

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

2023/0378(COD) - 17/10/2023 - Legislative proposal

PURPOSE: to introduce changes concerning the implementation of the provisions which constitute the Union's 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 Commission's 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.