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IMPORTATION

Introduction of exotic pests into a territory must be controlled to prevent serious economic losses, drastic health and associated environmental problems. Certain harmful organisms, plants, plant products and other objects, may be introduced into the European Union, for trial or scientific purposes, but only under specified conditions. International conventions, European Union provisions, French legislative provisions, French regulation provisions and French administrative provisions, provide obligations and govern the movement and the confinement of certain harmful organisms, plants, plant products and other objects in France.



FRENCH CONSTITUTION – OCTOBER 1958

INTERNATIONAL PROVISIONS

International Convention of Plant Protection. Rome – Italy 1951, revised November 1997. The main purpose is to prevent the introduction and spread of pests of plants and plant products and to promote appropriate measures for their control. The term « Pest », in the Convention is defined as « any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products » (art.2). Each contracting party shall assume the creation of an official national plant protection organization (NPO). The national organization is in charge of inspection and phytosanitary certification, the establishment and updated lists of regulated organisms, and for making special provision for the importation for scientific research purposes. All national organizations shall cooperate at the International and Regional level. International standards for phytosanitary measures have been published for various phytosanitary fields.

Code of Conduct for the Import and Release of Exotic Biological Control Agents. Food and Agriculture Organization of the United Nations, Rome 1996. International Standards for Phytosanitary Measures : Responsibilities of the authorities of governments, exporters and importers of BC agents. Import of exotic biological control agents for research; Import and release of exotic biological control agents for use as biological pesticides.

Convention on Biological Diversity (CBD), Rio de Janeiro, 1992. « Prevent the introduction of control or eradicate those alien species which threaten ecosystems, habitats or species » (art.8 h). **Sanitary and Phytosanitary Standards (SPS)** 1994, under the World Trade Organization (WTO), give right to each Member to take sanitary and phytosanitary measures for the protection of human, animal or plant life or health. Any sanitary or phytosanitary measure could be applied only to the extent necessary to protect human, animal or plant life. Measure is based on scientific principles and shall not be applied in a manner which would constitute a disguised restriction on international trade. **Convention on International Trade of Endangered Species of wild fauna and flora (CITES),** Washington 1973.

EUROPEAN UNION PROVISIONS

Directive 2000/29/CE on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community. National Plant Protection Organisation. List of regulated organisms for all member States and certain protected areas. Since January 1st, 2005, pest is defined as « any species, strain or biotype of plant, animal or pathogenic agent; harmful to plants or plant products » (art. 2 e).

- Annexe I.** Harmful organisms whose introduction into and spread within all member States or certain protected zones shall be banned.
- Annexe II.** Harmful organisms whose introduction into, and spread within all member States or certain protected zones shall be banned if they are present on certain plants products.
- Annexe III.** Plants and products and other objects : the introduction of which shall be prohibited in all member States or in certain protected zones.
- Annexe IV.** Special requirements which must be laid down by all member States for the introduction and movement of plants, plant products and other objects into and within all member States or certain protected zones.
- Annexe V.** Plants, plant products and other objects which must be subject to a plant health inspection – at the place of production if originating in the Community, before being moved within the Community – in the country of origin or the consignor country, if originating outside the Community – before being permitted to enter the Community (Part A : plants, plant products and other objects originating in the Community, Part B : plants, plant products and other objects originating in territories, other those territories referred to in part A).
- Annexe VI.** Plants and plant products to which special arrangements may be applied
- Annexe VII.** Model certificates
- Annexe VIII.** Repealed directive and its successive amendments. Deadlines for transposition and/or implementation
- Annexe IX.** Correlation table

Directive 95/44/CE 1995 establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 2000/29/EC (77/93/EEC) may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections.

- Annexe I.** Nature and objectives of the activities. Quarantine containment conditions, Scientific and technical qualifications
- Annexe II.** Model of the Letter of Authority for the instruction and/or movement of harmful organisms, plants, plant products and other objects for trial or scientific purposes and for work on varietal selections.
- Annexe III.** Quarantine measures including testing on plants, plant products and other objects intended for release from Quarantine. Part A. For certain plants, plant products and other objects listed in Annex III to Directive 2000/29/EC, Part B. For plants, plant products and other objects listed in Annexes II and IV to Directive 2000/29/EC.

FRENCH LEGISLATIVE PROVISIONS

CODE OF CUSTOMS, Article 38 Infractions to the regulations for the importation of prohibited wares. The ware is prohibited if the official declaration and/or authorization is absent if needed. **CODE RURAL, art.L251-4** The introduction, the possession and the transportation of pests is prohibited except for authorized exceptions. **art. L.251-6** The presence of any new harmful pest needs to be obligatory declared to the authority. **art.L.251-12** The list of plants, plant products and other objects with obligation of sanitary control is determined by decree by the minister in charge of agriculture. **art. L.251-18** The inspection and controls are made by the agents of the Plant Protection Service of agents of the ministry ; the control of documentation is done by the agents of customs, and from other sections. **art. L.251-20** Illegal introduction, possession, transportation of pest organisms without any authorized document could be punished by a maximum of 2 years of imprisonment and a maximum of a penalty of 75 000 €. **CODE OF ENVIRONMENT art. L.411-3** The introduction of exotic organism in the environment is prohibited, except special authorization from the administrative authority (The ordinance describing the application conditions is not yet published).

