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Your ref:  
Our ref: SPP/55/1

27 September 2002

Dear Mr Rainy Brown

### IMPLEMENTATION OF DIRECTIVE 2002/36

I am writing to seek your views on the implementation of EC Directive 2002/36. You may wish to note that a similar exercise is being carried out in England, Wales and Northern Ireland.

Directive 2002/36/EC was adopted by member states on 29 April 2002, with an implementation date of 1 April 2003. A copy of the Directive is enclosed for your information and is also available at [http://www.europa.eu.int/eur-lex/en/search/search\\_lif.html](http://www.europa.eu.int/eur-lex/en/search/search_lif.html). The Directive introduces further changes to the Annexes of the Plant Health Directive (2000/29/EC). Key aspects of the Directive have been the subject of previous consultation exercises (e.g. policy on *Liriomyza* species), but the purpose of this letter is to update you on the text that was adopted and to consult you about proposed implementation of the package.

I have attached a paper at Annex A, which outlines the key provisions of the Directive and proposals for implementation. For growers the main impact will be an **extension of plant passporting** to cover all **herbaceous species and *Ficus* and *Hibiscus* when supplied to persons professionally engaged in plant production**. **Importers** of plant material will also be affected by some of the changes.

The Department for Environment, Food and Rural Affairs (DEFRA) have prepared a draft partial Regulatory Impact Assessment (RIA) on the new plant passporting arrangements. If you should wish to refer to this document it is available electronically on the DEFRA website at <http://www.defra.gov.uk/corporate/consult/current.htm>.

If you would wish to see a copy of the draft Regulations for information when they are available please let me know.

I should be grateful if you would send any comments you may have on the implementation of Directive 2002/36 to me at the following address no later than 20 December 2002.

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In order to help inform debate on the issues covered by this consultation letter, SEERAD intends to follow its normal practice of making available to the public, on request, copies of the responses received. SEERAD will assume, therefore, that responses can be made publicly available in this way. If respondents indicate that they wish all, or part, of their reply excluded from this arrangement, **its confidentiality will be strictly respected.**

Copies of the responses made available to the public will be held on an "open file" held in the library at Saughton House, Edinburgh. Copies of documents from the "open file" will be forwarded to members of the public on request. A charge will normally be levied to cover the cost of copying.

Yours sincerely

JOHN SPEIRS  
Plants, Horticulture and Potatoes

Copied to: Ms Frances Pringle, Horticultural Trade Association, 122 Spring Gardens, Edinburgh, EH8 8EY.

## IMPLEMENTATION OF DIRECTIVE 2002/36

1. Commission Directive 2002/36/EC was adopted on 29 April 2002 and requires implementation by Member States on 1 April 2003.
2. The Directive introduces further changes to the Annexes of Directive 2000/29/EC to improve plant health protective measures as a result of developments within the EU and elsewhere.
3. A summary of the Directive's requirements is attached at Appendix 1. A more detailed explanation of these requirements is at Appendix 2.
4. The main impact of the measures in the UK will be the extension of plant passporting to all herbaceous plants for planting and *Ficus* and *Hibiscus* when supplied to persons professionally engaged in plant production. This will mean that deliveries of such plants will need to be accompanied by a plant passport issued by growers who are registered and authorised for the purpose. There are also a range of new measures relating to imported material, to enhance protection for the Community as a whole, or for particular Protected Zones. While UK importers will need to use only those suppliers who are able to meet the new requirements, the main impact will fall upon exporters in other countries and their national plant health authorities, who will need to ensure compliance with the new measures.
5. In relation to passporting, registration will be free and with no time limit. Authorisation to issue passports will be granted annually on the basis of an official inspection of the plants during the growing season and a check on record keeping. These inspections are chargeable and are based on cost recovery.
6. It is proposed to contact growers affected by the measures as soon as possible, to notify them about the new requirements. However, any growers not already registered who will be affected by the measures may wish to contact SEERAD so that the registration process can commence.

