New Plant Health Law
Regulation (EU) 2016/2031

These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union

European Commission

DG SANTE (G.1) – Plant Health

European Commission

New Plant Health Law

Regulation (EU) 2016/2031
of the European Parliament and of the Council
of 26 October 2016
on protective measures against pests of plants

Health and Food Safety

European Commission

Objectives of the law

Better protection of EU plant health

More focus on **proactive action**

Compliance with **International Plant Protection Convention** (IPPC)

Risk-based; transparent; compliant with international standards

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Key message

EU **open system** remains, subject to certain import conditions

Only measures against regulated pests (regulated permanently or under temporary measures)

Possibility to **temporary ban new trade** linked to unknown risks and high risk commodities on the basis of provisional risk assessment

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Basic concepts

Pest	•Any organism injurious to plants and plant products.
Union quarantine pest (QP)	• not present in the Union territory, or present but not widely distributed, and its establishment there would have unacceptable economic, social and environmental impacts
Protected zone quarantine pest (PZ QP)	• QP, but for specific EU zones only instead of the entire Union
Priority pest	•QP with most severe impacts; to be listed under a Delegated Act
Regulated non-quarantine pest (RNQP)	•pests widely present in the Union; regulate its presence on certain plant reproductive material if it has unacceptable economic impacts

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Quarantine pests (QP)

Pest: IPPC definition

250 pest listed

- **Not present**
- **Not widely distributed**

+ under official control

- Union QP
- Protected zone QP

INTRODUCTION AND SPREAD PROHIBITED

NB: Harmful plants > IAS regulation

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Priority pests

= subdivision of Union QP

Extra requirements

- **Annual surveillance** of EU territory
- **Contingency plan** for action in case of outbreak
- **Simulation exercises**
- **Action plan**
- **More information to public**

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RNQP - Regulated non-quarantine pests

RNQP for specific plants for planting

Based on
IPPC & ISPM21

- Pest **known to be present** in the EU
- **Causing important economic impact** on the quality of propagating material

No introduction or **internal movement** of plants for planting **with RNQP above the tolerance level**

Not new: today regulated as quality pests or QP

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Regulated material

Plants for planting, including seeds

Plants (all live plant material: fruits & vegetables, cut flowers, scions, …)

Listed plant products (e.g. coniferous wood)

Listed other products (e.g. WPM)

IMPORT + MOVEMENT RESTRICTIONS AGAINST **REGULATED PESTS** (except for high risk plants)

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Notification of findings

- **Notifications submitted via electronic system (IMSOC)**
  - **Outbreaks in the Union**
  - **Interceptions from third countries**
    - Notify the third country of origin of the plants, plant products or other objects

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Notification of outbreaks

✓ **QP and potential QP**

- By **professional operators** + **competent authorities**
- Where needed: **assistance by EU Reference Labs**

Information

- ✓ Relevant **professional operators** must be **informed by the competent authority**
- ✓ **Outbreaks notifications** public
- ✓ Citizens must be informed in case of **priority pests**

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Interceptions from third countries

EUROPHYT = notification and rapid alert system

Web-based network and database.

- Notification of interceptions
- A rapid alert system
- Reports:
  - Monthly

    https://ec.europa.eu/food/plant/plant_health_biosecurity/europhyt/interceptions_en
  - Annual

    https://ec.europa.eu/food/plant/plant_health_biosecurity/europhyt/annual_reports_en

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Interceptions from third countries

Monthly report

Interceptions of commodities imported into the EU or Switzerland with harmful organism(s)

EUROPHYT- European Union Notification System For Plant Health Interceptions

Notified during the month of: **January** **2019**

Number of interceptions with harmful organisms: **132**

Data extracted on: **04/02/2019**

*The sums indicated do not necessarily correspond to the number of interception notifications sent by EUROPHYT to the exporting country. One notification may contain interceptions of several plants or harmful organisms shown individually in the tables.

Plants or produce

Country of Export	Commodity	Plant Species	Harmful Organism	Number of interceptions
ANGOLA	OTHER LIVING PLANTS : FRUIT & VEGETABLES	MANGIFERA INDICA	Helicoverpa armigera	1
ANGOLA			**Sum:***	**1**
BANGLADESH	OTHER LIVING PLANTS : FRUIT & VEGETABLES	CUCURBITA	Bactrocera cucurbitae	1
	OTHER LIVING PLANTS : LEAVES	PIPER BETLE	Fungi	1
BANGLADESH			**Sum:***	**2**
CAMBODIA	OTHER LIVING PLANTS : FRUIT & VEGETABLES	OCIMUM TENUIFLORUM	Bemisia tabaci	1
CAMBODIA			**Sum:***	**1**

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Interceptions from third countries

Alert list

https://ec.europa.eu/food/plant/plant_health_biosecurity/non_eu_trade/alert_list_en

- List of countries with more than 5 interceptions in the last 12 months.
- Intended to draw the attention of the relevant authorities and other stakeholders.

