

Guest Editorial

New European Union plant health regime: A more stringent regulation that could impact trade from developing countries in the near future

Outbreaks of plant diseases may have devastating effects on the quality of our lives and our economy. Plant diseases may affect the livelihoods of farmers, nursery owners or traders, the quality and prices of our food as well as the condition of our forests and parks. The example of the recent outbreak of *Xylella fastidiosa* in Italy is very symptomatic. Notification on the presence of this pest was received for the first time in 2013 when it was already widely spread in the region of Apulia, the heart of Italy's olive production area. The disease has seriously damaged the agricultural economy, as well as the traditional landscape of the region. The conclusion of the European Commission was an urgent need to allocate more resources at an early stage in order to prevent future heavy losses due to the destruction of the European agricultural production or the environment by the entry or spread of plant pests within the European Union (EU) territory. Plant pests currently fall under different legal acts (seven EU directives) depending on their quarantine status or whether they affect the quality of plant reproductive material. This can lead to confusion among the users of those acts, within and also outside of the EU. It was thus important to ensure clarity and transparency for all affected parties, and notably for the competent authorities and the professional operators concerned.

A new regulation for plant health (Regulation (EU) 2016/2031) was

adopted on October 2016. These new rules on protective measures against pests of plants will replace the current directive (2000/29/EC) and will be applicable on 14 December 2019 after a transition period. This delay will give competent authorities in Europe, but also in developing countries, and professional operators time to adjust to the new rules, as well as for delegated and implementing acts to be adopted. In the meantime, Directive 2000/29/EC on harmful organisms and annexes remain applicable. The new legal framework should be seen as a major overhaul of the EU's Plant Health legislation.

The new "Plant Health Law" provides more comprehensive and clearer rules for the prevention of entry into, and spread within, the EU territory of pests injurious to plant health but this regulation also includes regulating pests on the basis of pre-established criteria for risk assessment and prioritising of pests with the most serious consequences. It means that more focus is being placed on "high-risk trade" coming from developing countries, namely African, Caribbean and Pacific countries (ACP Group of States) where the inspection services are weak and public or private resources rather limited. The new "Plant Health Law" introduces further requirements, or codifies existing practices, which concern imports into the EU. The European Commission considers that certain plants, plant products and other objects pose an unacceptable risk due to their likelihood

of hosting an EU quarantine pest. Depending on the availability of acceptable risk-mitigation measures, their introduction into, or movement within, the EU territory should be either prohibited or subject to special requirements. Those plants, plant products and other objects will be listed. The new "Plant Health Law" has thus introduced the concept of "high risk plants, plant products and other objects", namely commodities whose import will be prohibited into the EU until a full risk assessment (Pest Risk Assessment (PRA)) confirms their phytosanitary status. The European Commission is further required to adopt within two years (December 2018) a list of so-called high risk plants or plant products. This list will take into account the specific criteria in Annex III to the new Regulation. The import of most plants and plant products from non-EU countries will in principle be allowed, subject to certain conditions. Some will be prohibited or subject to very strict requirements if a risk assessment indicates that this is necessary due to the pests they might host. The new Regulation sets out more precise rules about the risk assessment and risk management supporting such measures. As an example, wood packaging material should only be imported into, or exported out of the EU if it bears the ISPM 15 mark.

Moreover, this new Regulation introduces also the concept of "priority pests". These are the EU quarantine pests with the most severe potential impacts on the economy, environment and/or society of the EU. They will be subject to enhanced measures concerning surveys, action plans for their eradication, contingency plans and simulation exercises. But for specific cases, where there is little experience with trade of certain plants or plant products and

where related pest risks are still unknown, the new Regulation sets out the possibility to introduce temporarily phytosanitary import restrictions... or even a prohibition until more scientific information becomes available! The import of these commodities will be prohibited as long as no detailed risk assessment has been carried out to determine if such imports should be acceptable and, if yes, under which conditions.

Finally, all living plant material (namely entire plants, fruits, vegetables, cut flowers, seeds, etc.) will only be imported into the EU if accompanied by a phytosanitary certificate confirming their compliance with the EU legislation. Under the new Regulation, all plant passports will be issued using a common format, thus facilitating their visibility and making them more easily recognisable throughout the EU. The European Commission will adopt within two years a list of plant materials to be exempted from that certification if they are deemed safe for the EU territory.

Therefore, in many developing countries such as African countries exporting flowers, fruit and vegetables onto the European market, there is an urgent need for capacity building programs PRA. People, both from the private and public sectors, should be informed and trained on the FAO ISPM N°11 (PRA for quarantine pests, including analysis of environmental risks and living modified organisms), on the EPPO Standard 5/2 (Pest risk analysis) and should be able to use the EPPO Probabilistic Risk Assessment software platform (CAPRA 4.2) which has been designed to assist pest risk analysts in running the decision-support scheme for pest risk analysis. PRAs take time and resources, so it is essential for ACP stakeholders (public and private) to be

fully prepared and in a position to take any necessary action to prevent an impact on trade. Key dates that will clarify what needs to be done will be the listing of high

risk commodities (December 2018), the exemptions to plant passports (December 2018), and the listing of priority pests (2019).

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