








Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2023/0378(COD)</p>	Awaiting Council's 1st reading position
<p>Protective measures against pests of plants: 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, establishment of procedures for the listing of high risk plants, content of phytosanitary certificates, use of plant passports and certain reporting requirements for demarcated areas and surveys of pest</p> <p>Amending Regulation 2016/2031 2013/0141(COD)</p> <p>Subject 3.10.09.02 Plant health legislation 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<p> Agriculture and Rural Development</p>	<p> AGUILERA Clara</p> <p>Shadow rapporteur</p> <p> BUDA Daniel</p> <p> MÜLLER Ulrike</p> <p> RUISSSEN Bert-Jan</p> <p> FLANAGAN Luke Ming</p>	12/12/2023
	Committee for opinion	Rapporteur for opinion	Appointed
	<p> Environment, Public Health and Food Safety</p>	The committee decided not to give an opinion.	
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Health and Food Safety	KYRIAKIDES Stella	
European Economic and Social Committee			

Key events			
17/10/2023	Legislative proposal published	COM(2023)0661	Summary
20/11/2023	Committee referral announced in Parliament, 1st reading		
13/02/2024	Vote in committee, 1st reading		
13/02/2024	Committee decision to open interinstitutional negotiations with report adopted in committee		
15/02/2024	Committee report tabled for plenary, 1st reading	A9-0035/2024	Summary
26/02/2024	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
27/02/2024	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
19/03/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE759.964 GEDA/A/(2024)001509	
24/04/2024	Results of vote in Parliament		
24/04/2024	Decision by Parliament, 1st reading	T9-0346/2024	Summary

Technical information	
Procedure reference	2023/0378(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation 2016/2031 2013/0141(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Awaiting Council's 1st reading position
Committee dossier	AGRI/9/13514

Documentation gateway					
Legislative proposal		COM(2023)0661	17/10/2023	EC	Summary
Economic and Social Committee: opinion, report		CES5494/2023	13/12/2023	ESC	
Committee draft report		PE758.002	10/01/2024	EP	
Amendments tabled in committee		PE758.057	29/01/2024	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0035/2024	15/02/2024	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2024)001509	13/03/2024	CSL	

Text agreed during interinstitutional negotiations	PE759.964	13/03/2024	EP	
Text adopted by Parliament, 1st reading/single reading	T9-0346/2024	24/04/2024	EP	Summary
Commission response to text adopted in plenary	SP(2024)394	08/08/2024	EC	

Protective measures against pests of plants: 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, establishment of procedures for the listing of high risk plants, content of phytosanitary certificates, use of plant passports and certain reporting requirements for demarcated areas and surveys of pest

PURPOSE: to introduce changes concerning the implementation of the provisions which constitute the Unions phytosanitary policy.

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: Regulation (EU) 2016/2031 of the European Parliament of the Council is currently the basic legal framework for the Union plant health policy. It sets out rules on protective measures against pests of plants. Those rules include the classification and listing of regulated pests, requirements concerning the introduction into, and movement within, the Union territory of certain plants, plant products and other objects, surveys, notifications of outbreaks, measures to eradicate pests if found present in the Union territory and certification.

Pursuant to that Regulation, the Commission presented, on 10 December 2021, reports on the application and effectiveness of the measures relating to imports, as well as on the experience gained by operators from the extension of the plant passport to all plants intended for planting. The discussions held on these reports made it possible to conclude that certain improvements to the system are necessary in order to strengthen the effectiveness and practical implementation of phytosanitary rules but also of the rules relating to official controls.

Those improvements refer to the need for (i) declarations on the phytosanitary certificate for regulated non-quarantine pests (RNQPs), (ii) reporting the non-compliances with the RNQP rules in the electronic notification system (Information Management System for Official Controls IMSOC), (iii) procedural rules for the submission and examination of non-EU countries requests for temporary derogations from import prohibitions, (iv) procedures for identifying and listing of high-risk plants and (v) rationalising the obligation to attach a plant passport to certain plants.

Further improvements were identified through elements deriving from the experience gained by the Commission during the first 5 years of the application of the Regulation, with regard to (i) measures against pests qualifying as quarantine pests but not yet fully assessed, (ii) the need for autonomous acts for adopting temporary derogations from import prohibitions, and special import requirements, (iii) the need for setting temporary import requirements for the introduction into the Union of plants, plant products or other objects which have been removed from the list of high risk plants but for which the phytosanitary risk has not been fully assessed, (iv) setting out requirements for third countries equivalence, and (v) the alternative official attestations.

