

To Interested Organisations

Our ref: E397701
7 March 2008

Dear Sir/Madam

CONSULTATION ON STATUTORY NOTIFICATION REQUIREMENTS FOR POTATOES INTRODUCED INTO SCOTLAND FROM EU MEMBER STATES

I am writing to seek your views on the notification requirements for potatoes introduced into Scotland from elsewhere in the European Union.

Background

At present there are statutory notification requirements for potatoes introduced from certain sources (Germany, Poland, Netherlands) in response to identified disease risks (mainly brown rot and ring rot). As these have been in place for a number of years a review is being undertaken to assess whether they remain relevant and whether any revision is necessary, in response to the changing disease situation across the EU. In addition to these statutory requirements, a voluntary notification scheme applies to all non-Scottish seed potatoes introduced to Scotland for planting. The attached consultation paper sets out the current situation in detail and proposes a number of possible options for the future.

I would welcome your views on these options by 30 May 2008 or earlier if possible. Responses submitted after this date may not be considered.

This consultation applies to Scotland only. Similar exercise are being undertaken in England, Wales and Northern Ireland.

Please see the Appendix to this letter which gives further information on the consultation process and includes a Respondee Information Form (RIF) which should be completed and submitted with your comments. If you are intending to reply by e-mail please make sure the RIF is also included with your response.

Yours sincerely

Jean Waddie
Agricultural Commodities Branch

THE SCOTTISH GOVERNMENT CONSULTATION PROCESS

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government website enabling a wider audience to access the paper and submit their responses. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Government consultation papers and related publications (eg analysis of response reports) can be accessed at Scottish Government consultations (<http://www.scotland.gov.uk/consultations>)

The views and suggestions detailed in consultation responses are analysed and used as part of the decision-making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented.

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

CONSULTATION ON STATUTORY NOTIFICATION REQUIREMENTS FOR POTATOES INTRODUCED INTO SCOTLAND FROM OTHER EU MEMBER STATES

Responding to this consultation paper

We are inviting written responses to this consultation paper by 30 May 2008. Please send your response by email to: jean.waddie@scotland.gsi.gov.uk , or by post:

Jean Waddie
The Scottish Government
Rural Directorate
Agricultural Commodities Branch
1-B
Pentland House
47 Robb's Loan
EDINBURGH
EH14 1TY

If you have any queries contact **Jean Waddie** on 0131 244 4895.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>. You can telephone Freephone 0800 77 1234 to find out where your nearest public internet access point is.

The Scottish Government now has an e-mail alert system for consultations (seConsult at <http://www.scotland.gov.uk/Consultations/seConsult>). This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). seConsult complements, but in no way replaces Scottish Government distribution lists, and is designed to allow stakeholders to keep up to date with all Scottish Government consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public (see the attached Respondent Information Form), these will be made available to the public in the Scottish Government Library by 11 July 2008. We will check all responses where agreement to publish has been given for any potentially defamatory material before logging them in the library or placing them on the website. You can make arrangements to view responses by

contacting the Scottish Government Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

What happens next?

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us determine how we proceed with our proposed changes.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to:

Name: John Speirs

Address: The Scottish Government, Rural Directorate, Agricultural Commodities Branch
1-B, Pentland House, 47 Robb's Loan, EDINBURGH, EH14 1TY

E-mail: john.speirs@scotland.gsi.gov.uk

RESPONDENT INFORMATION FORM

CONSULTATION ON STATUTORY NOTIFICATION REQUIREMENTS FOR POTATOES INTRODUCED INTO SCOTLAND FROM OTHER EU MEMBER STATES

Please complete the details below and return it with your response. This will help ensure we handle your response appropriately. Thank you for your help.

Name:

Postal Address:

1. Are you responding: (please tick one box)
 - (a) as an individual go to Q2a/b and then Q4
 - (b) **on behalf of** a group/organisation go to Q3 and then Q4

INDIVIDUALS

- 2a. Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government website)?

Yes (go to 2b below)

No, not at all We will treat your response as confidential

- 2b. **Where confidentiality is not requested**, we will make your response available to the public on the following basis (**please tick one** of the following boxes)

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

ON BEHALF OF GROUPS OR ORGANISATIONS

- 3 The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government website). Are you also content for your **response** to be made available?

Yes

No We will treat your response as confidential

SHARING RESPONSES/FUTURE ENGAGEMENT

- 4 We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Government to contact you again in the future in relation to this consultation response?

