

Department for Environment, Food and Rural Affairs

Consultation on strengthened protection against Epitrix

October 2015

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Background

The EU Plant Health Directive (2000/29) permits the introduction of national legislation in response to findings of harmful plant pests, or where there is imminent danger of such pests being introduced. For pests already present in parts of the EU, the Protected Zone system is available to provide protection for those areas which remain free of such pests. National legislation is permitted while eradication or containment is the objective and on a temporary basis, pending consideration of EU measures.

The UK Plant Health Risk Register (<https://secure.fera.defra.gov.uk/phiw/riskRegister/>) is an important new tool for screening plant health threats and identifying priority actions.

In response to recent developments (described in the proposals below) and taking account of the Plant Health Risk Register assessments, it is proposed to introduce national legislation to better protect against *Epitrix*, species of flea beetles and damaging pests of potatoes.

Defra propose to introduce such legislation in respect of England and the Devolved Administrations are considering equivalent legislation for their territories.

Views are sought on this proposal, to help in drafting the resulting legislation and to ensure that there is the opportunity to take into account views from those who will be affected by it.

This consultation will be of interest particularly to those who import, supply, process, grow and sell potatoes.

Any national legislation will be subject to review at EU level. The timing of any EU review of national measures is in the hands of the European Commission and the measures will provide protection in the meantime.

Need for national measures

Epitrix species can be very damaging to potatoes. Two species of *Epitrix* have established in parts of Spain and Portugal. A factsheet about the pests is available at <https://secure.fera.defra.gov.uk/phiw/riskRegister/plant-health/pest-disease-factsheets.cfm>

A full Pest Risk Analysis is also available on the EPPO Website, at http://www.eppo.int/QUARANTINE/Pest_Risk_Analysis/PRA_intro.htm

A consultation in 2010 supported measures to protect against this pest. Since then and, as a result, EU emergency Decision 2012/270 was adopted and amended by EU Decision 2014/356/EU. This Decision (as amended) requires the demarcation of outbreak areas and that potatoes being moved from such areas must be washed or brushed first and accompanied by a plant passport.

In 2015 the UK intercepted nine consignments of potatoes from Spain, with evidence of *Epitrix* damage. These were all from non-demarcated areas (see http://ec.europa.eu/food/plant/plant_health_biosecurity/legislation/emergency_measures/index_en.htm for details of the current demarcated areas). The cases include two of unwashed potatoes, where there is a much greater risk of live pests being present. These findings illustrate that there is an imminent threat of the pest being introduced to the UK from Spain unless stronger measures are taken.

A letter was circulated to relevant stakeholders in June outlining the situation at that time, the proposed additional measures to be taken in response and the possibility of new legislation. The situation has not improved since then, hence the proposal for national legislation.

Scope of proposed national legislation

In light of the UK interceptions it is proposed to supplement the EU requirements by requiring that all potatoes from Spain must be washed before being exported to the UK. The aim will be to kill or remove any *Epitrix* which might be present, as well as removing soil in which some life stages of the pest could be present. It is proposed to limit this requirement to potatoes from Spain, as there is no evidence of interceptions involving Portuguese potatoes with evidence of *Epitrix* damage.

Although the EU Decision also permits brushing as a disinfestation technique, it is proposed not to include this in the national legislation for potatoes from Spain. This is because in some of the UK interceptions involving washed potatoes, dead *Epitrix* larvae were lodged and detected in the tubers, thus calling into question the effectiveness of brushing as a means of removing *Epitrix* larvae. Although washing had not removed them either, the risk of live pests being present in association with washed potatoes is likely to be much less than with unwashed potatoes. A review of the EU Decision is likely to take place in the first half of 2016, when this issue can be further explored. In the meantime, strengthened protection through these national measures is considered necessary to protect against the introduction of the pest

A statutory notification scheme for potatoes from Spain is already in place, requiring UK importers to notify APHA of the impending arrival of such potatoes. This scheme helps to carry out targeted inspections, build intelligence about the trade and facilitates tracing in the event of problems. This existing scheme will be used as a means to monitor compliance with any new requirements, allowing APHA to track arrival of potatoes from Spain. In the event of non-compliance (either no notification of import, or a notification is made but unwashed potatoes are received), statutory action may be taken under the Plant Health (England) Order 2015. This would allow inspectors to require a consignment of potatoes to be destroyed where they have reasonable grounds for suspecting the presence of the pest.

