

Annex: Submission from Friends of the Earth and Defra's Response

Q1: Regulation 3 – removal of pests from annexes:

- **Regulation 3(3)b** omits two entries (9. Tomato yellow leaf curl Sardinia virus [TYLCSV] and 10. Tomato yellow leaf curl virus [TYLCV0]) from annexe 2a 'List of provisional GB quarantine pests' of Commission Implementing Regulation (EU) 2019/2072 - as inserted by The Plant Health (Phytosanitary Conditions) (Amendment) (EU Exit) Regulations 2020.)
- **Regulation 3(4)** deletes the entry relating to *Candidatus Liberibacter 'solanacearum'* Liefting et al. [LIBEPS] from the substituted annexe 4 of 2019/2072.

In both of these cases, it is unclear if government feels the scientific evidence has changed, if these pests were included in error, or if the change is intended to mark a change in the approach to quarantine policy and GB regulated non-quarantine pests.

A1: These pests were listed by error in The Plant Health (Phytosanitary Conditions) (Amendment) (EU Exit) Regulations 2020. *Candidatus Liberibacter 'solanacearum'* is not known to be seed-borne so does not need to be included in Part E of Annex 4. The tomato yellow leaf curl Sardinia virus and Tomato yellow leaf curl virus are both begomoviruses so should not have been listed in Annex 2A as provisional quarantine pests. All begomoviruses are listed as GB quarantine pests in Annex 2.

Q2: Regulation 7 – move from outcome based to process based requirement:

- **Regulation 7** makes a number of changes to Annex 7 of 2019/2072, as previously amended by The Plant Health (Phytosanitary Conditions) (Amendment) (EU Exit) Regulations 2020, on requirements around the introduction of plants into union territory. In a number of instances where the EU regulation required an 'official statement that the plants have been produced in **a place of production free from** [a particular disease]', the 2020 regulations replaced this with a requirement that 'The plants must be accompanied by an official statement that they originate in a place of production which has **been found to be free** from [a particular disease].... Or is considered to be free from [the disease] as a consequence of the implementation of the procedures set out in EPPO PM 9/26'. The 2021 regulations go further, amending the requirement such that plants must 'originate in a site of production **where the procedures to combat** [the disease] set out in EPPO PM 9/26 **have been implemented**'.

This appears to represent a weakening of standards in that the carrying out of specific procedures is equated with the success of procedures in eradicating potential pests and diseases.

A2: Following the amendments by The Plant Health (Phytosanitary Conditions) (Amendment) (EU Exit) Regulations 2020, Defra received a number of queries from EU member states under the impression that import requirements for certain plants had been strengthened, contrary to the intention of the operability amendments. The amendment in the Official Controls, Plant Health, Seeds and Seed Potatoes (Amendment etc.) Regulations 2021 clarifies this requirement. While it is not possible to replicate exactly the EU requirements (which refer specifically to EU legislation), the intention is to remain as close as possible to the requirements in Annex VIII of the EU Phytosanitary Conditions Regulation. The procedures set out in the EPPO Standard referred to have the same objective as the EU requirements.

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