

# Protective measures against pests of plants

2013/0141(COD) - 06/05/2013 - Legislative proposal

**PURPOSE:** to ensure a harmonised approach with regard to protective measures against pests on plants.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** the current EU regulatory framework for plant health (Directive 2000/29/EC) aims to protect European agriculture and forestry by preventing the entry and spread of foreign pests. The regime is indispensable for protecting the health, economy and competitiveness of the EU plant production sector as well as for maintaining the Union's open trade policy. However, the existing regulatory framework is criticised for being unable to stop the increased influx of dangerous new pests caused by the globalisation of trade. Moreover climate change enables those pests to survive in Europe, whereas they could not in the past.

An evaluation of the regime in 2010 showed that the basic legislation needs to be amended in order to be able to fully address these increased risks. The main problems identified relate to insufficient focus on prevention in relation to increased imports of high-risk commodities.

This proposed revision aims to overcome these flaws. It is part of a comprehensive package that also includes three major reviews to modernise the [plant reproductive material](#), [animal health](#), and [official controls](#) *acquis*.

**IMPACT ASSESSMENT:** four options were developed to improve the regime. Option 3 (i.e. to prioritise, modernise, step up prevention and reinforce actions against outbreaks) is the preferred option. This option introduces obligations for surveillance and contingency planning.

**LEGAL BASIS:** Article 43 of the Treaty on the Functioning of the European Union (TFEU).

**CONTENT:** the proposed Regulation replaces and repeals Directive 2000/29/EC. It seeks to put in place a **robust, transparent and sustainable regulatory framework for plant health protection**.

On the whole, this new framework reinforces the synergies with the plant reproductive material regime, while removing avoidable duplications and unnecessary burden from those duplications. This is achieved by repositioning the pests that are currently regulated under the so-called marketing Directives for seed and plant propagating material under the proposed plant health Regulation.

In the meantime, the proposal ensures that the existing practical arrangements in the Member States concerning the certification of plant reproductive material for quality pests can remain.

The main features of the proposal are as follows:

**Quarantine pests:** the proposal sets out the conceptual nature of quarantine pests and subsequently lists them in implementing acts, either as Union quarantine pests or Protected Zone quarantine pests. The proposal empowers the Commission to list certain quarantine pests as priority pests for the Union, up to a

maximum of 10% of the listed Union quarantine pests. Those pests will be subject to an enhanced level of obligations concerning preparedness and eradication, supplemented by enhanced financial support from the Union for the required actions.

**Quality pests:** the proposal categorises all pests that affect the intended use of plants for planting, but do not require eradication, as Union quality pests. It sets out the conceptual nature of such pests and subsequently lists them through implementing acts. Criteria for deciding whether a pest qualifies as a Union quality pest are laid down in the proposed Regulation.

**Measures in regard to third countries:** the proposal lays down rules for recognition of measures of third countries as equivalent to the Union measures, and derogations to the prohibitions. It empowers the Commission to adopt implementing acts to address emerging risks from certain plants for planting from certain third countries which require **precautionary measures**. The introduction into the Union of regulated plants by passengers in their **luggage** will no longer be exempted from the respective requirements and prohibitions.

**Registration of professional operators and traceability:** the proposal requires the relevant professional operators to be registered, in a register which will also contain the professional operators required to be registered under the proposed Regulation concerning plant reproductive material. This should reduce burden for professional operators.

**Certification of plants, plant products and other objects:** all plants for planting, other than certain seeds, shall require a **phytosanitary certificate** for introduction into the Union and a **plant passport** for movement within the Union. Plant passports shall be required for all movements between professional operators, but not for sales to final non-professional users. The plant passport will be simplified and harmonised.

**BUDGETARY IMPLICATIONS:** the financial provisions and appropriations for implementing the proposed Regulation up to 31 December 2020 will be presented in the forthcoming legal proposal for a Regulation on the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material. The current proposal does not imply any expenditures which will not be part of the financial statement of the legal proposal for that Regulation and it does not require additional human resources.

**DELEGATED ACTS:** the proposal includes provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.