Provisional listing of pests, commodities and additional plant health requirements

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Listing of pests, commodities and additional plant health requirements under the EU Plant Health Law – explained

Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019

Update

The new EU plant health regime focuses on preventing the introduction of new pests into the Union via imports from third countries. Implementing Regulation (EU) 2019/2072 is a critical element of the new regime. Annexes to this Regulation (which are regularly updated) list the Union quarantine pests, protected zone quarantine pests, and Union regulated non-quarantine pests, as well as specifying additional measures that must be applied to certain plants, plant products and other objects before they can be imported into the EU.

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 Law (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.

Commission Implementing Regulation (EU) 2019/2072 is one of the most significant pieces of secondary legislation under the new Plant Health Law. The Annexes to this regulation set out the list of EU quarantine pests, including:

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- Union quarantine pests: not present at all in EU territory, or present very locally and under official controls. Strict measures must be taken to prevent their entry or further spread within the EU, and they must be eradicated immediately if detected.
- Protected zone quarantine pests: present in most parts of the EU, but absent in certain areas called “protected zones”. Measures must be taken to prevent their introduction into protected zones, or to eradicate if detected.
- Regulated non-quarantine pests: widely present in the EU, but known to have a negative impact on plant quality. Plant reproductive material on the market must be guaranteed free or almost free of these pests.

The Annexes also stipulate additional measures that must be applied to certain plants, plant products and other objects (such as wood packaging) before they can be imported into the EU. These Annexes are regularly updated and third country exporters and authorities must remain up-to-date with the evolving requirements.

Regulation 2019/2072 repeals the earlier Commission Regulation (EC) No 690/2008 and amends Commission Implementing Regulation (EU) 2018/2019.

What is changing?

Regulation (EU) 2016/2031 (the new EU Plant Health Law) takes a much more proactive approach than earlier legislation, and focuses on preventing the entry and spread of plant pests within the EU. It addresses, in particular, the risk of introducing serious new pests via imports from third countries.

Under plant health legislation worldwide, and according to the International Plant Protection Convention (IPPC), a number of plant pests and diseases are classified as regulated pests. These are pests that are mainly or entirely absent from a country, but which could have a potentially serious economic, environmental or social impacts if they were to be introduced. Most countries have a quarantine pest list that identifies the most dangerous harmful organisms whose introduction must be prohibited.

In the EU, the Plant Health section of the European Commission’s Standing Committee on Plants, Animals, Food and Feed reviews the plant health situation, and periodically removes or introduces special EU measures to control the introduction and spread of certain quarantine pests. Their decisions take into account pest risk analyses conducted by the European Food Safety Authority (EFSA) and the European Plant Protection Organization (EPPO). Crops and trade routes that are known pathways of harmful organisms into the EU are particularly targeted, including those that are subject to notifications through the TRACES system following interceptions at EU border controls.

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Implementing Regulation (EU) 2019/2072 sets out the list of Union quarantine pests, protected zone quarantine pests, and Union regulated non-quarantine pests. It also specifies the additional measures that must be applied to certain plants, plant products and other objects before they can be imported into the EU, as well as those that are low risk and can be exported without a phytosanitary certificate. The following Annexes to this regulation are of particular relevance to agri-food imports from third countries (Articles refer to the Plant Health Law):

- Annex II sets out the list of Union quarantine pests (Art. 5)
- Annex VI lists the plants, plant products and other objects whose introduction into the Union from certain third countries is prohibited (Art. 40(2))
- Annex VII lists the plants, plant products and other objects originating from certain third countries, where there are special requirements for their introduction into the Union (Art. 41(2))
- Annex XI, Part C is the provisional list of low risk commodities that can be exported to the EU without a phytosanitary certificate (currently pineapple, coconuts, durian, banana and dates from any third country).

Some of the special requirements refer to IPPC International Standards for Phytosanitary Measures (ISPMs). Exporting countries must be familiar with the relevant ISPMs in order to fully understand and comply with the EU rules.

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. It highlighted the fact that crops and ecosystems in the Union are becoming more vulnerable to imported pests due to globalisation, high volumes of imports from third countries, and changing pest distribution due to climate change. It was recognised that the existing regulatory framework no longer provided adequate protection. As a result, an amendment of the basic legislation was introduced, accompanied by secondary legislation to address high risk commodities and pests, and to 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 are having an impact on third countries exporting plants and plant products to the EU, affecting both public authorities and private sector operators. 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.

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Where commodities are listed under Annex XI of Regulation (EU) 2019/2072 as low risk, they can be exported without a phytosanitary certificate; this eases the export process and reduces administrative costs.

In contrast, listing under Annex VII introduces special and often demanding additional requirements. These are targeting crops and countries that are known pathways of serious harmful organisms into the EU, and generally stipulate specific actions or options. For example, for a certain crop from third countries, where a particular pest poses a recognised threat, exporting countries may have to choose from options similar to the following before they can export to the EU. (Note that this is a general example; for actual options currently stipulated for certain pest/country combinations see Annex VII).

Example:

(a) the fruits must originate in a country recognised as being free from the pest. This freedom status must be established according to the methodology specified by ISPM 4 (Chapter 4). The freedom status must be communicated in advance in writing to the Commission by the National Plant Protection Organisation (NPPO) of the third country concerned

or

(b) the fruits must originate in an area established by the NPPO as being free from the pest, again according to ISPM 4. The relevant details must be mentioned on the phytosanitary certificate and communicated in advance in writing to the Commission by the NPPO

or

(c) no signs of the pest have been observed at the place of production and in its immediate vicinity over a specified time scale, or in harvested produce, based on official inspections (according to ISPM 10, Chapter 4). Information on traceability must be included in the phytosanitary certificate

or

(d) the fruits must be subjected to an effective systems approach or an effective post-harvest treatment to ensure freedom from the pest. Details of the systems approach or treatment must be indicated on the phytosanitary certificate, and communicated in advance in writing to the Commission by the NPPO.

In practice, the choice of options is limited in many low-income exporting countries. Meeting the options also has important implications in terms of the skills and resources needed by public authorities, in particular NPPOs.

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Resources

Online resources from the European Commission:

- Standing Committee on Plants, Animals, Food and Feed
- Trade Control and Expert System (TRACES)

European Plant Protection Organization (EPPO)

European Food Safety Authority (EFSA)

International Plant Protection Convention (IPPC)

IPPC International Standards for Phytosanitary Measures (ISPMs)

Sources

Implementing Regulation (EU) 2019/2072

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