* is a bacterium which causes disease in a wide range of woody plants such as grapevine, citrus, olive and several species of broadleaf trees. The disease is not present in the UK but has limited distribution in some other European countries. The UK has significant concerns about the risk of plant material infected with *Xylella fastidiosa* being moved within the EU, as well as the risk of introductions from third countries. The interception of infected olive trees by Belgium and the recent case on *Vinca* in Italy, demonstrate that there is a risk of infected plants being

moved without visual symptoms. There is also the scientific opinion published by the European Food Safety Authority in May 2019 (<https://www.efsa.europa.eu/en/efsajournal/pub/5665>), including details of asymptomatic periods for infected plants (e.g. olive), which highlights that some species have very long asymptomatic periods. The same is likely to be true for other host species commonly associated with outbreaks in the EU. These developments, along with other new evidence, are reflected in an updated Pest Risk Analysis (PRA) published by the UK and available at: <https://planthealthportal.defra.gov.uk/assets/pras/Xylella-Draft-PRA.pdf>.

The current EU emergency measures on *Xylella fastidiosa* do not address the risks highlighted in the PRA. It is not clear if or when the EU emergency measures will be reviewed to address these risks and ensure a greater degree of assurance of disease freedom in relation to plants of those species being moved in the EU and introduced from third countries. As such, there remains an unacceptable level of pest risk and we are introducing national measures in the absence of EU requirements.

Under the new measures the import of *Coffea* and *Polygala myrtifolia* is prohibited, with stronger import requirements for other high-risk hosts (i.e Olive, Almond, *Nerium Oleander*, Lavender and Rosemary).

#### *Agrilus planipennis* (Emerald ash borer)

The emerald ash borer, *Agrilus planipennis* Fairmaire is a highly destructive wood-boring beetle that feeds on the phloem of ash trees. We are introducing a new approach to the regulation of *Agrilus planipennis*, based on the European and Mediterranean Plant Protection Organisation Standard PM 9/14(1), which recommends a regulated area of no less than 100 km around outbreak areas, when pursuing a containment policy. Given the ongoing uncertainty about the full extent of this pest's distribution, and its confirmed spread into Ukraine, we are introducing measures to apply import requirements to countries within 100km of outbreak areas, which brings Ukraine into scope, as well as Belarus and Kazakhstan.

We are also removing the option within EU legislation to remove the bark and sapwood to a depth of 2.5 cm (point 87, option (b) of Annex VII of Regulation 2019/2072) for all countries regulated for the purposes of *Agrilus planipennis*, due to the risk of importing wood which has not properly met the official requirements. This change has already been recognised for US and Canada following audit findings which highlighted that this option could not be administered or enforced reliably. These issues have not been addressed by EU legislation and so there remains an unacceptable level of pest risk.

#### *Ceratocystis platani* (Canker stain of plane)

*Ceratocystis platani* is an aggressive fungal pathogen that attacks plane trees by entering through wounds and causing canker stain disease and tree death. Prior to the introduction of EU Plant Health Regulation the UK was designated as a protected zone for this pest. Any *Platanus* trees introduced into the protected zone had to derive from a designated pest free area/protected zone. With the re-classification of

*Ceratocystis platani* as a Union quarantine pest, protected zone designations have been revoked, and it is now possible to move *Platanus* trees from production sites within infected areas (subject to prescribed requirements being met). These new requirements do not give the same level of assurance as area freedom and new findings of the pest have been confirmed in France, much further north than previous findings. This highlights an increased risk to the UK.

We are therefore reverting to the Protected Zone requirements which applied until 14th December 2019. For plants of *Platanus* L., intended for planting, other than seeds, this will mean that they must have been grown throughout their life in a pest free area or EU protected zone (point 12.1 of Annex IVB of Directive 2000/29). The requirements apply to imports to the UK from Albania, Armenia, Switzerland, Turkey, the United States and the EU-27 and should be confirmed by an official statement.

We are also correcting an error by the Commission, whereby import and movement requirements were inadvertently omitted from the EU Plant Health Regulation concerning the UK *Candidatus Phytoplasma ulmi* (Elms yellow) protected zone. The Commission has committed to correct this, but the timing of this is unclear.

A summary of the new measures to be introduced through the Official Controls (Plant Health and Genetically Modified Organisms) (England) (Amendment) Regulations 2020 is attached as an annex to this letter.

A copy of the regulations is available at <http://www.legislation.gov.uk/ukxi/2020/381/contents/made>. They come into force on 21 April 2020.

Equivalent legislation will be introduced shortly by the devolved administrations.