Revision of EU Plant Health Law

Published by AGRINFO on 30 Oct 2023; Revised 10 Jan 2025

European Commission introduces improvements to plant health-related import procedures

Regulation (EU) 2024/3115 of the European Parliament and of the Council of 27 November 2024 amending Regulation (EU) 2016/2031 as regards multiannual survey programmes, notifications concerning the presence of regulated non-quarantine pests, temporary derogations from import prohibitions and special import requirements and establishment of procedures for granting them, temporary import requirements for high-risk plants, plant products and other objects, the establishment of procedures for the listing of high-risk plants, the content of phytosanitary certificates and the use of plant passports, and as regards certain reporting requirements for demarcated areas and surveys of pests and amending Regulation (EU) 2017/625 as regards certain notifications of non-compliance

Update

The European Commission has created a clearer system allowing non-EU countries to obtain temporary derogations (exemptions) from prohibitions or restrictions on imports of plants and plant products. It has also introduced additional certification requirements for regulated non-quarantine pests in plants for planting; and an exemption from the obligation on EU Member States to notify non-compliance in the case of plants or plant products imported in personal luggage or postal services for personal use.

Impacted products

All plants, plant products, and other objects

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Main changes affecting non-EU countries

Changes to the EU Plant Health Law

Regulated non-quarantine pests and phytosanitary certificates

The EU Plant Health Law (Regulation 2016/2031) establishes rules to protect the EU from harmful organisms, including risks related to imports of plants and plant products. The rules cover both quarantine pests (pests not significantly present in the EU) and regulated non-quarantine pests (RNQPs). RNQPs are pests that are present in and pose an economic threat to the EU, and are transmitted in plants that are intended to be planted or replanted (plants for planting).

Non-EU countries that are subject to additional requirements for quarantine pests have to declare in the phytosanitary certificate which measures (selected from a series of options) they have taken to ensure compliance (Arts. 41 and 42). Previously, this was not the case for RNQPs in plants for planting. Under the new rules, countries exporting plants for planting will also have to declare in the phytosanitary certificate the measures (options) taken to comply with RNQP requirements (Art. 71(2)).

Temporary derogations

Under current rules, the EU can prohibit imports of certain plants or plant products from some or all non-EU countries to protect the Union from risks of quarantine pests (Art. 40). It can also introduce special requirements (Art. 41) or restrictions (Art. 42), based on a preliminary assessment indicating a plant or plant product is “high-risk”. The Commission has now introduced a standardised procedure that will allow non-EU countries to apply for a temporary derogation (exemption) from these import bans or special requirements. This will work as follows:

1. the non-EU country submits a request that explains the measures it is taking to mitigate the plant health risk
2. the European Commission assesses whether the proposed measures will reduce the risk to an acceptable level
3. where the reduction of risk through the proposed measures has been demonstrated, the Commission can approve a temporary derogation.

The Commission will develop detailed rules for this standardised procedure at a later stage.

Temporary derogations will be in place for no more than 5 years. They will be reviewed every year on the basis of reports from non-EU countries outlining the measures they have taken to remove the pest risk.

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New procedures for identifying and listing high-risk plants

The European Commission can establish a list of high-risk plants (Art. 42), but previously the procedure for doing so was not transparent. This new Regulation gives the Commission powers to detail the process and criteria for identifying and listing high-risk plants, ensuring greater transparency. The Commission will develop detailed rules on this procedure at a later stage.

Equivalence

Regulation 2016/2031 allowed for the recognition of measures in non-EU countries ensuring phytosanitary protection equivalent to EU standards (Art. 44). However, it lacked a clear process for formalising the recognition of equivalence. This new Regulation introduces a structured procedure that ensures greater transparency and consistency. On request from non-EU countries, the EU must now introduce separate legislation (Implementing Acts) to set these equivalent requirements.

Official attestations

The European Commission can determine the details that non-EU country authorities must put in official attestations, which may be used as alternatives to phytosanitary certificates. However, previously the Commission could only include in attestations elements that are required by international standards (Art. 99). Because the Commission considers that official attestations offer useful guarantees of plant health even where no relevant international standards apply, this new Regulation removes the restrictive reference to international standards.

