

Department for Environment, Food and Rural Affairs

Response to the consultation on strengthened protection against Epitrix

February 2016

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Introduction

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.

In October 2015 Defra launched a consultation on a proposal to introduce UK national legislation against Epitrix (Potato flea beetle) requiring all potatoes imported from mainland Spain to be washed before export. The UK national measures were proposed following:

- A Food and Veterinary Office (FVO, the European Commission's auditors) mission in 2013 which indicated that Spain was not effectively demarcating and controlling outbreak areas in accordance with the EU emergency measures (Commission Implementing Decision 2012/270).
- The interception of nine consignments from mainland Spain in 2015 of Epitrix damaged potatoes.

This consultation was conducted jointly with the Scottish, Welsh and Northern Ireland governments. The consultation ran for a period of four weeks and closed on 30 November 2015.

About this document

This document provides a summary of the responses received and the government response. This document does not attempt to repeat the background information given in the consultation paper and only provides a limited amount of context for the options and related questions. Please refer to the consultation document which is available at <https://www.gov.uk/government/consultations/potato-imports-from-spain-reducing-the-risk-of-epitrix>. This document lists all of the questions asked in the consultation and summarises the responses received.

Overview of respondents

In total eight responses to the consultation were received from a mix of organisations representing importers, processors and the UK potato growers. Three respondents clearly supported the introduction of national measures, two did not and three did not specify. Those that did not specify however supported an exemption for the Balearic Islands from the measures.

Key themes and government response

Respondents raised a number of key themes about the proposals which are summarised below:

That it would distort the trade and that a more coordinated EU wide approach would be better.

In response to the interceptions in 2015 the UK has already made representations to the EU and the FVO carried out a further audit in September 2015 to help determine if there is a need to review the existing EU measures. The UK is committed to continuing working with the EU and other Member States to ensure that adequate measures are introduced and implemented effectively to protect Europe as a whole. UK national measures are intended to be a temporary measure to protect the UK until a more permanent EU wide position is agreed and reliable compliance with the EU measures has been demonstrated in Spain.

It would end the trade altogether in Spanish potatoes as washing would reduce the quality of the tubers.

Although tighter restrictions may have a limited impact on trade some importers already use washed potatoes and others are known to have switched to washed potatoes in response to the risk from Epitrix, indicating that the trade will continue. In the consultation it was recognised that for certain products, e.g. early season loose skinned varieties from the Balearic Islands, the impacts would be more significant in terms of damage to tubers and the unique selling point. In light of this information and an assessment that there is limited risk of introducing Epitrix via the Balearics, we are proposing to exempt such potatoes from the scope of the measures, provided the Spanish NPPO can provide assurances that such potatoes can be identified and maintained separately to those from the Spanish mainland. This exemption will be kept under review in the light of experience.

That many growers would not be able to meet the requirements as there were limited washing plants available and costs would be prohibitive to many.

The fact that potatoes from Spain are already being imported in a washed state highlights that facilities are available. The exemption for potatoes from the Balearic Islands will also help. We recognise that the measures will result in some additional costs and challenges for businesses in Spain and the UK, but these need to be considered alongside the major costs which would result should Epitrix become established in the UK.

That the interceptions by the UK were from a very limited area of Andalucía, where the pest is now considered under control and there is no evidence of the pest from anywhere else in Spain. Thus the UK measures for washing were disproportionate.

Whilst the nine consignments intercepted in the UK in 2015 originated from a limited area of Andalucía, the location was a considerable distance from any previously demarcated area. With no clear pathway of introduction identified and the conclusion of the original FVO mission that Spain was not effectively demarcating and controlling outbreak areas this suggests that the pest is possibly more widespread in Spain than is currently known.

That the current EU measures provide sufficient protection and that no such national measures should be introduced ahead of the second FVO audit report due early in 2016.

It is clear that the level of protection is not sufficient at present, given the number of interceptions in 2015. Any changes proposed to the current EU measures by the most recent FVO audit to Spain in September 2015 are unlikely to be introduced before summer 2016. It is important that strengthened measures are in place in time for the UK 2016 potato import season which increases from February, both to provide clarity to the industry and to ensure strengthened protection against introduction of the pest.

The efficacy of washing over brushing was questioned.

Three of the nine UK interceptions in 2015 of Epitrix damaged potatoes contained larvae under the skin of potatoes that would not have been removed by brushing alone. Whilst larvae were still present in intercepted consignments of washed potatoes, the larvae were all dead probably as a result of the cleaning/cooling process and the symptoms of pest presence are also more readily detectable on the washed potatoes. Brushing is currently an approved technique under the EU Decision and we are not planning to alter that in the national measures. There have been no interceptions to date involving potatoes from demarcated areas, where there is a greater degree of official oversight. We anticipate that a review of the EU Decision (including the efficacy of brushing) will take place following presentation of the outcome of the FVO audit to Spain last September.

That it would likely lead to retaliation by Spanish exporters/importers.

The measures are technically justified and in response to an identified plant health threat. They are also consistent with our obligations under the Plant Health Directive to take action in response to imminent threats. The measures are intended to facilitate trade while safeguarding plant health. The UK Plant Health Authority will continue to work with colleagues in the Spanish plant health service to address any issues relating to trade.

That exemption of the Balearics could only be supported if evidence were provided that the islands are free from the pest and that such material could be kept separate from mainland produce in transit.

Responses to the consultation stated that the Balearics are almost self-sufficient in potatoes, with most seed originating in the Netherlands or the UK and because legal measures to ensure the origin of Mallorcan potatoes already exist, there was strong support for an exemption for the Balearics from the additional requirements. Given additional assurances that have been received previously from the plant health authorities in the Balearics and the fact they will still be subject to existing notification and inspection requirements, the UK Plant Health Service considers an exemption for the Balearics is proportionate to the risk of imports originating from that region. The situation will be kept under review in light of the results of inspection and level of compliance with the notification requirements. Also, provided satisfactory assurances are received from the Spanish plant health service, to ensure that such potatoes can be maintained and identified separately to those from the mainland.

Next steps

In summary, in light of the views expressed, we:

- Will lay in Parliament an order under the Plant Health Act which will amend the Plant Health (England) Order 2015 to provide improved protection in advance of any further EU consideration of this issue.
- The order will require all potatoes imported from mainland Spain to be washed before export, to kill or remove any Epitrix which might be present.
- Although Epitrix is also known to be present in Portugal, the measures will be restricted to potatoes from Spain, as there is no evidence of Epitrix damaged potatoes being exported from Portugal.
- Continue the statutory notification scheme for imports of potatoes from Spain and Portugal. It is proposed to continue to use this scheme as a means of building intelligence about the trade, facilitating targeted checks and ensuring traceability in the event of issues arising.

The Regulations come into force on 24 February 2016 and are available at http://www.legislation.gov.uk/uksi/2016/104/pdfs/uksi_20160104_en.pdf.

We would like to thank those responding for taking the time to submit views on the consultation. Your comments have been very valuable in helping to develop a policy position on this pest. I hope this letter demonstrates the reasoning behind our decision and that we have sought to find a solution which reflects the current position and the views expressed from different stakeholders. We will be pleased to continue engaging with you about this pest.

If you have any views about how this consultation was handled, or its outcome, please let us know by contacting the UK Chief Plant Health Officer unit at:

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