

EXPLANATORY MEMORANDUM TO
THE PLANT HEALTH (FORESTRY) (*PHYTOPHTHORA RAMORUM*)
(GREAT BRITAIN) ORDER 2004

2004 No.3213

1. This Explanatory Memorandum has been prepared by the Forestry Commission and is laid before Parliament by Command of Her Majesty.

2. **Description**

The Order implements in Great Britain Commission Decisions 2002/757/EC and 2004/426/EC which establish emergency measures to prevent the introduction into and the spread of *Phytophthora ramorum* within the Community.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None

4. **Legislative background**

4.1. Provisional emergency measures to prevent the introduction and spread of *Phytophthora ramorum* within the Community were adopted under Commission Decision 2002/757/EC. As regards susceptible trees, wood and isolated bark these were implemented in Great Britain in November 2002 through the Plant Health (Forestry)(*Phytophthora ramorum*) (Great Britain) (No.2) Order 2002. This replaced the emergency legislation as regards susceptible trees, wood and bark put in place in June 2002. Commission Decision 2002/757/EC included a commitment to review the measures in December 2003. As a result of that review, the Commission agreed that it was appropriate that the emergency measures continue with some amendments. Commission Decision 2004/426/EC, dated 29 April 2004 and published on 27 May 2004, amends Commission Decision 2002/757/EC.

Decision 2004/278/EC relates to the EU's agreement with the Swiss Confederation regarding trade in agricultural products. Under this agreement, a number of plants and plant products can be traded between the EU and Switzerland with a plant passport rather than a phytosanitary certificate.

5. **Extent**

5.1. The instrument applies in Great Britain.

6. **European Convention on Human Rights**

N/A

7. **Policy background**

Phytophthora ramorum is the pathogen that has been causing the death of some species of oak trees in parts of the USA for several years. We now know that this is the same pathogen that has recently caused damage to viburnums and rhododendrons and some other plant species in the UK and Europe. It has also now been found on a small number of trees in Great Britain, principally in Cornwall. *Phytophthora ramorum* is of great concern because a major epidemic in our native trees could affect the horticultural industry, the commercial forestry industry and our native landscape and have knock on consequences for other parts of the local economy such as tourism. As soon as the first finding of *Phytophthora ramorum* was confirmed in the UK in April 2002 Defra and SEERAD took precautionary measures by introducing emergency legislation designed to control the disease. These measures came into force in May 2002. The Forestry Commission introduced complementary legislation covering trees, wood and isolated bark in June 2002. Following pressure from the UK, the EU recognised the potential effects of this disease and introduced emergency measures throughout the EU in November 2002. The Plant Health Standing Committee reviewed these measures and agreed that they should continue and that the plant passport arrangements should be extended to include camellia. The EU measures require also an intensive survey programme of retail outlets, nurseries, gardens and other established planting areas including woodlands.

8. **Impact**

- 8.1. Due to the time scales for publication to ensure the emergency measures remain in place and are up to date it has not been possible to undertake a public consultation. However the main stakeholders have been informed of the changes. The main provisions of the Order concern controls on the import of susceptible trees, wood and isolated bark. There is no known trade in any of the susceptible trees or isolated bark. Wood of oak is imported from the USA but the controls already in place in the Plant Health (Forestry) (Great Britain) Order 1993 (as amended) against other pests have not been affected and are considered effective against *Phytophthora ramorum*. A Regulatory Impact Assessment has not been prepared.

9. **Contact**

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