## APPENDIX I

### SUMMARY OF THE MAIN REQUIREMENTS OF DIRECTIVE 2002/36

Directive requirement	Consequence
Adding <i>Anisogramma anomala</i> , <i>Anoplophora glabripennis</i> and <i>Naupactus leucoloma</i> , which have not been known to occur in the EU, to the list of pests which are banned in the EU.	For the first of these pests, exporters of <i>Corylus</i> to the UK from the USA and Canada will need to ensure that plants originate from nurseries/areas that are free of the pest. All exports to the UK must be free of the other two pests mentioned.
Restricting the provisions on <i>Liriomyza bryoniae</i> , to Protected Zones in Ireland and the United Kingdom (Northern Ireland) where the organism is not present.	In response to increased distribution of this pest, statutory requirements have been relaxed so that freedom must be maintained only for movements into/within Protected Zones.
Specifying the list of host plants of <i>Liriomyza huidobrensis</i> and <i>Liriomyza trifolii</i>	The requirement that these pests are banned on any commodity has been replaced with a specific list of host plants which must be free of the pest when moved. These are cut flowers, leafy vegetables of <i>Apium graveolens</i> and plants of herbaceous species, intended for planting. The new passporting/phytosanitary certification requirements listed below have been facilitated by this change.
Introducing plant passporting provisions (for EU material) and phytosanitary certificate (for imports) requirements for commodities where there has been an increase in interceptions of <i>Bemisia tabaci</i> , <i>Liriomyza sativae</i> , <i>Amauromyza maculosa</i> , <i>Liriomyza huidobrensis</i> , <i>Liriomyza trifolii</i> and <i>Thrips palmi</i> .	Passporting and phytosanitary certification requirements have been amended to include: <u>new phytosanitary certificate requirements</u> <ul style="list-style-type: none"> <li>official statement on the phytosanitary certificate now needed for <u>all</u> plants for planting (rather than specified genera/species) from all countries</li> <li>certificate now needed for <i>Hibiscus</i> from non-European countries (also strengthened requirement for <i>Ficus</i>)</li> <li>certificate now needed for cut flowers of <i>Aster</i>, <i>Eryngium</i>, <i>Gypsophila</i>, <i>Hypericum</i>, <i>Lisianthus</i>, <i>Rosa</i>, <i>Solidago</i>, <i>Trachelium</i>, and leafy vegetables of <i>Apium graveolens</i> and <i>Ocimum</i>, from non-European countries</li> <li>new requirements for <i>Euphorbia puicherrima</i>, <i>Begonia</i>, <i>Ficus</i> and <i>Hibiscus</i> moving into a Protected Zone for <i>Bemisia tabaci</i> (including the UK)</li> <li>certificate now needed for cut flowers of <i>Orchidaceae</i> and fruits of <i>Mormodica</i> and <i>Solanum melongena</i></li> </ul> <u>new passporting requirements</u> <ul style="list-style-type: none"> <li>passporting now required for all herbaceous plants when supplied to persons professionally engaged in plant production</li> <li>passporting now required for <i>Ficus</i> and <i>Hibiscus</i> when supplied to persons professionally engaged in plant production within a <i>Bemisia tabaci</i> Protected Zone (including the UK)</li> </ul>
Modification of the controls against beet necrotic yellow vein virus,	Flexibility has been introduced in respect of movements of potatoes, <i>Beta vulgaris</i> , soil/waste and used machinery, when moving into/within a Protected Zone (including Northern Ireland).
Modification of the provisions against <i>Tilletia indica</i> .	South Africa has been added to the list of countries where this pest is known to occur. Exporters in that country and their national plant health authority will need to ensure compliance with the requirements for pest freedom.
Correction of the listing in Annex IV and V of the Directive indicating Malta and Cyprus as	This change will mean that requirements in the Directive which apply only to “non-European” countries will no longer

non-European countries	apply to Cyprus or Malta. The main impact of these changes will be upon exporters and plant health authorities in those countries.
Addition of Georgia to the list of countries covered by soil/growing medium requirements	Soil/growing medium attached to or associated with plants from Georgia will need to meet the requirements specified in Annexes IV and V

**DETAILED DESCRIPTION OF THE MAIN REQUIREMENTS OF DIRECTIVE 2002/36**

1. The detailed requirements of the Directive are summarised below, with an indication of the likely impact on growers/traders in the UK:

***Anisogramma anomala, Anoplophora glabripennis and Naupactus leucoloma***

2. These pests have been added to Annex IAI (*Anoplophora glabripennis* and *Naupactus leucoloma*) and Annex IIAI (*Anisogramma anomala*) of Directive 2000/29/EC (the Plant Health Directive) to indicate that their introduction and spread within the EU are banned.

3. In the case of *Anisogramma anomala* the restrictions are targeted at plants of *Corylus L.*, intended for planting, from Canada and the USA. Annex IV of the Directive has been amended to require imports to originate from nurseries in areas or places of production that are free of the pest in Canada and the USA.

4. The impact of these measures will be felt mainly by those exporting relevant material to the UK and their national authorities, who will need to ensure that the new requirements are complied with. The only impact within the UK will be on importers, who will need to use only those suppliers who are able to meet the new requirements.