Yes

No

Scottish Government – Rural Directorate

Consultation on statutory notification requirements for potatoes introduced into Scotland from EU Member States

February 2008

1. Introduction

1.1 This paper reviews existing statutory notification requirements for potatoes introduced into Scotland from elsewhere in the European Union (EU) and considers options for the future. This consultation relates only to notification requirements and does not consider testing or charging policy.

1.2 This consultation paper applies to potatoes introduced into Scotland from EU Member States. Defra and the Department of Agriculture and Rural Development for Northern Ireland are conducting equivalent consultations in relation to potatoes introduced into England, Wales and Northern Ireland.

2. Background

2.1 Potatoes are an important crop in many countries, but are susceptible to a wide range of pests and diseases which can reduce yields and make tubers unusable. Two diseases of particular concern are brown rot (*Ralstonia solanacearum*) and ring rot (*Clavibacter michiganensis ssp. sepedonicus*). The EC Plant Health Directive (2000/29/EC, as amended) contains measures which apply across the EU with the aim of preventing the introduction and spread of plant pests and diseases, particularly from countries outside the EU. Within the EU, potatoes can in principle move freely, subject to the requirements of the Plant Health Directive and marketing requirements. However, Member States are permitted under the Plant Health Directive to introduce more stringent requirements in domestic legislation when a specific plant health risk has been identified.

2.2 Scotland enjoys an excellent plant health reputation, and within the EU is designated a “community grade area” for the production of seed potatoes. Ring rot and brown rot occur in some EU Member States, but neither has been found in Scottish potatoes. It is important to maintain Scotland’s freedom from quarantine diseases, which has significant economic value to the Scottish potato industry. Most growers are aware of the risks, and there are currently very few introductions of seed potatoes into Scotland. However, statutory and voluntary measures are in place to monitor any introductions that may take place to ensure that they do not carry any quarantine disease.

2.3 The highest risk for the introduction and spread of disease is with seed potatoes, especially those planted to produce further seed. If potatoes infected with brown rot or ring rot are planted, the bacteria will multiply and can spread in the soil, through river systems and on farm machinery. If not detected, further generations of seed may be sold on and continue to spread the infection.

2.4 Ware potatoes (for processing, packaging or retail sale) present a lower risk. However, brown rot and ring rot can be spread by contact, either with infected tubers themselves or through machinery that has been used to process infected material. While the most stringent control measures are applied to seed potatoes, there is also an argument for taking measures to monitor the introduction of ware potatoes from areas with a high risk of infection.

3. **Current measures**

3.1 The current measures to prevent the introduction and spread of potato pests and diseases in Scotland include the following:

Non-EU countries (EU-wide measures)

- The introduction of seed potatoes from countries outside the EU (except Switzerland) is prohibited.
- Ware potatoes from outside the EU may be imported only from a restricted list of countries, including Algeria, Egypt, Israel, Libya, Morocco, Switzerland, Syria, Tunisia and Turkey. They must be accompanied by a phytosanitary certificate and notified to the Scottish Government, to enable them to be inspected on entry.

EU countries – high risk areas: statutory notification of all potatoes prior to entry

- Introductions of both seed and ware potatoes from Germany, Poland or the Netherlands must be notified to the Scottish Government at least 48 hours before arrival. These requirements were introduced at various times since 2001 in response to findings of disease in those countries or in potatoes linked to them.

EU countries – all other areas: voluntary notification of seed potatoes prior to entry

- A voluntary notification scheme operates through cooperation of the Scottish Government and Scottish potato growers. Growers are encouraged to notify, prior to planting, all non-Scottish seed potatoes brought into Scotland. These are then subject to a risk assessment so that a decision can be made as to whether to test a sample of tubers from the introduced seed for the quarantine bacteria. This service is provided free of charge.

All potatoes planted in Scotland: statutory notification post-planting

- Since 2007, potato growers in Scotland have been required to notify the Scottish Government of specific details of all crops planted, including the origin of the seed used, no later than 28 days after planting. The requirement for post-planting notification is intended to enable government agencies to act more effectively in case of any outbreak of disease, by allowing them to identify all potato crops in the vicinity of the outbreak or those related to any affected stock.

4. **Issue**

4.1 The statutory notification requirements relating to Germany, Poland and the Netherlands were introduced in response to particular developments, which warranted specific action at the time. It was never intended that they should be permanent arrangements, but would be subject to review. As they have been in place for a number of years, it is appropriate now to consider whether they remain justified. This also offers an opportunity to review the overall combination of statutory and voluntary measures to monitor the introduction of non-Scottish potatoes into Scotland.

