

Revision of EU Plant Health Law

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European Commission proposes improvements to plant health-related import procedures. EU consultation

[Proposal](#) for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/2031 of the European Parliament and of the Council 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, the use of plant passports and as regards certain reporting requirements for demarcated areas and surveys of pest

Update

The European Commission aims to create a clearer system allowing non-EU countries to get temporary derogations (exemptions) from prohibitions or restrictions on imports of plants and plant products. It also proposes additional certification requirements for plants for planting in relation to regulated non-quarantine pests. Exporting countries have an opportunity to provide initial feedback until **26 December 2023**.

Impacted products

all plants, plant products, and other objects

What is changing?

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).

Main proposed changes affecting non-EU exporters

Phytosanitary certificates: Exporters in non-EU countries have to declare which of several options of measures they have taken to ensure compliance with quarantine pest rules, but currently this is not the case for RNQPs. The new rules will require exporters to also declare in the phytosanitary certificate which option they have taken to meet compliance with RNQP requirements (amending Art. 71(2) of Regulation [2016/2031](#)).

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 EU from risks of quarantine pests (Art. 40). It can also introduce special requirements (Art. 41) or restrictions on the basis of a preliminary assessment that the plant or plant product is “high-risk” (Art. 42). The Commission now proposes to introduce a standardised procedure that will allow a non-EU country to apply for a temporary derogation (exemption) from import bans or special requirements. This will work as follows:

- 1 the non-EU country submits a request which explains the measures they are taking to remove the plant health risk
- 2 the Commission assesses whether the risk can be reduced to an acceptable level with the proposed measures
- 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. The Commission will also allow for temporary derogations from restrictions related to high-risk plants.

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 on the measures they have taken to remove the pest risk.

New procedures for identifying and listing high-risk plants: the Commission can currently establish a list of high-risk plants (Art. 42), but the procedure for doing so is not transparent. This proposal gives the Commission the 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.

Official attestations: The Commission can currently determine what details non-EU country authorities must put in official attestations, which may be used as alternatives to phytosanitary certificates. But the Commission may only include those elements that are required by the applicable international standards (Art. 99). However, no international standards have been adopted since 2016, so no detailed rules on attestations have been approved. The Commission considers that these official attestations offer useful guarantees of plant health even where no relevant international standards exist. It therefore proposes to remove the restrictive reference to

international standards.

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. Where import bans or restrictions have been put in place, some non-EU countries are potentially able to introduce measures that meet the EU's goal of preventing pest risks, and therefore should be able to export. A clearer system that allows countries to apply for derogations to import bans or restrictions is needed.

Timeline

The proposal will now be discussed by the European Parliament and the Council of the EU. This is typically an 18–24 month process, but may take longer due to European Parliament elections that will take place in June 2024. The new rules may only take effect in 2026.

What are the major implications for exporting countries?

The proposed changes should provide the European Commission with greater flexibility to respond to the specific plant health approaches of non-EU countries. Clarification of procedures should create more transparency and predictability in this process.

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 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

Feedback on the proposal can be submitted via the Commission's webpage on [Targeted amendment of the Plant Health Regulation](#) until **26 December 2023**. The Commission will provide a report on this feedback to the European Parliament and Council of the EU.

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 proposal 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

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

Sources

[Proposal](#) for a Regulation on 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, the use of plant passports and as regards certain reporting requirements for demarcated areas and pest surveys

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

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