Balearic Islands

Consideration could be given to exempting these Islands from the proposed requirements, due to their geographic separation from outbreak areas in Spain, the lack of evidence that they represent an imminent threat of introducing the pest, and the nature of production there; the early thin-skinned potatoes could be damaged by washing. The same exemption could not be considered for thin-skinned potatoes from mainland Spain, due to the higher risk.

Views are sought on whether such an exemption should be considered and whether it would be practical to implement such an exemption. Such potatoes would need to be very clearly identified and labelled, with no scope for confusion about origin. Advice from industry representatives is needed on whether such an approach is feasible and desirable. If agreed, such potatoes would still be subject to the statutory notification scheme and intensive scrutiny by APHA on arrival.

EU action

The UK findings were reviewed at the July meeting of the EU Plant Health Standing Committee. No changes to the EU Decision were proposed immediately, but the Food and Veterinary Office were asked to carrying out a further mission to Spain in the autumn. This would be a follow up to a 2013 mission, which discovered poor compliance with the Decision – see http://ec.europa.eu/food/fvo/audit_reports/details.cfm?rep_id=3198

The FVO mission has now taken place and the findings will be formally presented to the EU Plant Health Standing Committee, most likely in early 2016. This will help determine the case for a review of the EU Decision. If changes are proposed, it is unlikely that they will be introduced before summer 2016. It is important that strengthened measures are in place in time for the 2016 import season, to ensure strengthened protection against introduction of the pest and to provide clarity to the industry.

Potential impacts

Information from trade associations is welcome to contribute to the preparation of a Regulatory Triage Assessment (see questions at the end of this document), but the figures and tables below illustrate the volume of potatoes being imported from Spain at different times of the year and the overall reliance on potatoes from Spain.

