

## **Submission from Friends of the Earth and Defra's response**

*Regulation 3(5) of this SI provides routes for government to move products that pose a pest risk off of emergency measures lists (list b in Annexes 7 and 8 of 2019/2072) to instead allow their import and transport with conditions attached (list a in Annexes 7 and 8), where risk 'can be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex 2'. This may provide a useful flexibility for the future – but it would be helpful if Defra could clarify the following:*

*Q1: How, and by who, the definition of 'an acceptable level' will be set*

A1: The UK intends to ensure that its SPS regime remains appropriate to address the risks it faces. Defra has a dedicated team of specialist plant health risk analysts and managers, working with the Devolved Administrations, monitoring emerging and revised threats, supporting the work of the UK Plant Health Risk Group. Much of this work will focus on GB priorities and broader international work, including relevant EU legislation, associated with identifying and managing plant health risks.

*Q2: How, and by who/what body, the determination will be made that measures set out in Annex 2 are suitable to reduce risk to an acceptable level*

A2: The UK Plant Health Risk Group identifies, assesses and manages plant health threats. As part of the process of withdrawing from the EU, we have bolstered this Group. The Plant Health Risk Group includes key experts from within Defra and across the Devolved Administrations and its outputs are published for scrutiny and comment and to help inform decision making. This working group will provide an equivalent level of technical scrutiny as SCoPAFF (Standing Committee on Plants, Animals, Food and Feed), the EU technical committee where decisions were taken on plant health and other matters.

*Q3: How, and by who, changes to these lists will be communicated*

A3: Change will be communicated via key stakeholder forums such as the Tree Health Policy Group and the Plant Health Advisory Forum and will be published on the Plant Health Portal.

**16 and 21 December 2020**