FRENCH REGULATION PROVISIONS

The organization of the exterior services of the Ministry of agriculture is described in the **Decree n°84-1191 December 28, 1984**. In terms of plant protection the Regional Direction is in charge to control the application of the regulations and phytosanitary protection, the organization and attributions of the Regional Direction of Agriculture and Forestry (DRAF) were published in 1984, **Decree n°84-1192**. The regulatory part of the Rural code was published in 2003, **Decree 2003-768**. The conditions relative to the introduction and the circulation for scientific purposes of certain harmful organisms, plants, plant products and other objects are dictated in the **Ordinance of June 10, 1998**. The activities need to be run under an agreement and a Letter of Authority (Lettre Officielle d'Autorisation) needs to be joined with all introduced material. The sanitary requirements of plants, plant products, and other objects were issued in the **Ordinance of November 22, 2002** and concerns the measures of protection against pest organisms to plants, plant products, and other objects.

FRENCH ADMINISTRATIVE AND TECHNICAL PROVISIONS

Ways to proceed for the agreement of the installations for the introduction or circulation of certain harmful organisms, plants, plant products and other objects. Published in 2002 by the Ministry of Agriculture, General Direction of Food. The administrative procedure, the delivery of the Letter of Authority, the containment during the transportation, the request for the containment agreement, the requirement in accordance with the levels of the installation, the decision of the level regarding the organisms studies are well described.

Within its research activities, the European Biological Control Laboratory (EBCL) imports live organisms, macro and micro organisms and plants into the French territory. All of these species are imported according to the legislation and regulations in use. EBCL has two quarantines: the quarantine activity is approved by Prefectoral Ordinance, and each organism is imported after being declared to official plant protection authorities (French Regional Service of Plant Protection). Organisms are imported by EBCL researchers from missions abroad, or by their foreign counterparts who send these organisms via an airfreight or express transport company. Importations of live material are accompanied by documents such as the Letter of Authority (for regulated living material) or the submission of a Declaration of Intention of Importation of living organisms and other objects for trial or scientific purposes.

EXPORTATION

The living material exported via airfreight has no commercial value but it has an inestimable scientific value. Once sent to our cooperators via airfreight it is subject to repeated radiation and X-rays that can be harmful to the material. These living organisms can also be affected by prolonged shipment delays due to 24 - 72 hours safety devices at each airport transit. Since 2000 the EBCL laboratory holds a certificate of conformity mentioning the title of "Known Client" within the French Civil Aviation Management Department (DGAC) and it has implemented a safety program for abroad shipping of living organisms.

In 2002, due to the International context the legislation changed and EBCL implemented prescribed training programs and established a secure chain between EBCL and the local airport. Concomitantly, a security program was delivered to the French authorities and in 2004 the EBCL received a five years agreement as « Known Loader » from the French authorities. All the parcels containing beneficial insects for cooperators are qualified for airfreight.

PROCEDURES IN USE AT EBCL, USDA-ARS, MONTPELLIER, FRANCE

AGREEMENT OF EBCL QUARANTINE ACTIVITIES

Request for approval: technical aspects of the construction, general presentation of EBCL, EBCL personnel, research projects, protocol for the utilization of the quarantine facilities, maintenance.

Instructional institution: Regional Direction of Agriculture and Forestry (DRAF), Regional Service of Plant Protection (SRPV), Montpellier, France.

Inspection by the entitled national experts: 1999 & 2004

Request of Letter of Authority

Prefectoral Ordinance: on the proposition of the Director of Agriculture and Forestry (Direction in Languedoc-Roussillon), the representative of the State of France issued a Prefectoral Ordinance n°99046 October 21, 1999; n° 040838 September 13, 2004 (Insects and Mites); n° 050235 April 20, 2005 (Soil, wood, plants, plants products).

Agreement valid for 5 years under specific conditions

Introduction of regulated living organisms

- ✓ Quarantine for arthropods and plants: 149m²
- ✓ Quarantine for pathogens: 25m²
- ✓ Treatments of solid, liquid & air effluents
- ✓ Agreement for the quarantine activities valid for 5 years
- ✓ Letters of Authority for regulated organisms : *Anoplophora chinensis*, *A. glabripennis*, Cerambycidae, fruit flies, *Planococcus ficus*, soil samples, termites.

Introduction of non-regulated living organisms

- ✓ Systematic declaration to Regional Plant Protection Service before introducing non regulated organisms
- ✓ 23 declarations valid for insects, weeds & micro-organisms for 2005.



2000 – 2003. To guarantee the safety of airfreight shipments, the European Biological Control Laboratory (EBCL) has signed an agreement entitled "Known Client"

2002 - 2003: New French legislation and regulations
Law n° 2002-3 issued January 3, 2002 relating to infrastructure security and means of transportation.... Decree n°2002-1026 July 31, 2002 ; Ordinance September 1, 2003 ; Ordinance November 12, 2003.

AIRFREIGHT SAFETY AGREEMENT

KNOWN LOADER

Status from the French Civil Aviation Management Department (DGAC) TO CONFORM TO THE STATUS OF "KNOWN LOADER"	
May 2003 - March 2004	Drawing up, preparation and suggestion of a security program
June & September, 2003	Implementation of prescribed training programs
March, 2004	Visit from the entitled technical expert (OTH)
April, 2004	Conclusions from the OTH with positive advice Request of the EBCL agreement
June, 2004	Delivery of the EBCL request and the security program to the DGAC, Paris
July 21, 2004	Security program: minor modifications Agreement Known Loader valid for 5 years under specific conditions