Lastly, certain reporting elements were identified as falling under the scope of the Commissions commitment to rationalise the reporting obligations of Member States and professional operators.

CONTENT: the proposal introduces amendments to Regulation (EU) 2016/2031 concerning the implementation of the provisions which constitute the Union's phytosanitary policy. These modifications concern the following aspects:

- clarification concerning the measures against pests which are provisionally qualifying as quarantine pests but have not been fully assessed yet;
- amendment of the requirements regarding the declarations on the phytosanitary certificate for regulated non-quarantine pests (RNQPs);
- the reporting of non-compliances with the RNQP rules in the electronic notification system (Information Management System for Official Controls IMSOC);
- the introduction of an empowerment for a Commission act to adopt with autonomous acts, temporary derogations from import prohibitions and special import requirements and temporary special import requirements for commodities that have been removed from the list of high-risk plants, plant products and other objects but for which the pest risk has not been fully assessed;
- the introduction of an empowerment for a Commission act to adopt procedural rules for the submission and examination of third countries requests for temporary derogations from import prohibitions or from import requirements;
- the introduction of an empowerment for a Delegated act to adopt procedures for identifying and listing of high-risk plants;
- the clarification of the legal basis for setting out requirements for third countries equivalence, to refer not only to internal movement requirements but also to existing import requirements, in line with the relevant International Standard;
- the introduction of an empowerment for a Commission act, to rationalise the obligation to attach a plant passport to certain plants;
- the alignment of the possibility to accept alternative official attestations issued by third countries with the international state of play;
- the rationalisation of reporting obligations, for example: (i) the removal of annual reporting of the number and locations of the demarcated

areas established, the pests concerned, and the respective measures taken during the preceding calendar year; (ii) rationalisation of reporting by decreasing its frequency and prolonging the duration of the multiannual survey programmes to 10 years; (iii) the establishment of an electronic system for the submission of reports.

Protective measures against pests of plants: 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, establishment of procedures for the listing of high risk plants, content of phytosanitary certificates, use of plant passports and certain reporting requirements for demarcated areas and surveys of pest

The Committee on Agriculture and Rural Development adopted the report by Clara AGUILERA (S&D, ES) on the 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.

As a reminder, Regulation (EU) 2016/2031 on protective measures against plant pests is applicable in its entirety since December 2019. The Commission proposes to improve different implementation measures of the EU phytosanitary policy, related to the need for:

- 1) Declarations in the phytosanitary certificate for regulated non-quarantine pests,
- 2) Notifications of non-compliance with the rules applicable to regulated non-quarantine pests in the electronic notification system (official controls information management system, SGICO),
- 3) Procedural rules for the submission and examination of requests for temporary exceptions to import bans submitted by non-EU countries,
- 4) Procedures to determine and list high-risk plants,
- 5) Rationalisation of the obligation to place a phytosanitary passport on certain plants.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Members consider it appropriate to take advantage of this proposal for amendment to Regulation (EU) 2016/2031 to introduce some additional changes, or reinforce those proposed, such as:

- inclusion of a new article on Plant Health Emergency Team, similar to what already exists in the field of animal health, in order to provide assistance to the Member State or the third country that requests it in the case of pest within the scope of this Regulation. The members of the Team should be appointed by the Commission in consultation with the Member States or third countries concerned, from experts proposed by the Member States, and those experts should possess different specialities related to plant health;
- establishment of a period of five to ten years for multi-year prospecting programmes, subject to review and updating based on the phytosanitary situation of the territory concerned;
- the possibility for the Commission, where appropriate, to coordinate EU-level simulation exercises concerning the implementation of contingency plans for priority pests. The Commission should make available a report on the results of the EU-level simulation exercises to the Parliament;
- strengthen the provisions relating to regulated non-quarantine pests (RNQPs) in the additional declaration to the phytosanitary certificate by adding the obligation to mention the specific category concerned by the prohibition;
- a provision according to which the plant passport should be issued no later than when the plant, plant product or other object concerned is moved for the first time by the importer within the Union to another operator. The importer of the plant, plant product or other object concerned should be able to provide on request of the competent authority the result of the relevant official control using the Information Management System for Official Controls (IMSOC/TRACES) by the time the plant passport is issued;
- the setting up by the Commission of an electronic system for the submission of notifications and reports by the Member States.