Union Plant Health Team

The new Regulation establishes a Union Plant Health Team of technical experts who will provide urgent assistance to Member States confronted with a new plant pest outbreak. This Team may also assist non-EU countries in cases of outbreaks that could threaten the EU.

Changes to the Official Controls Regulation

According to the Official Controls Regulation (2017/625, Art. 66), EU Member States must notify incidents where plants and plant products entering the EU as part of passengers' personal luggage or through postal services (intended for personal consumption or use) do not comply with EU plant health rules. The new Regulation introduces an exemption from this obligation, but only where the non-compliance involves the absence of a phytosanitary certificate or other official attestation. Member State competent authorities must still keep records of such non-compliance cases.

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Why?

Following a review of the Plant Health Law (Regulation 2016/2031) over the first 5 years of its application, the Commission identified areas where reporting requirements placed too much burden on operators and authorities. It also found that different EU Member States were not implementing controls in the same way, creating confusion for operators. The need for certain clarifications and amendments was identified. The Commission also recognised that in the case of import bans or restrictions, some non-EU countries are able to introduce measures that meet the EU's goal of preventing pest risks, and therefore should not be prevented from exporting.

Timeline

The new rules take effect from **5 January 2025**.

The extension to RNQPs of the requirement that phytosanitary certificates must state the pest management measures taken will take effect from **6 July 2026**.

What are the major implications for exporting countries?

The new rules will provide the European Commission with greater flexibility to take into account specific plant health approaches and measures applied in non-EU countries. The clarification of procedures should create more transparency and consistency in the application of some plant health rules.

Non-EU authorities (national plant protection organisations, NPPOs) will have to adjust their procedures in relation to exports of plants for planting to respond to the new requirements for RNQPs. They will also have to adjust to the new derogation request processes. Those with temporary derogations will have to be prepared to report annually to the Commission on their phytosanitary risk measures.

Recommended Actions

Countries exporting **plants for planting** must update their procedures for issuing phytosanitary certificates so that they address the new requirements regarding RNQPs.

Non-EU countries that are affected by **temporary EU plant health measures/ derogations** are required to provide annual reports to the European authorities on how they have been implemented. If this report reveals that the actions taken are insufficient to address the identified risk, the EU may introduce additional requirements.

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Background

The EU Plant Health Regulation (EU) 2016/2031 takes a proactive approach to prevent the entry and spread of plant pests within the EU. It introduces new rules for surveillance, eradication, and imports, investing resources at an early (preventative) stage to avoid future harm to EU agriculture or the environment. The overall aim was to have more effective measures to protect the EU, to ensure safe trade, and to mitigate the impacts of climate change on the health of EU crops and forests.

The Regulation refers to the International Plant Protection Convention (IPPC), an intergovernmental treaty that aims to protect the world's plant resources from the spread and introduction of pests. The IPPC sets the International Standards for Phytosanitary Measures (ISPMs) and is the main global standard-setting organisation for plant health.

See EU Plant Health Law explained, Provisional list of high risk plants explained, and Provisional listing of pests, commodities and additional plant health requirements.

A significant change in this new Regulation relates to RNQPs, which are defined in ISPM 5 as "A **non-quarantine pest** whose presence in **plants for planting** affects the **intended use** of those **plants** with an economically unacceptable impact and which is therefore regulated within the territory of the importing contracting party".

Resources

Council of the EU (2024) Plant health law: Council and Parliament strike deal to simplify and strengthen current rules. Press release, 5 March.

IPPC (2023) ISPM 5: Glossary of phytosanitary terms. International Standards for Phytosanitary Measures. Rome: International Plant Protection Convention.

Sources

Regulation (EU) 2024/3115 as regards multiannual survey programmes, notifications concerning the presence of regulated non-quarantine pests, temporary derogations from import prohibitions and special import requirements and establishment of procedures for granting them, temporary import requirements for high-risk plants, plant products and other objects, the establishment of procedures for the listing of high-risk plants, the content of phytosanitary certificates and the use of plant passports, and as regards certain reporting requirements for demarcated areas and surveys of pests

Regulation (EU) 2016/2031 on protective measures against pests of plants (the Plant Health Law)

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