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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Implementation of the new Regulation on protective measures against
plant pests
- Information from the Commission

Delegations will find in Annex a note from the Commission on the above mentioned subject to be dealt with under "Any other business" at the meeting of the Council ("Agriculture and Fisheries") on 12-13 December 2016.

Implementation of the new Regulation on protective measures against plant pests Information from the Commission Services

The Regulation on protective measures against plant pests was adopted by the European Parliament and the Council on 26 October 2016. It will enter into force in December 2016 and will apply after a three-year transitional period, in December 2019.

This Regulation introduces an important new proactive approach to the early detection and eradication of pests not allowed in EU territory ('Union quarantine pests') and to preventing such pests from entering from non-EU countries. It is based on the assumption that investing more at an early stage prevents heavy losses from devastating plant health damages later.

This new approach implies fulfilling important new requirements including:

- surveys of the EU territory to detect the presence of Union quarantine pests,
- timely notifications of outbreaks,
- swift eradication activities based on a standardised approach,
- multiannual survey programmes, action plans, contingency plans and simulation exercises for priority pests, and
- stricter requirements for protected zones.

The Regulation takes a more pro-active approach on imports - before allowing or maintaining new trade with unknown phytosanitary risks. It introduces new requirements for confinement facilities and quarantine stations and broadens the scope of regulated commodities that need to be accompanied by a phytosanitary certificate at import. In addition, it harmonises the plant passport system for internal movement of plants, registration of professional operators, pest risk management plans of professional operators and issuing of pre-export certificates.

These requirements demand extra human and financial resources at three levels: from the Commission, Member States and stakeholders.

The Commission has to adopt the necessary delegated and implementing acts set out in the Regulation. Some must be adopted within specific deadlines before the Regulation applies. These include the common format of plant passports (within one year of the entry into force) and the lists of high risk plants and plants to be exempted from phytosanitary certificates (within two years of the entry into force).

The Commission also considers it important to adopt several further acts within the three-year transition period which are crucial for the completeness of the new plant health system.

These include:

- the adoption of a new comprehensive list of regulated pests, plants, plant products and other objects,
- a list of priority pests,
- further important rules on plant passports, and
- exceptions from the scope of the Regulation.

The responsible Commission services are allocating the required resources, in order to prepare these acts timely. This begins with the establishment of the Expert Groups for the delegated acts and Working Groups for the implementing acts. The Commission has already asked the competent authorities to submit their input on specific acts by the end of 2016, which will be duly taken into account.

The Commission is aware that additional financial resources are needed and has foreseen a budget to co-finance pest surveys and emergency measures to eradicate outbreaks. For surveys, a budget of EUR 15 million is foreseen for 2017, EUR 24 million for 2018, EUR 27 million for 2019 and EUR 29 million for 2020. For emergency measures, EUR 20 million will be available annually from 2017 to 2020 (the budget is to be shared with emergency measures for animal health).

The Commission is enhancing and expanding the range of informatics tools which will assist towards meeting the objectives of the new Regulation.

Member States' competent authorities will be responsible for implementing all provisions linked to the measures above. The Commission's impact assessment noted that resource shortfalls were a major shortcoming in the previous regime and the need to address this is inherent in the design of the agreed Regulation. Member States will need to provide the necessary financial and human resources to execute the measures themselves (e.g. surveys, eradication activities, contingency plans) and to control the way they are carried out (e.g. traceability or requirements for the issue of plant passports).

Increased EU co-financing will help Member States. Nevertheless, additional national resources will be essential to achieve the new objectives. This early investment should of course result in sparing the costs and disruption of irreversible disasters later, the consequences of which have been clear from the outbreaks and spread of the red palm weevil, pinewood nematode and *Xylella fastidiosa*.

Effective official controls by the competent authorities, in line with the provisions of the new Official Controls Regulation¹, will be crucial, especially for the control of plants and plant products imported from non-EU countries. The establishment of EU reference laboratories will also impose some conditions (e.g. accreditation) on the Member States' laboratories.

¹ Scheduled to be adopted by the European Parliament and the Council in 2017. It will apply on the same date as the Regulation concerning protective measures against pests of plants.

Professional operators will need to be diligent, proactive and have a full understanding of the new requirements. They will be responsible for issues such as the timely notification of outbreaks in the areas under their control, traceability requirements and their own registration with the competent authorities. Operators will require appropriate qualifications in order to issue plant passports, and will need instructions and support from the competent authorities in this regard. While operators will have increased responsibility for guaranteeing the phytosanitary status of their plants, the new system will offer new opportunities (e.g. reduced frequencies of controls if they apply pest risk management plans) and the possibility of compensation for direct losses.

The entry into force of this Regulation will signal a more demanding – but equally a more rewarding - approach in plant health. The three-year transition period allows all sides the time to adjust.
