

## Basic information

**2023/0378(COD)**

COD - Ordinary legislative procedure (ex-codecision procedure)  
Regulation

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

Amending Regulation 2016/2031 [2013/0141\(COD\)](#)

### Subject

3.10.09.02 Plant health legislation

3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity

Procedure completed

## Key players

European  
Parliament

### Committee responsible

**AGRI**

Agriculture and Rural Development

### Rapporteur

AGUILERA Clara (S&D)

### Appointed

12/12/2023

### Shadow rapporteur

BUDA Daniel (EPP)

MÜLLER Ulrike (Renew)

RUISSSEN Bert-Jan (ECR)

FLANAGAN Luke Ming (The Left)

### Committee for opinion

**ENVI**

Environment, Public Health and Food Safety

### Rapporteur for opinion

The committee decided not to give an opinion.

### Appointed

Council of the  
European Union

### Council configuration

Agriculture and Fisheries



### Meetings

4057

### Date


2024-11-18

European Economic and Social Committee

Key events			
Date	Event	Reference	Summary
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	GEDA/A/(2024)001509 PE759.964	
24/04/2024	Decision by Parliament, 1st reading	T9-0346/2024	Summary
24/04/2024	Results of vote in Parliament		
18/11/2024	Act adopted by Council after Parliament's 1st reading		
27/11/2024	Final act signed		
16/12/2024	Final act published in Official Journal		

Technical information	
Procedure reference	2023/0378(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation 2016/2031 <a href="#">2013/0141(COD)</a>
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	<a href="#">European Economic and Social Committee</a>
Stage reached in procedure	Procedure completed
Committee dossier	AGRI/9/13514

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		<a href="#">PE758.002</a>	10/01/2024	
Amendments tabled in committee		<a href="#">PE758.057</a>	29/01/2024	

Committee report tabled for plenary, 1st reading/single reading		<a href="#">A9-0035/2024</a>	15/02/2024	<a href="#">Summary</a>
Text agreed during interinstitutional negotiations		<a href="#">PE759.964</a>	13/03/2024	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T9-0346/2024</a>	24/04/2024	<a href="#">Summary</a>
<b>Council of the EU</b>				
<b>Document type</b>	<b>Reference</b>		<b>Date</b>	<b>Summary</b>
Coreper letter confirming interinstitutional agreement	<a href="#">GEDA/A/(2024)001509</a>		13/03/2024	
Draft final act	00066/2024/LEX		27/11/2024	
<b>European Commission</b>				
<b>Document type</b>	<b>Reference</b>		<b>Date</b>	<b>Summary</b>
Legislative proposal	<a href="#">COM(2023)0661</a> 		17/10/2023	<a href="#">Summary</a>
Commission response to text adopted in plenary	<a href="#">SP(2024)394</a>		08/08/2024	
<b>National parliaments</b>				
<b>Document type</b>	<b>Parliament /Chamber</b>	<b>Reference</b>	<b>Date</b>	<b>Summary</b>
Contribution	<a href="#">RO_SENATE</a>	<a href="#">COM(2023)0661</a>	04/01/2024	
<b>Other institutions and bodies</b>				
<b>Institution/body</b>	<b>Document type</b>	<b>Reference</b>	<b>Date</b>	<b>Summary</b>
EESC	Economic and Social Committee: opinion, report	<a href="#">CES5494/2023</a>	13/12/2023	
<b>Final act</b>				
<a href="#">Regulation 2024/3115</a> <a href="#">OJ OJ L 16.12.2024</a>				<a href="#">Summary</a>

**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) - 16/12/2024 - Final act

PURPOSE: to adopt a targeted revision of the EU's phytosanitary policy, which improves the way the EU fights plant pests, ensures the safety of plants entering the EU and simplifies procedures.

LEGISLATIVE ACT: Regulation (EU) 2024/3115 of the European Parliament and of the Council amending Regulation (EU) 2016/2031 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 and the use of plant passports, and as regards certain reporting requirements for demarcated areas and surveys of pests and amending Regulation (EU) 2017/625 as regards certain notifications of non-compliance.

CONTENT: this revision aims to improve and streamline the application and enforcement of Regulation (EU) 2016/2031, also known as plant health legislation.

More specifically, the revised regulation aims to:

- **improve procedures for identifying and listing high-risk plants**, and for submitting and examining requests for temporary derogations from import obligations coming from non-EU countries;
- **clarify measures for pests** that qualify as quarantine pests, but which have not yet been fully assessed ;
- **rationalise and simplify reporting obligations**, thanks to increased digitalisation; this will help cut red tape for the competent authorities, as well as for operators.

## ***Plant health emergency team***

The 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 concerning new outbreaks of Union quarantine pests.

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.

## ***Multiannual survey programmes***

In order to reduce the administrative burden on the competent authorities, multiannual survey programmes will be established for a period of between **five and ten years**. These programmes will be reviewed and updated on the basis of the applicable regulations and the phytosanitary situation of the territory concerned. Each Member State will have to notify, at the request of the Commission, its multiannual survey programmes to the Commission and to the other Member States. These notifications will be transmitted by means of an electronic notification system.

## ***Contingency plans***

Contingency plans may be combined for multiple priority pests with similar biology and range of host species. In those cases, the contingency plan will 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 cooperate to synchronise contingency plans for certain species.

## ***Plant passports***

The Commission may, by means of implementing acts, set out provisions:

(a) determining the plants, plant products and other objects which, by way of **derogation**, may be moved within the Union with a plant passport associated with them in a way other than that of a physical attachment, due to their size, shape or way of packaging that make that attachment impossible or very difficult; and

(b) providing for rules to ensure that the plant passport concerned, although not attached, still refers to the respective plants, plant products and other objects.

The Commission will establish an **electronic system** for the submission of notifications and reports by the Member States.

ENTRY INTO FORCE: 5.1.2025.

APPLICATION: from 6.7.2026.

# 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.

## **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) - 24/04/2024 - Text adopted by Parliament, 1st reading/single reading

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 Parliament's 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 Team's 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.

## **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) - 15/02/2024 - Committee report tabled for plenary, 1st reading/single reading

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.