***Liriomyza bryoniae***

5. This pest has been deleted from Annex IAI of the Plant Health Directive, to reflect the fact that it is no longer relevant for the whole EU to maintain freedom. Instead it is now listed in Annex IB as a pest which is banned only from the Protected Zones of Ireland and the UK (Northern Ireland).

6. This pest, although polyphagous, affects mainly tomatoes in the UK, with occasional problems on sweet pepper and cucumber. Passporting is already in place for movements of such plants to commercial premises. Within the UK the pest has become locally established, but there are areas where it has not been recorded, such as the North West and South West of England, and Wales and Scotland. For much of the industry these measures represent a relaxation of statutory requirements, although growers in 'free' areas may still wish to continue controls for commercial reasons. For nurseries trading with Ireland or Northern Ireland, it will be necessary to maintain freedom from this pest for all plants.

***Liriomyza huidobrensis and Liriomyza trifolii***

7. The references to these pests in Annex IAI of the Plant Health Directive have been replaced by a reference in Annex IIAI which lists organisms, known to occur in the EU, whose introduction and spread is banned when present on certain commodities. These are listed as cut flowers, leafy vegetables of *Apium graveolens L.* and plants of herbaceous species, intended for planting, other than bulbs, corms, plants of the Graminaeae family, rhizomes and seeds.

8. In Annex IVAI, imports from all countries of all herbaceous species, for planting, (rather than just specific genera/species) must now be accompanied by an official statement (phytosanitary certificate) that they originate from an area that is free from the pests; or there have been no signs of the pest at the place of production for three months prior to export; or they were inspected and found free of the pest just prior to export and treated. A similar provision is included in Annex IVAII for the movement of herbaceous plants of EU origin, which essentially extends plant passporting requirements to these additional species.

9. UK policy on these pests was last reviewed in 1996/97 when the outcome was that measures against *L. huidobrensis* should be focused on eradicating this pest from propagating premises, and avoiding movement of live pests on vegetables and cut flowers from production nurseries. Interceptions and outbreaks of *L. trifolii* are less common and an eradication policy has been retained for all outbreaks/interceptions.

10. The changes arising from the new Directive limits the powers available against these pests on unlisted hosts, but focuses and strengthens controls on the main pathways of infection. The changes are essentially complementary to the policy described above, as the risk of infected material reaching nurseries has been reduced, while the option has been retained for growers to bring in imported produce to help fulfil contracts with customers. UK growers will also need to meet the new requirements, which will either mean an extension to their existing passport arrangements, or being included within the scope of such controls for the first time.

### ***Bemisia tabaci***

11. Annex IVAI of the Plant Health Directive already includes special requirements for plants of *Euphorbia pulcherrima*, intended for planting, originating in countries where *Bemisia tabaci* (non-European populations) is known to occur. In response to interceptions on additional species, these requirements have been extended to cover all herbaceous species and *Ficus* L., and *Hibiscus* L., intended for planting, from non-European countries. The requirements are that imports must be accompanied by an official statement that the plants originate from an area which is free of *Bemisia tabaci* (non-European Populations); or there have been no signs of the pest at the place of production for nine weeks prior to export; or they were inspected and found free of the pest just prior to export and treated.

12. In addition, imports of cut flowers of *Aster* spp., *Eryngium* L., *Gypsophila* L., *Hypericum* L., *Lisianthus* L., *Rosa* L., *Solidago* L., *Trachelium* L., and leafy vegetables of *Ocimum* L., originating in non-European countries, must now be accompanied by an official statement that they originated from a country free of this pest or have been inspected and found free of the pest just prior to export.

13. Annex IVB of the Plant Health Directive includes special requirements for *Begonia* and *Euphorbia pulcherrima* plants, for commercial planting, which apply to trade to/within Protected Zones (including the UK). These requirements have been strengthened so that *Ficus* and *Hibiscus*, intended for planting, are now covered. The requirements are for an official statement that unrooted cuttings from any third country originated in an area free of *Bemisia tabaci* (European Populations); or there were no signs of the pest for the whole period of production either on the cuttings or their mother plants; or appropriate measures have been taken to eradicate any findings of the pest at the place of production. For plants of *Euphorbia pulcherrima*, there must also be evidence that they originated from cuttings which

meet the above standards. Through an amendment to Annex VAI, *Ficus* and *Hibiscus* are added to the list of plants needing a passport when moved into/within a protected zone.

14. The new requirements have the effect of improving security for Protected Zones, particularly in relation to material from other (non-EC) European countries, which will benefit the UK. The main impact will be upon exporters to the UK and their national authorities who will need to ensure compliance with the new import requirements. The key change for UK growers will be the extension of plant passporting to cover *Ficus* and *Hibiscus* when supplied to persons professionally engaged in plant production.

