

Date: 16 February 2017

Dear Sir/Madam

Review of the regulatory status of EU regulated organisms

I am writing on behalf of the UK Plant Health Service to seek your views on a review of the regulatory status of certain organisms listed in the Annexes of the Plant Health Directive (2000/29/EC) and which are present in the EU.

Background

The EU Plant Health regime is currently being reviewed, to better protect against plant health threats in future and to reflect changes that have taken place since the regime was first introduced (e.g. expansion of the EU, globalisation of trade, industry developments). In preparation for the new regime, the European Commission is reviewing the regulatory status of organisms listed in the Plant Health Directive, to determine whether changes are needed in light of developments.

The aim is to consider whether listed organisms remain eligible for 'quarantine' status and, if so, whether requirements should be retained for the whole of the EU, or be restricted to parts of the EU wishing to retain freedom from the pest (i.e. for movements into and within Protected Zones (PZs)).

Where 'quarantine' status is no longer considered to be justified (either for the whole of the EU, or for those areas outside PZs), organisms will either be reclassified as Regulated non-Quarantine Pests (RNQPs) or deregulated. The concept of RNQP has not been fully developed or widely implemented but International Standards for Phytosanitary Measures (ISPM) 16 provides a summary of the distinctions between quarantine pests and RNQPs:

Defining criteria	Quarantine pest	RNQP
Pest status	Absent or of limited distribution	Present and may be widely distributed
Pathway	Phytosanitary measures for any pathway	Phytosanitary measures only on plants for planting
Economic impact	Impact is predicted	Impact is known
Official control	Under official control if present with the aim of eradication or containment	Under official control with respect to the specified plants for planting with the aim of suppression

RNQP status will be considered in those cases where a pest is established in parts of the EU, but where there is economic justification in prescribing that planting material meets specified tolerances for the pest concerned. The tolerance could be set at zero, a low tolerance, or be a combination according to the type or grade of the material. For

example, a zero tolerance could be introduced for high grade certified material and a lower tolerance for low grade certified or CAC material of fruit plants and other uncertified material.

RNQP requirements are still statutory-based but differ from 'quarantine' requirements in that they are focused on protecting the planting material alone, rather than protecting territory i.e. any requirements associated with RNQPs will be aimed at maintaining freedom (or a low tolerance) in planting material and there will be no requirements associated with other commodities that may be potential pathways of introduction (e.g. wood or fruit). RNQP status would mean that any current plant passporting requirements would no longer apply and (in relation to certified fruit plant material) there would be a transfer of such pests to the EU certification scheme on fruit propagation material.

Where deregulation is the chosen option, this would mean that statutory requirements would be revoked and those in the industry would need to consider whether they wished to introduce their own management strategy against the pest concerned in future.

Process

The European Food Safety Authority (EFSA), which is part of the European Commission and provides scientific advice, has been asked to assess currently regulated pests, to provide the technical evidence in support of a review of their regulatory status. For organisms that are locally present (or more widespread) in the EU, EFSA is carrying out an initial 'pest categorisation', to assess whether the organisms continue to meet the criteria for 'quarantine' status (either for the EU as a whole, or for PZs). A Commission Working Group is considering these outputs and making recommendations to the Standing Committee on Plant Health. Where the Standing Committee concludes that 'quarantine' status remains appropriate for the EU as a whole or for certain parts where a PZ may be appropriate, EFSA will be asked to complete their Risk Assessment (also considering risk reduction measures) so that future requirements can be agreed and the Annexes of the EU Plant Health Directive updated accordingly.

In those cases where the judgement of the Standing Committee is that 'quarantine' status is no longer justified, but that RNQP status should be considered for all or part of the EU, the European and Mediterranean Plant Protection Organisation (EPPO), which develops plant health standards and recommendations applicable to Europe, will be asked to advise on possible tolerances and requirements to help meet those tolerances. This advice will then be considered by the Commission and Member States to help prepare the necessary legislation to introduce RNQPs and associated requirements.