Figure 1 – UK imports of ware potatoes from Spain

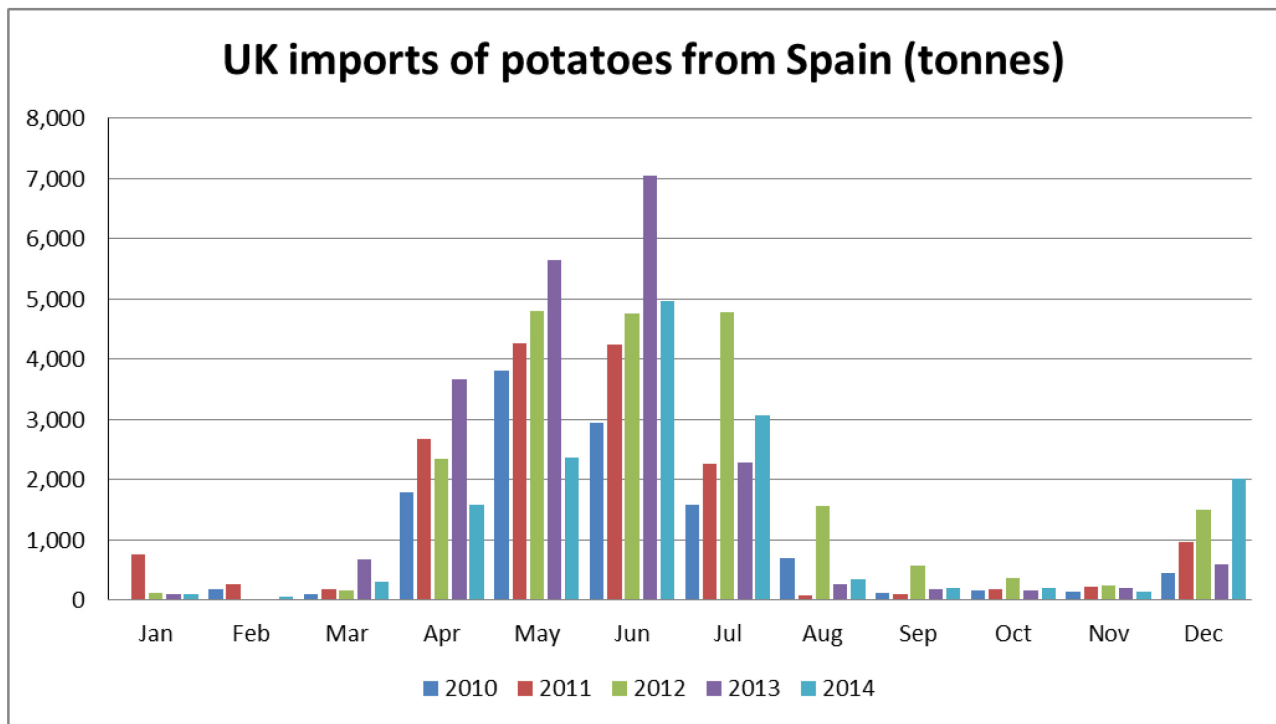


Table 1 - proportion of imports of ware potatoes from Spain as a proportion of overall imports

UK imports of Spanish potatoes (excluding seed) as % of total monthly potato imports

Conditional formatting used within year to highlight months with highest (red) to lowest (green) % from Spain

	2012	2013	2014	2015	Mean	Range
Jan	1.1	0.1	0.9	0.6	0.7	0.1 – 1.1
Feb	0.2	0.0	0.3	0.0	0.1	0.0 – 0.3
Mar	0.7	0.7	1.3	0.3	0.8	0.3 – 1.3
Apr	6.9	3.9	5.2	2.5	4.6	2.5 – 6.9
May	14.1	6.4	7.0	8.3	9.0	6.4 – 14.1
Jun	15.3	7.0	12.4	14.9	12.4	7.0 - 15.3
Jul	11.8	5.3	16.1	37.9	17.8	5.3 – 37.9
Aug	6.4	2.0	4.1	-	4.2	2.0 – 6.4
Sep	1.5	2.8	3.7	-	2.7	1.5 – 3.7
Oct	0.2	1.5	2.0	-	1.2	0.2 – 2.0
Nov	0.2	0.9	1.4	-	0.8	0.2 – 1.4
Dec	1.6	5.2	19.2	-	8.7	1.6 – 19.2

Figure 2 – UK imports of seed potatoes from Spain, as a proportion of overall imports

