Provisional list of high risk plants explained

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Listing of high risk plants, plant products and other objects under the EU plant health regime – explained

Commission Implementing Regulation (EU) 2018/2019 of 18 December 2018 establishing a provisional list of high risk plants, plant products or other objects, within the meaning of Article 42 of Regulation (EU) 2016/2031 and a list of plants for which phytosanitary certificates are not required for introduction into the Union, within the meaning of Article 73 of that Regulation

Update

The new EU plant health regime focuses on preventing the introduction of new pests into the Union via imports from third countries. Regulation (EU) 2018/2019 establishes a list of high risk plants whose entry into EU territory is prohibited until a full risk assessment has been carried out. It also establishes plants of low risk, for which imports into the EU do not require a phytosanitary certificate.

Background

The EU regulatory framework for plant health aims to protect European agriculture, forestry and the environment by preventing the entry and spread of harmful organisms. The regime is vital to protect the health, economy and competitiveness of the EU plant production sector, as well as to maintain the Union's open trade policy.

The new Plant Health Regulation (EU) 2016/2031 addresses increasing risks from imported pests in the context of growing global trade and climate change. This signifies a major overhaul of the EU's earlier Plant Health legislation under Council Directive 2000/29/EC, which had been in place since 1977. It became fully applicable on 13 December 2019.

The new regime introduces new pest categories, and new procedures for pest risk assessment and categorisation.

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What is changing?

The new EU Plant Health Law (Regulation (EU) 2016/2031) was introduced on 14 December 2019. It takes a proactive approach focused on the prevention of entry or spread of plant pests within the EU. It addresses, in particular, the risk of introducing serious new pests via imports from third countries.

The Plant Health Law provides for measures to prevent the introduction of new pests via imports from third countries. Importing high risk plants is prohibited unless and until a full pest risk assessment has been carried out to determine if imports are acceptable and, if yes, under what conditions. Listing of high risk plants can be on a global basis, or for one or more named exporting countries where the risks are considered to be high. The main criterion for listing is that the commodity/ country is known to be a significant pathway for serious pests into the EU (for example where there are historically high levels of EU plant health interceptions).

Commission Implementing Regulation (EU) 2018/2019 establishes a provisional list of high risk plants, plant products or other objects (according to Art. 42 of the Plant Health Law), and a list of low risk plants for which phytosanitary certificates are not required for introduction into the Union (Art. 73).

The current provisional list of high risk plants consists mainly of plants for planting. The only agri-food product is fruits of *Momordica* (bitter melon) originating from third countries where melon thrips (*Thrips palmi*) is known to occur, and where effective mitigation measures for this pest are lacking.

The provisional list of low risk commodities that can be exported without a phytosanitary certificate is given in Annex XI, Part C, of Implementing Regulation (EU) 2019/2072. The exempted plants currently listed are pineapple, coconuts, durian, banana and dates from any third country.

Rules detailing the procedure that must be followed to carry out the risk assessment are established in Commission Implementing Regulation (EU) 2018/2018. When a plant is listed, risk assessments are not conducted automatically but must be requested by the exporting country authorities, industry representative, or other. Pest data, collected according to International Plant Protection Convention (IPPC) guidelines, may have to be provided by the exporting country's National Plant Protection Organisation. Once a risk assessment is completed by the European Food Safety Authority (EFSA), the EU Standing Committee on Plants, Animals, Food and Feed evaluates the data and decides what, if any, special measures are needed. The exporting country must then put these measures in place before imports are allowed.

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Why?

Before December 2016, the EU plant health regime was framed by Council Directive 2000/29/EC. Some major pest outbreaks raised awareness about the dangers and potentially high cost of new pests. Globalisation, high volumes of imports from third countries, and changing pest distribution due to climate change make crops and ecosystems in the Union more vulnerable to new pest introductions. The existing regulatory framework was felt to no longer provide adequate protection. An amendment of the basic legislation was introduced, accompanied by secondary legislation to address high risk pests and commodities, and prevent their entry and spread within the Union.

What are the major implications for exporting countries?

Tighter rules under the new EU Plant Health Law affect third countries exporting plants and plant products to the EU, with additional requirements on both public authorities and private sector operators. There is now low tolerance of harmful organisms in imported produce, particularly those posing a threat to the Union territory, and non-compliances can lead to the imposition of additional, more stringent measures or prohibitions. Public authorities in exporting countries must ensure that the necessary measures are in place, and are applied efficiently and effectively at all times, to guarantee that exports fully meet the new rules.

Under Regulation (EU) 2018/2019, an example of conditions applied to imports of high risk plants is the case of *Momordica*. To be able to export fresh *Momordica* to the EU from third countries where melon thrips (*Thrips palmi*) is known to occur, and where effective mitigation measures for this pest are lacking, a comprehensive dossier must be prepared according to the procedure outlined under EFSA's (2018) "Information required for dossiers to support demands for import of high risk plants".

Resources

EFSA: Commodity risk assessments of *Momordica charantia* fruits from different countries

EFSA (2018) Information required for dossiers to support demands for import of high risk plants, plant products and other objects as foreseen in Article 42 of Regulation (EU) 2016/2031. EFSA Supporting Publications, 15(10): 1492E.

International Plant Protection Convention (IPPC)

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Sources

Commission Implementing Regulation (EU) 2018/2019

Commission Implementing Regulation (EU) 2018/2018 (risk assessment procedure)

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