Current position

Three earlier batches of pest categorisations from EFSA, with the results fed back into the EU process, and we are now consulting you on a fourth batch of organisms, which were considered by the Standing Committee during its meeting on 19-20 December 2016. The Annexes to this letter include the short reports that were prepared by the Commission Working Group and considered by the Standing Committee, including recommendations for future regulatory status. The EFSA pest categorisations can be found at <http://www.efsa.europa.eu/en/publications/efsajournal.htm> (by entering the pest name in the Search box). I am also attaching a note on Protected Zones, to help with your consideration of the recommendations.

Following discussion by the Standing Committee, the following recommendations for future status were proposed:

- *Plasmopara halstedii* - RNQP.
- *Liriomyza huidobrensis* and *Liriomyza trifolii* – RNQP, with the possibility of Protected Zones.
- *Dothistroma septosporum* and *Dothistroma pini* – RNQP, with the possibility of Protected Zones.
- *Scirrhia acicola* – RNQP.
- *Rhagoletis completa* – Deregulation.
- *Candidatus Phytoplasma mali* - RNQP, with the possibility of Protected Zones.
- *Apricot chlorotic leafroll mycoplasma* – RNQP, with the possibility of Protected Zones.
- *Burkholderia caryophylli* – RNQP.
- *Candidatus Phytoplasma pyri* – RNQP, with the possibility of Protected Zones.
- *Chrysanthemum stunt viroid* – RNQP.
- *Dickeya dianthicola* – RNQP.
- *Ditylenchus dipsaci* – RNQP.
- *Aphelenchoides besseyi* – RNQP.
- *Phialophora cinerescens* – RNQP.
- *Puccinia horiana* – RNQP.
- *Stagonosporopsis chrysanthemi* – RNQP.
- *Tomato spotted wilt virus* – RNQP, with the possibility of Protected Zones.
- *Eutetranychus orientalis* – Deregulation.
- *Opogona sacchari* – RNQP.
- *Parasaissetia nigra* – Deregulation.

UK position

The UK has inputted both to the EFSA process and to the Commission Working Group, so the above recommendations reflect UK views to date.

We now need to firm up on these positions, to allow work to proceed.

We would therefore welcome your views on four main issues:

1. Do you support the recommendations as outlined? (at this stage we are just looking for views on the possible future status of the organisms concerned (quarantine for all the EU, PZ, RNQP, deregulated), as detailed requirements - e.g. on movement of host material - will depend on advice from EFSA and EPPO, to be considered later).
2. Where RNQP status is recommended, do you have views on whether requirements should be maintained for all categories of host material, or whether the priority should be to maintain (where applicable) certified material as free of the organism concerned while permitting uncertified material to meet a specified tolerance?
3. For those organisms where there is the possibility of seeking PZ status (if surveillance data supports this) should any of these be regarded as priorities for PZs status in the UK. In the opinion of the UK Plant Health Risk Group, PZs for the following organisms could potentially be feasible and beneficial:

- *Candidatus Phytoplasma mali* – not present in the UK and would be damaging if introduced.
- *Liriomyza huidobrensis* – occasional outbreaks have been successfully eradicated.
- *Liriomyza trifolii* – intercepted but not present in the UK.

What are your views?

4. There are two other organisms which are not confirmed in the UK and where PZ status could potentially be considered, but the Plant Health Risk Group is not recommending such status for these:
 - *Rhagoletis completa* – damaging to walnut production, but would be very difficult to exclude due to pathways of movement (including hitchhiking and movement on nuts).
 - *Scirrhia acicola* – not confirmed in the UK, but it would be very challenging to confirm this and to distinguish between similar organisms already established.

Do you agree with these conclusions?

Timing

Further advice will be commissioned soon from EFSA and EPPO to help develop requirements for 'quarantine' or RNQP status as appropriate. New implementing legislation under the new EU Plant Health Regulation will be developed over the coming 3 years. There obviously remains some uncertainty in the context of Brexit, but your views will be helpful in developing proposals whether they are within the framework of EU-based legislation, or UK-based. At this stage, we are seeking views to support (or otherwise) our initial conclusions and to help the work move forward. There will be further opportunities to comment on the proposals during later stages.

It would be helpful to receive your views on the four points above by 11 May 2017.

Yours faithfully,

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