

Protective measures against pests of plants

2013/0141(COD) - 19/07/2016 - Council position

The Council adopted its position at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on protective measures against pests of plants.

The general objective of the Regulation is to **address increased risks in the plant health sector**, which stem from new pests and diseases (originating from trade globalisation and climate change). The text aims to **modernise plant health instruments related to trade**, both intra-EU (improved traceability in the internal market) and from third countries, focusing on a risk based approach.

The main elements of the Council position are as follows:

Subject matter and scope: the text establishes rules to determine the phytosanitary risks posed by any species, strain or biotype of pathogenic agents, animals or parasitic plants injurious to plants or plant products ('pests') and measures to reduce those risks to an acceptable level.

In order to allow a more flexible response to existing and emerging risks, the Council position included in the scope of the Regulation **non-parasitic plants**, subject to the condition that they have a severe economic, social and environmental impact on the Union territory.

Quarantine pests: a Union quarantine pest shall not be introduced into, moved within, or held, multiplied or released in, the Union territory. The Commission shall, by means of an implementing act, establish a **list of pests** which fulfil the conditions listed in the Regulation in respect of the Union territory.

Priority pests: those pests have severe impacts for the Union territory and will be identified on the basis of a number of detailed criteria set out in an annex to the Regulation, and their number will not be limited a priori. The Council position also foresees the adoption of the **list of priority pests through a delegated act**.

Each Member State shall draw up and keep up to date a **separate plan** containing information concerning the decision making processes, procedures and protocols to be followed, and the minimum resources to be made available and the procedures to make available further resources, in the event of an officially confirmed or suspected presence of that pest.

Member States shall, **on request, communicate** their contingency plans to the Commission and to the other Member States, and shall inform all relevant professional operators through publication on the internet.

Member States shall carry out **simulation exercises** concerning the implementation of the contingency plans. Those exercises shall take place with regard to all priority pests concerned within a reasonable period of time and with the involvement of the relevant stakeholders.

Protected zone quarantine pests: where a quarantine pest is present in the Union territory but not in the territory of a Member State or a part thereof, and is not a Union quarantine pest, the Commission may, upon application of that Member State, recognise such territory or part thereof as a protected zone as regards that quarantine pest ('protected zone quarantine pest').

A protected zone quarantine pest shall not be introduced into, moved within, or held, multiplied or released in, the respective protected zone.

A new provision provides that the Commission may recognise a temporary protected zone to which the conditions of ordinary protected zones shall apply. However for the establishment of a temporary zone only a one-year survey shall be required, instead of a three years survey which is required for the ordinary protected zones. The recognition of a temporary protected zone shall last no longer than three years after recognition, and shall expire automatically after three years.

Import regime: the Regulation seeks to prevent pests being introduced into the Union territory through plants, plant products or other objects coming from third countries.

The Council position reinforces such a system by introducing the following elements:

- a new category of '**high risk' plants, plant products or other objects** was added: those are plants, plant products or other objects which present, on the basis of a preliminary assessment, a pest risk of an unacceptable level for the Union territory. Therefore their introduction into the Union territory from a third country shall be prohibited, pending the completion of a full risk assessment;
- **phytosanitary certificates**, which attest the conformity with the Union legislation of a plant, plant product or other object being imported from a third country into the Union territory, shall be required for an extended range of plants, plant products or other objects.

It should be noted that specific rules were added on the introduction into, movement within and movement out of the Union of **wood packaging material**.