Incidence of brown rot and ring rot in EU Member States

4.2 Statutory notification requirements were put in place across the UK for the introduction of potatoes from Germany, Poland and the Netherlands because they had particularly high incidence of brown rot or ring rot at the time. However, the position in each case has changed since the requirements were introduced.

Germany

- Ring rot - statutory notification was introduced in response to a significantly increased number of ring rot interceptions were made in England in 2001, in potatoes originating in Germany. The situation has improved over recent years, to the extent that in 2006 only 1 outbreak in seed potatoes and 7 in ware potatoes were confirmed (compared to 44 outbreaks in seed and 76 in ware in 2000). Infected consignments of ware potatoes continue to be intercepted, but there have been none in the UK.
- Brown rot - only occasional outbreaks are experienced, the most recent being in 2004.

Poland

- Ring rot – Poland joined the EU in May 2004 and introduced a number of national measures to provide enhanced protection to those Member States receiving Polish potatoes, given the very high number of ring rot outbreaks in Poland. Statutory notification arrangements in the UK were introduced to complement these measures. While there has been a substantial improvement since accession, Poland remained responsible in 2006 for 80% of outbreaks in seed potatoes and 90% of outbreaks in ware potatoes in the EU. Some infected consignments of ware potatoes have been intercepted, but not since 2004 and not in the UK, where only negligible quantities are introduced.
- Brown rot – there have been no outbreaks in seed or ware potatoes since Poland joined the EU.

Netherlands

- Ring rot – outbreaks in Wales and England in 2003 and 2004 involved crops grown from seed potatoes introduced from the Netherlands. Additionally, the number of ring rot outbreaks in seed potato stocks in the Netherlands increased in 2004. Statutory notification was introduced in response to these outbreaks. There have been no outbreaks in seed or ware potatoes since 2004. There have been no interceptions of infected consignments since 2005.
- Brown rot – a low number of outbreaks continues to be detected, with outbreaks in seed potatoes in 2004 and 2005 and 4 outbreaks in ware potatoes in 2006. There have been no interceptions of infected consignments since 2005.

4.3 The overall situation in the EU has also changed, as eradication programmes take effect, new Member States join, and so on. The tables in the Appendix include the results of official monitoring conducted by EU Member States for ring rot and brown rot and a number of conclusions can be drawn from the results:

- For both ring rot (Table 1) and brown rot (Table 2), the incidence of infected samples (% positive) in seed potatoes is substantially lower than in ware potatoes.
- In seed potatoes, for both ring rot and brown rot, there is a general trend downwards in terms of the number of positive samples and the percentage number of Member States having outbreaks.
- The brown rot position appears to be generally healthier than the ring rot position, although the ring rot figures are heavily skewed because of the very high levels of ring rot present in one Member State (Poland); if Poland is excluded from the figures as indicated in Table 1a, the ring rot situation is considerably better.

4.4 While it is still the case that Poland is responsible for the vast majority of ring rot outbreaks, by 2006 Germany and the Netherlands no longer featured so highly in the list of Member States affected by outbreaks, although there were interceptions of ring rot in German ware potatoes in 2007. The position is similar in relation to brown rot. The overall

incidence of outbreaks for both diseases, in seed potatoes, has improved, and the Member States which had higher numbers of outbreaks in recent years have far less trade with the UK.

4.5 While these trends are of interest in helping to assess recent developments, they need to be treated with caution. The level of monitoring varies between Member States, and failure to detect disease in a survey does not necessarily mean that it is not present. Experience has shown that the nature of the organisms is such that they can re-emerge unexpectedly after a number of years of apparent freedom. Other relevant factors which may influence the degree of risk include the level of domestic production and quantity of exports, which obviously vary between Member States.

5. Discussion

5.1 The original justification for statutory notification programmes prior to entry for potatoes from Germany, Poland and the Netherlands was based on the number of (particularly) ring rot outbreaks or interceptions at the time, coupled with, in the case of the Netherlands, the substantial volume of potatoes coming into the UK. As the pattern of outbreaks across the EU has changed, the justification for targeting these three Member States is less clear, and therefore a review of the notification arrangements is warranted. A number of options are available.