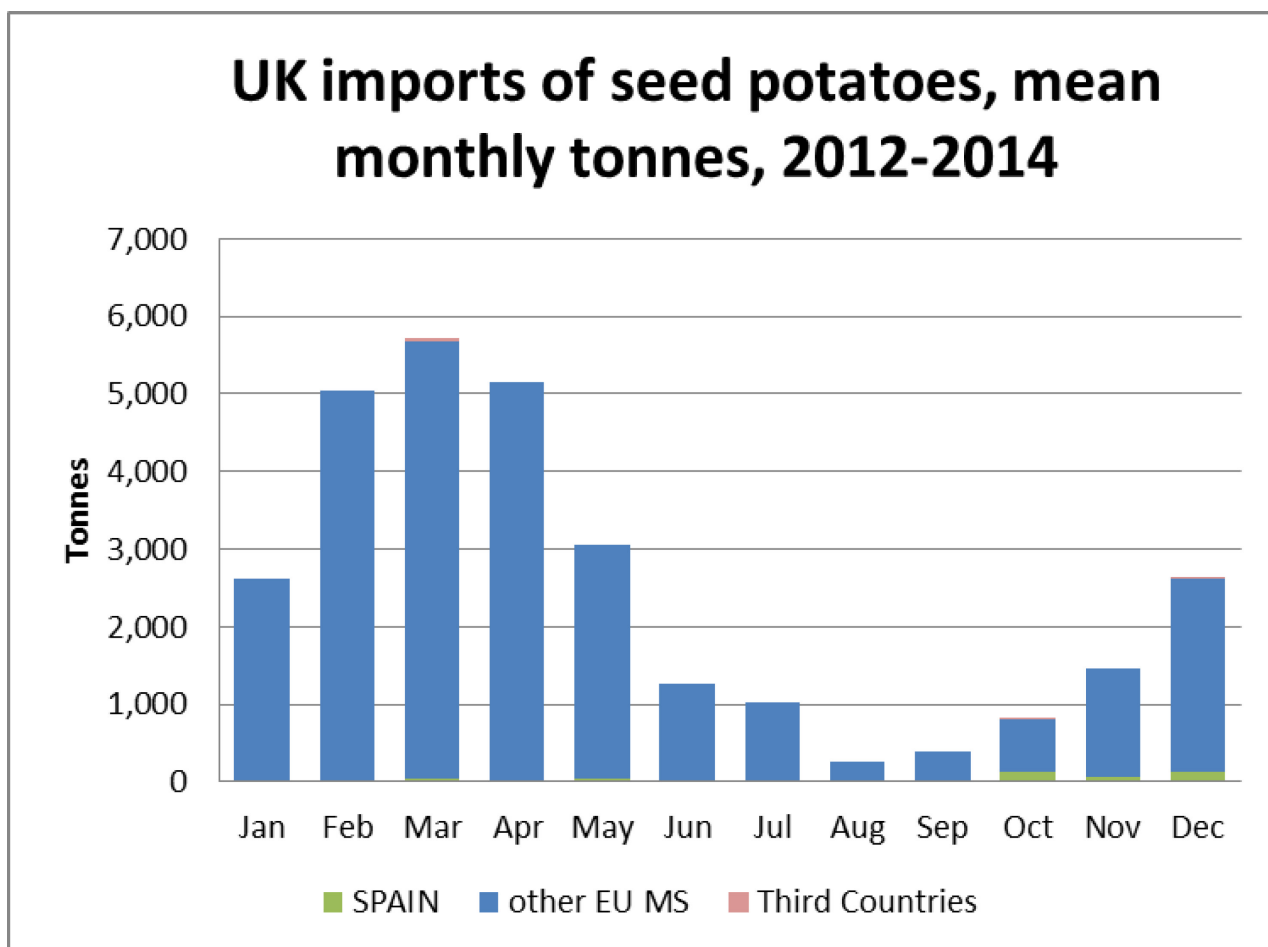


Table 2 - UK imports of seed potatoes from Spain, as a proportion of overall imports

Table 2: Mean monthly imports of seed potatoes 2012-2014 (tonnes)												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
ES	2	0	31	2	39	0	0	0	16	122	64	120
Other EU	2616	5035	5645	5148	3015	1262	1031	265	371	691	1371	2499

Nb: data from Eurostat – where 3rd country imports are shown, these are likely to be either erroneous data, or potato material imported under licence. For imports from within the UK, these are not routinely monitored, so Eurostat provides only an estimate.

These data show that the main imports from Spain are ware potatoes imported between April and July, with a further peak in December. During this period, potatoes from Spain represent between 4-18% of total imports. This suggests that other sources are likely to be available, but the views from industry representatives would be appreciated. It should be noted that the proposed national legislation would not prevent imports of potatoes from Spain, but rather remove one (brushing) of two options by which the current additional requirements can be met.

Consultation questions

Contributions are welcome on the following points:

1. Do you support the proposals for national legislation?
2. If not, why not?
3. Do you support the proposal to exempt potatoes from the Balearic Islands? Please provide supporting evidence including, if relevant, details of how the origin of such potatoes can be assured?
4. Are there particular consequences associated with the proposals which have not been drawn out in the consultation paper and which need to be considered?
5. Do you have evidence available on potential impacts of the proposed measures, to contribute to an assessment of costs and benefits? For instance, any information on potential additional costs that the measure is likely to impose on businesses (and what type of costs – e.g. financial or time), numbers of business affected etc.

Timing

Following consultation, the aim is to submit final proposals to Ministers before Christmas and to introduce national legislation early in 2016. This would mean that it would be in place before the main period for importing potatoes from Spain starts, around February.

Deadline for replies

Replies are requested by 30 November 2015.



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Any enquiries regarding this publication should be sent to us at

UK Chief Plant Health Officer Unit

Department for Environment, Food and Rural Affairs

Room 11G32

Sand Hutton

York

YO41 1LZ

or

Email: plantpestrisks@defra.gsi.gov.uk