PHYTOSANITARY ALERT LIST FOR COMMODITIES ENTERING TERRITORY COVERED BY THE COMMON EU PLANT HEALTH REGIME - based on EUROPHYT Interceptions data

Reporting period: 01-Feb-2018 to 31-Jan-2019

	Country of Export	HO Interceptions by Country (change from previous month)	Commodities, intercepted most with HO	HO Interceptions by Commodity	Main HOs intercepted	Interceptions by HO
1	DOMINICAN REPUBLIC	110 (+2)	*Momordica spp.*	34	Thrips	34
			Mangifera spp.	31	Fruit Flies	31
			Solanum spp. other than potato and tomato	30	Thrips	30
			Capsicum spp.	9		
2	CHINA	90 (+8)	Wood packaging material	49	Wood and bark insects other than longhorn beetles	25
					Longhorn beetles	23
			Citrus spp.	22	Fruit Flies	20
			Planting material	14	*Potato spindle tuber viroid*	6
3	UGANDA	87 (-1)	*Capsicum spp.*	41	*Thaumatotibia leucotreta*	39
			Annona spp.	12	Fruit Flies	6
					Thaumatotibia leucotreta	6
			Momordica spp.	11	Fruit Flies	11
			Rosa spp.	8	*Thaumatotibia leucotreta*	8
			Solanum spp. other than potato and tomato	8	*Leucinodes orbonalis*	7
4	INDIA	82 (0)	Wood packaging material	33	Wood and bark insects other than longhorn beetles	34
			Psidium spp.	8	Fruit Flies	8
			Abelmoschus spp.	7	Thrips	7
5	ISRAEL	80 (-1)	*Ocimum spp.*	29	White flies	25
			Origanum spp.	12	White flies	12
			Planting material	10	White flies	7
			Mentha spp.	7	White flies	6
			Gypsophila spp.	5		

Interceptions from

- Since 2017: 25 interceptions
  - 13 in 2017
  - 11 in 2018
  - 1 in 2019

Reasons:

- 15 interceptions on wood pallets: lack ISPM 15 mark
- 6 interception of PC absent or incorrect
- 2 interceptions for non-compliance with Xylella requirements (*Laurus nobilis*, *Olea europaea*)
- 1 interception due to harmful organism: *Tuta absoluta*
- 1 prohibited plant: ware potatoes

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Interceptions from

- Since 2017: 14 interceptions
  - 11 in 2017
  - 3 in 2018

Reasons:
- 8 interceptions on wood pallets: non-compliance
- 4 interceptions because PC missing or incorrect
- 2 interceptions of prohibited plants: *Vitis*

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Measures on QP and PZ PQ

- **Multiannual survey programmes**
- **Union measures** for specific **Union QP** if action is required at Union level (e.g. *Xylella* or Pinewood nematode)
- **Temporary national or Union measures** against pests which are not fully assessed, but could qualify as Union quarantine pests
- **More stringent national measures**, as long as they do not impact on internal market

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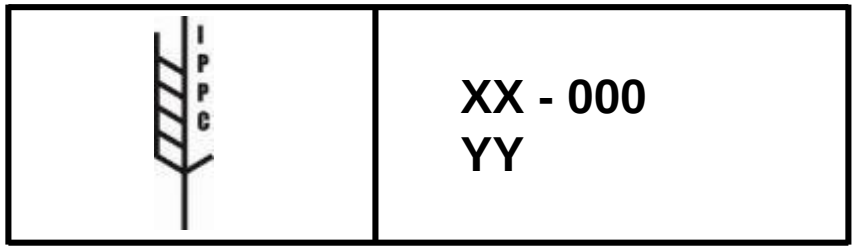
Measures on imports of commodities (I)

- **Import prohibitions** or requirements following risk assessment.
- **Phytosanitary certificates** required for the import of all plants, except 5 fruits (bananas, pineapples, dates, durians and coconuts (Commission Implementing Regulation (EU) 2018/2019).
- Current lists of **prohibited commodities** and commodities subject to **special import requirements** (Directive 2000/29,) remain valid.

Measures on imports of commodities (II)

- **High risks plants** (Commission Implementing Regulation (EU) 2018/2019): banned pending risk assessment.
- **Temporary measures** against new trade (yet unknown risks).
- **Wood packaging material** only imported if carrying the respective **international mark** ("ISPM 15") confirming it is appropriately treated against hosting pests (e.g. heat treatment)
- Other attestations



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High risk material

Commission Implementing Regulation (EU) 2018/2019

Plants, plant products, other objects

Preliminary assessment: potential pathway for pests with unacceptable risk at import

Import prohibition

Exemption possible

- **Request + Technical dossier**
- **Risk assessment by EFSA**
- **Risk management** : if yes, under which conditions?
- **Vote in Standing Committee**

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Measures on internal movement of commodities and exports (I)

- Measures on **movement of commodities** within the EU following **risk assessment**.
- **Plant passports** required for the movement of all plants for planting, if moved from business to business (but not when moved to final consumers)
- Current lists of **commodities subject to special import requirements** of Directive 2000/29 will remain valid.