#### ***Thrips palmi***

15. Annex IVAI of the Plant Health Directive includes special requirements for imports of *Ficus* and other plants for planting. Due to interceptions on additional species, these requirements have been extended to include all plants for planting and cut flowers of *Orchidaceae* and fruits of *Momordica* and *Solanum melongena*. The requirements are that imports of plants for planting must be accompanied by an official statement that they were grown in nurseries and originate from an area which is free of *Thrips palmi*; or there have been no signs of the pest at the place of production for three months prior to export; or they were inspected and found free just prior to export and treated. For cut flowers and fruits, there must be an official statement that they originate from a country free of this pest or have been inspected and found free of the pest just prior to export.

16. These new requirements will tighten protection for the Community as a whole, including UK growers. The impact of the measures will fall mainly on exporters in other countries and their national authorities.

#### ***Liriomyza sativae* and *Amauromyza maculosa***

17. Annex IVAI of the Plant Health Directive includes special requirements for imports of herbaceous plants for planting. Due to additional interceptions, the requirements have been strengthened so that herbaceous species intended for planting must be accompanied by an official statement that they originate from nurseries in areas free of the pests; or there have been no signs of the pest at the place of production for three months prior to export; or they were inspected and found free just prior to export and treated.

18. Imports of cut flowers of *Dendranthema*., *Dianthus* L., *Gypsophila* L., and *Solidago* L., and leafy vegetables of *Apium graveolens* L., and *Ocimum* L. must now be accompanied by an official statement that they originate from a country free of these pests or where they have been inspected and found free of the pests just prior to export. Previously *Solidago* L. and *Gypsophila* L. were not covered by this requirement, nor were leafy vegetables of *Apium graveolens* L., and *Ocimum* L..

19. These pests do not occur in the Community and the new controls will strengthen protection, by requiring phytosanitary certificates for some produce which is not currently covered by such a requirement. The impact of the measures will fall mainly on exporters in other countries and their national authorities.

### **Modification of the controls against beet necrotic yellow vein virus (BNYVV)**

20. A number of requirements in Annex IVB of the Plant Health Directive relating to movements into/within Protected Zones (including Northern Ireland) have been modified, to provide further flexibility for the industry while maintaining the integrity of plant health controls.

21. The new requirements are that:

(1) For potatoes (except for planting), there is now the option of either meeting the existing soil residue requirement (no more than 1%), or being processed at premises with officially approved waste disposal facilities, which ensure there is no risk of spread of BNYVV. Previously this latter option was available only for potatoes intended for starch production. A similar flexibility has been introduced for *Beta vulgaris* intended for industrial processing.

(2) For soil from beet and unsterilised waste, there is now the option of treatment to eliminate BNYVV contamination; or that it will be disposed of in an approved manner; or comes from *Beta vulgaris* plants grown in an area where BNYVV is known not to occur. Previously only the first of these options was available.

(3) For used machinery, the requirement for cleanliness and freedom from soil and plant debris now applies only when the machinery is brought onto a place of production where beets are grown. Furthermore, the requirement will no longer apply to machinery from areas where BNYVV is known not to occur.

(4) Plants of *Beta vulgaris* intended for animal fodder in a Protected Zone no longer need a plant passport (or a plant health inspection if originating outside the Community). Nor do they now need to meet a requirement for either heat treatment or processing to remove soil and lateral roots.

22. These measures will provide flexibility for those who send relevant material to Protected Zones, including to Northern Ireland.

### **Modification of the provisions against *Tilletia indica* Mitra.**

23. South Africa is added to the list of countries specified in Annex IVAI where this pest is known to occur.

24. This will affect those in South Africa who export seed and grain of the genera *Triticum* and *Triticosecale* to the UK, and the plant health authority in that country, as such exports will now be permitted only from areas where this pest is known not to occur.

### **Correction of the listing in Annex IV and V of the Plant Health Directive indicating Malta and Cyprus as non-European countries**

25. The impact of this change is that measures applying only to non-European countries in the Directive will no longer apply to Malta and Cyprus. This will affect mainly exporters to the UK in those countries along with their national plant health authorities.

**Addition of Georgia to the list of countries covered by soil/growing medium requirements in Annexes IV and V of the Plant Health Directive**

26. The impact of this change is that imports from Georgia will be subject to the requirements specified on soil/growing medium attached to or associated with plants. This will affect mainly exporters to the UK in Georgia along with their national plant health authority.