Options

(i) Status quo

The current arrangements would be retained for a further period, with statutory notification prior to entry being required for all potatoes from Germany, Poland and the Netherlands, and voluntary notification prior to entry applying to seed potatoes from other Member States. The justification would be that it is too early to take a definitive view on whether the improvements seen will be sustained. However, given that the position of the targeted Member States, in relation to the number of outbreaks compared to other Member States, is not the same as when the measures were first introduced, this option may not be tenable.

(ii) Update list of Member States to which statutory notification applies.

Under this option, recent monitoring results would be reviewed to identify a revised list of Member States to be subject to statutory notification of all potatoes prior to entry. The voluntary notification scheme would continue to apply to seed potatoes from non-targeted parts of the EU. This option would ensure that the statutory notification system was based on current information, including the level of trade as well as disease status, but the list of targeted Member States would need to be updated on a regular basis. Such a system would never be wholly effective, as it would be based on a snapshot and would not be able to take account of longer term trends or emerging threats. Administration and enforcement would be complicated by the need to make frequent changes and ensure these are communicated to growers.

(iii) Revocation of all statutory notification requirements.

This would involve revoking the current statutory notification requirements for potatoes from Germany, Poland and the Netherlands, and not replacing them, on the basis that recent EU monitoring results have identified an improving situation. Poland is responsible for the vast majority of ring rot outbreaks and Polish national measures would remain in place to provide

additional protection to Member States. The level of Polish potato imports to the UK is low at present, although more significant exports do take place to some Member States, with occasional interceptions of ring rot. The existing voluntary notification arrangements would continue for potatoes brought into Scotland from within the EU prior to planting. The voluntary scheme would therefore take a key role in protecting Scotland's high plant health status.

(iv) Extension of statutory notification prior to entry to cover all seed potatoes from EU Member States

The existing arrangements for Germany, Poland and the Netherlands would be revoked and replaced with a statutory requirement to notify all introductions from EU Member States, 48 hours before arrival. This would most likely be restricted to seed potatoes, which represent the greatest threat of spreading harmful organisms, should an infected consignment be introduced. A requirement to notify all introductions of potatoes intended for processing/packing/retail sale would be disproportionate and difficult to administer.

This option would provide comprehensive coverage, but would include statutory notification prior to entry of seed potatoes from areas considered to be low risk at present. It would, however, cover unknown or emerging threats. A notification system which applies across the board would also provide greater clarity and consistency for the industry.

5.2 Whichever option is chosen to monitor introductions of potatoes prior to planting, the statutory notification of all potato crops post-planting will remain.

6. Analysis of options

6.1 The table below summarises the pros and cons of the options identified:

	Pros	Cons
Option (i) – status quo	<ul style="list-style-type: none"> - system already in place - provides continued protection against the risk from Polish potatoes - protects against the possibility of a resurgent problem in German and Dutch potatoes - voluntary notification of introductions of seed potatoes from other sources prior to planting remains in place 	<ul style="list-style-type: none"> - does not protect against threats from other Member States with existing or emerging problems - difficult to defend for potatoes from the Netherlands on the basis of current evidence
Option (ii) – Update list of Member States to which statutory notification applies.	<ul style="list-style-type: none"> - a targeted approach, based on more recent information - voluntary notification of introductions of seed potatoes from other sources prior to planting would remain in place 	<ul style="list-style-type: none"> - difficult to keep up to date - would not protect against undetected or emerging threats
Option (iii) – Revocation of all statutory notification requirements prior to entry	<ul style="list-style-type: none"> - simpler than current combination approach - voluntary notification prior to planting would apply to all introductions of seed potatoes 	<ul style="list-style-type: none"> - loss of comprehensive coverage against introductions from Member States with a known problem - no protection against undetected or emerging threats

6.2 On the basis of this analysis options (iii) and (iv) are considered to offer the best prospects for a sustainable policy for the future. Option (i) does not reflect the most up to date evidence and option (ii) would be very difficult to administer, with no guarantee that current risks were being targeted. Option (iii) relies on voluntary notification of seed potatoes to prevent the introduction of harmful organisms, while (iv) extends statutory notification prior to entry to cover all Member States, but only for seed potatoes. Both recommended options are based on a blanket approach, to reflect the fact that this is a dynamic area, with risks changing from one year to the next. The key issue is whether stakeholders prefer an approach based wholly on statutory notifications or wholly on the voluntary scheme.