Protective measures against pests of plants: 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, establishment of procedures for the listing of high risk plants, content of phytosanitary certificates, use of plant passports and certain reporting requirements for demarcated areas and surveys of pest

The European Parliament adopted by 551 votes to 24, with 15 abstentions, a legislative resolution on the 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 on protective

measures against plant pests.

As a reminder, Regulation (EU) 2016/2031 on protective measures against plant pests is applicable in its entirety since December 2019. The Commission proposes to improve different implementation measures of the EU phytosanitary policy, related to the need for:

- 1) Declarations in the phytosanitary certificate for regulated non-quarantine pests,
- 2) Notifications of non-compliance with the rules applicable to regulated non-quarantine pests in the electronic notification system (official controls information management system, SGICO),
- 3) Procedural rules for the submission and examination of requests for temporary exceptions to import bans submitted by non-EU countries,
- 4) Procedures to determine and list high-risk plants,
- 5) Rationalisation of the obligation to place a phytosanitary passport on certain plants.

The amended text stressed the need for enhanced clarity, transparency and coherence to ensure the correct implementation of Regulation (EU) 2016/2031 as healthy plants are vital to sustainable agricultural and horticultural production and contribute to food security and food safety and to protect the environment against pests.

The European Parliaments position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

Union Plant Health Emergency Team

The amended Regulation creates a Union Plant Health Emergency Team composed of experts with the purpose of providing Member States, upon their request, with urgent assistance on the measures to be taken pursuant to Articles 10 to 19, 27 and 28 of Regulation (EU) 2016/2031 concerning new outbreaks of Union quarantine pests and pests subject to the measures adopted pursuant to Article 30 of that Regulation. In well-justified cases, the Team may also provide urgent assistance to third countries bordering the Union territory or presenting an imminent phytosanitary risk for that territory, upon the request by one or more Member States and of the third country concerned, concerning the outbreaks in their territories of Union quarantine pests and pests subject to the measures adopted pursuant to Article 30 of that Regulation.

For each case of assistance, the Commission should appoint specific members of the Team, on the basis of their expertise, and in consultation with that Member State or third country concerned.

That assistance may include in particular:

- scientific, technical and managerial on-the-spot or remote assistance as regards the eradication of the pests concerned, the prevention of their spread, and other measures, in close cooperation and collaboration with the competent authorities of the Member State or third country concerned by outbreaks of pests or suspicion thereof;
- specific scientific advice on the suitable diagnostic methods in coordination with the relevant European Union reference laboratory referred to in Regulation (EU) 2017/625 and with other reference laboratories, as appropriate;
- specific assistance to support coordination among the competent authorities of the Member States or third countries and with those laboratories, as appropriate.

The content, conditions and timing of that assistance should be determined by the Commission in agreement with the Member State or third country concerned, and the respective Member State(s) providing the expert(s).

Members of the Team should be entitled to an indemnity for their participation in the Teams on-the-spot activities, and where applicable, for serving as team leaders or rapporteurs on a specific mission question.

Contingency plans for priority pests

Contingency plans may be combined for multiple priority pests with similar biology and range of host species. In those cases, the contingency plan should consist of a general part common to all priority pests covered by it and of specific parts for each priority pest concerned.

Similarly, Member States may co-operate to synchronise plans for certain species, where appropriate for priority pest species of similar biology and overlapping or adjoining ranges.

Replacement of a phytosanitary certificate with plant passports

Member States may decide to replace a phytosanitary certificate at the place of entry of the plant, plant product or other object concerned into the Union territory by:

- a certified copy of the original phytosanitary certificate. The certified copy of the original phytosanitary certificate should be issued by the competent authority and should accompany the movement of the plant, plant product or other object concerned only up to the point where the plant passport is issued; or (ii)
- the information contained in the electronic information system, on condition that the electronic phytosanitary certificate or a digital copy of the phytosanitary certificate is accessible in this system and should be made available upon request of competent authorities during the movement of the plant, plant product or other object concerned up to the point where the plant passport is issued.