

# Protective measures against pests of plants

2013/0141(COD) - 26/10/2016 - Final act

**PURPOSE:** to help fight plant pests and diseases through better surveillance and early eradication of outbreaks of new pests.

**LEGISLATIVE ACT:** Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC.

**CONTENT:** the Regulation **repeals and replaces** the Union legislation on protection from pests of plants, which consists of Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community, and six more Directives concerning plant health measures and pests.

Plant health is threatened by species injurious to plants and plant products which now present a greater risk of being introduced into the Union territory owing to globalisation of trade and climate change. In order to fight that threat, the new Regulation established **measures concerning the determination of the phytosanitary risks posed by those pests and the reduction of those risks** to an acceptable level.

**Identification of pests:** criteria should be set out for the identification of pests for which the adoption of measures is necessary to prevent their introduction into and spread within the entire Union territory. Such pests are referred to as “**Union quarantine pests**”.

Criteria should also be set out for the identification of pests for which it is necessary to adopt measures of control only as regards one or more parts of that territory. Such pests are referred to as “**protected zone quarantine pests**”.

The Commission shall, by means of an implementing act, establish a **list** of pests which fulfil the conditions listed in this Regulation in respect of the Union territory.

**Priority pests:** in order to allow efforts for the control of Union quarantine pests to concentrate on those pests whose potential economic, environmental or social impact is the most severe for the Union territory a **restricted list** of such pests (priority pests) is established.

Special provisions should apply to priority pests as regards, in particular, the provision of information to the public, surveys, contingency plans, simulation exercises, action plans for eradication and co-financing of measures by the Union.

Each Member State shall draw up and keep up to date for each priority pest which is capable of entering into and becoming established in its territory, or a part thereof, a **separate plan** containing information concerning the decision-making processes, procedures and protocols to be followed. They 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 at intervals set according to the biology of the priority pest or pests concerned and the risk posed by that pest or those pests.

**Plant passport:** the new Regulation establishes a system for the introduction and movement within the Union of plants, plant products and other objects likely to be infected by harmful organisms and to pose an unacceptable phytosanitary risk. The new rules will extend, simplify and harmonise the existing plant passport scheme which is needed for all movements between professional operators inside the EU. They will also require relevant professional operators to be **registered** in order to guarantee easier controls and better traceability.

A **pre-export certificate** shall be issued to ensure the exchange of information between the Member States where a plant, plant product or other object is moved through more than one Member States before it is exported to a third country.

**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. It provides risk-based and preventive measures to protect the Union territory from pests that a plant, plant product or other object originating from a third country might introduce, on the basis of a **preliminary assessment** of that high risk.

**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.

ENTRY INTO FORCE: 13.12.2016.

APPLICATION: 14.12.2019.

**DELEGATED ACTS:** the Commission shall be empowered to adopt delegated acts as regards the establishment of a list of the priority pests. The power to adopt delegated acts shall be conferred on the Commission for a period of five years from 13 December 2016. The European Parliament or the Council shall have the right to object to a delegated act within a period of two months (extendable for two months) from the date of notification.