6.3 It should be noted that any domestic measures introduced by Member States can be subject to scrutiny by the European Commission, resulting in review or revocation of the measures if they are considered to be inconsistent with the Plant Health Directive. In relation to option (iv), the level and extent of brown rot and ring rot distribution across the EU would be the justification for monitoring of all introduced seed potatoes. However, consultees should be aware that such a system could potentially still be challenged by the Commission.

7. Seed potatoes from other parts of the UK

7.1 Table 3 in Appendix 1 shows figures for seed potato introductions into Scotland for the 2007 growing season. This represents around 2% of the total area of potatoes grown. All introductions were from England, Northern Ireland or Eire.

7.2 While Northern Ireland and parts of northern England have the same “community grade” status as Scotland for seed potatoes, this does not apply to the whole of England or Wales. An area of concern raised previously by the Scottish potato trade has been the practice of seed potatoes being introduced from another Member State, grown for one year in England, and then sold as certified seed to be planted in Scotland. The risk posed by such potatoes is low, but has to be balanced against the possible consequences should ring rot or brown rot be found in Scottish potatoes.

7.3 We would therefore welcome views from stakeholders on what, if any, notification requirements should apply to introductions of seed potatoes to Scotland from other parts of the UK. Introductions from Eire would be subject to the same requirements as any other EU Member State.

8. Burdens

8.1 Very few introductions of seed potatoes are made to Scotland, but it is always possible that this situation may change in future. Information provided to Defra indicates that there is no significant burden to companies associated with the current statutory notification arrangements for German, Polish and Dutch potatoes, although clearly a minimal administrative effort is required.

8.2 Under option (i) the burden on companies would remain the same. Under option (ii), the burden could increase or decrease depending on the level of trade between Scotland and the Member States included by the requirements. If we assume that the burden to companies is the same for statutory or voluntary notification schemes, there would be no change in the burden for growers under either option (iii) or option (iv), as these simply move the entire system for seed potatoes to either a voluntary or a statutory basis. Both these options would remove all requirements on the introduction of ware potatoes from within the EU.

9. **Summary**

9.1 Arrangements have been in place for a number of years for the statutory notification prior to entry of potatoes introduced from specified EU Member States, alongside a voluntary notification scheme for all other introductions of non-Scottish seed potatoes. Recent EU monitoring results indicate that the situation has changed, which warrants a review of the arrangements. We are seeking stakeholders' views on a range of options, including a move to either a statutory notification scheme for seed potatoes from all Member States, or a completely voluntary scheme. Either of these options would remove controls on ware potatoes introduced to Scotland from within the EU. Stakeholders are also invited to consider what arrangements are appropriate for seed potatoes introduced to Scotland from other parts of the UK.

Appendix 1

Table 1: EU monitoring results for ring rot in the domestic harvest

	2003	2004	2005	2006
Seed				
- sample numbers	61,490	108,855	79,313	58,189
- samples +ve	333	332	102	73
- % positive	0.54	0.31	0.13	0.13
Ware				
- sample numbers	33,551	41,397	34,069	29,276
- samples +ve	2,880	3,611	3,168	2,469
- % positive	8.58	8.72	9.30	8.43
Member states with outbreaks (as a % of total no. of MS)	17 (68%)	13 (52%)	10 (40%)	10 (37%)

nb: results are for the EU 25, except 2006, which includes the EU 27

Table 1a: EU ring rot monitoring results (Poland excluded)

	2003	2004	2005	2006
Seed				
% positive	0.045	0.022	0.012	0.027
Ware				
% positive	1.256	0.747	1.227	1.582

Table 2: EU monitoring results for brown rot in the domestic harvest

	2003	2004	2005	2006
Seed				
- sample numbers	94,844	104,529	78,915	55,112
- samples +ve	13	3	2	0
- % positive	0.014	0.003	0.003	0
Ware				
- sample numbers	31,583	37,057	30,429	26,734
- samples +ve	45	18	43	21
- % positive	0.142	0.049	0.141	0.079
Member states with outbreaks (as a % of total no. of MS)	7 (28%)	7 (28%)	8 (32%)	5 (18%)

nb: results are for the EU 25, except 2006, which includes the EU 27

Table 3: Introductions of seed potatoes from outwith Scotland (Oct 2006 – Oct 2007)

	For production of seed		For production of ware	
	No. of crops	Area (Ha)	No. of crops	Area (Ha)
Eire	4	8	10	72
England	8	10	74	500
Northern Ireland	38	11	2	2
Totals	50	29	86	574