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Measures on internal movement of commodities and exports (II)

- **Pre-export certificate** to be issued for the movement from the MS of origin to MS of final export to a non-EU country, is so requested by the professional operator
- **More specific rules on export or re-export phytosanitary certificates**
- **Wood packaging material: "ISMP 15"** mark
- Other attestations

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Registration and traceability

- **Registration of professional operators**
- Requirement **for professional operators** to **keep records ensuring traceability** of commodities when receiving from, or supplying to, other professional operators
- Authorization to issue plant passports for internal movements
- Regular controls

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Union expenditures (Regulation 2014/652)

General rules applicable to animal health, plant health, food safety

Specific rules (**plant health**):
- **Emergency measures**
- **Survey programmes**

Support to MS + compensation to owners of destroyed plants

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Import checks

- ✓ Systematic **documentary, identity and physical check** of regulated material
- ✓ **Intensity fixed**
- ✓ **Laid down in Official Control Regulation**

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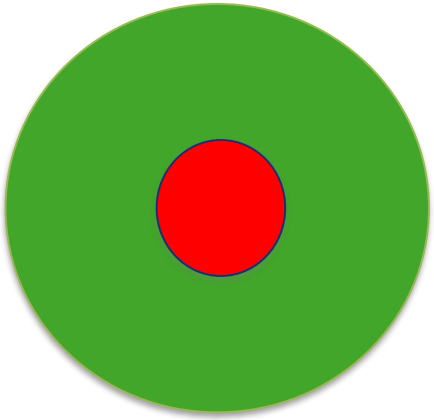
Surveillance of the territory

- ✓ **Multiannual survey programme**
  - Annual surveillance for priority pests
  - Surveillance for emergency measures, PZ
  - Surveillance for EU pest status confirmation
- ✓ **EU co-financing**

Epitrix (potato flea beetle)

Outbreak management

- ✓ **Eradication approach** (standard obligation against QP)
- ✓ **Demarcated areas:**
  - **Infested zone**
  - **Buffer zone**
- ✓ **Containment** (only if agreed at EU level)
- ✓ **EU co-financing**



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Crisis preparedness

- ✓ **Contingency plans for priority pests**
- ✓ **Simulation exercises**
- ✓ **Awareness campaigns**

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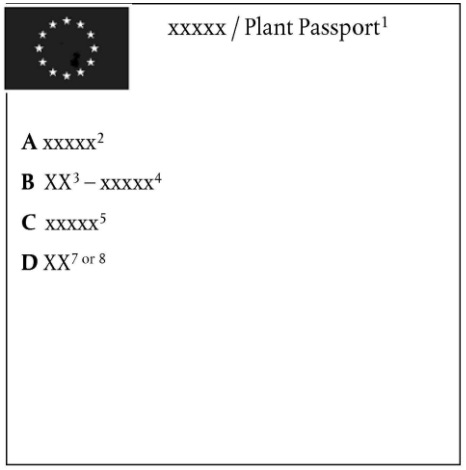
Plant passports (PP) within EU

- **PP = a standardised label accompanying regulated material moving within the EU or into a protected zone**
- **For all plants for planting, seeds, specified plants and plant products**
- **Issued by authorized operators**
- **Between professionals**



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Phytosanitary certificates

- **IPPC based documents**
- **Against QP + RNQP,** with additional declarations or treatments specified
- **For all plants** (with the exemption of 5 fruits)
- **For specified regulated plant products and other objects**
- **Exemptions possible**

Phytosanitary certificates for export

- **IPPC based documents**
- **Guarantees as required by country of destination**
- **Controls at the place of origin,** as appropriate
- **When MS of export ≠ MS of origin: issuance of PRE-EXPORT CERTIFICATES by competent authorities for ADs related to origin**

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Plant health provisions under the OCR

- **Specific plant health rules for internal movements**
- **Designation of European Reference Laboratories (EURLs)**
- **Specific rules on import controls**
- **Recording of imports in IMSOC**

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Decision making process

- **Draft Commission Implementing Act**
- **Discussion with all Member States in Standing Committee** (ScoPAFF – Section Plant Health)
- **Consultation stakeholders (4 weeks)**
- **Consultation WTO (2 months)**
- **Vote by qualified majority of Member States**
- **Adoption and publication by Commission**
- **WTO notification**

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For further information:

http://ec.europa.eu/food/plant/plant_health_biosecurity/legislation_en

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