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**AGRI 35**  
**PHYTOSAN 3**  
**AGRILEG 14**

**NOTE**

Origine:	Secrétariat général du Conseil
Destinataire:	Conseil
Objet:	Rapports sur le dispositif des mesures phytosanitaires à l'importation dans l'Union et sur l'extension de l'utilisation du passeport phytosanitaire dans l'Union <i>- Présentation par la Commission</i>

Les délégations trouveront en annexe une note d'information des services de la Commission sur le sujet susmentionné qui sera traitée sous "Divers" lors de la session du Conseil ("Agriculture et pêche") du 21 février 2021.

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## **Reports to the European Parliament and to the Council on import measures and plant passports as provided for by Articles 50 and 79 of the Plant Health Regulation**

### *Information from the European Commission*

The new Plant Health Regulation (Regulation (EU) 2016/2031), which has been applicable since 14 December 2019, has updated and reinforced the EU's rules on plant health. These new rules contribute to sustainable agricultural and horticultural production in the EU, as well as to the protection of public and private green spaces, forests and natural landscapes. The rules also aim to ensure safe trade and to prevent the establishment of new plant pests linked to changing climatic conditions in Europe.

The new rules have brought significant changes in relation to both imports and intra-EU trade. The European Commission was therefore requested to prepare, by 14 December 2021, two reports on the application of the new rules to the European Parliament and the Council, to be accompanied, if appropriate, by a legislative proposal.

Article 50 requests the Commission to report on the enforcement and effectiveness of measures relating to imports into the Union territory, together with a cost-benefit analysis. In addition, Article 79 requests the Commission to report on the experience gained from the extension of the plant passport system to all movements of plants for planting within the Union territory, and to include a cost-benefit analysis of this system for the operators.

In order to prepare the two reports, the Commission evaluated all available evidence and carried out a stakeholder consultation using dedicated questionnaires.

For the import measures, four questionnaires were prepared on phytosanitary import procedures, import prohibitions, the use of the phytosanitary certificates and plant health provisions of the Regulation on Official Controls (Regulation (EU) 2017/625). In addition, available data on interceptions and trade was used, as well as the preliminary findings of the first five Commission audits undertaken on import controls. For the plant passports, a questionnaire was prepared on the experiences gained from the expanded and strengthened plant passport system, in particular from its extension to all plants for planting.

**The two reports were adopted by the Commission in the form of Commission Communications (COM(2021) 786 and COM(2021) 787) and transmitted to the European Parliament and the Council on 10 December 2021.** Both reports and supporting documents are available on the Commission's website<sup>1</sup>.

The Commission's analysis was limited by three factors: (1) the partial or limited contribution of relevant stakeholders; (2) the very short time between the entry into application of the provisions and the request for feedback; and (3) the impact of the COVID-19 pandemic on trade and relevant activities.

In consequence, it was not possible to draw firm conclusions in the reports or make legislative proposal at this stage.

### **A. Import measures**

According to the Commission's assessment, the Plant Health Regulation and the inclusion of plant health controls within the scope of the Regulation on Official Controls have contributed to achieving the objective of enhancing the phytosanitary protection of the EU and of increasing proactive action against pests. Moreover, the rules are in full compliance with the EU's international obligations.

The analysis of the feedback gathered on changes to certification requirements, together with the analysis of the available trade data, point towards a situation where benefits outweigh costs.

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<sup>1</sup> [https://ec.europa.eu/food/plants/plant-health-and-biosecurity/legislation/plant-health-rules/reports-2021\\_en](https://ec.europa.eu/food/plants/plant-health-and-biosecurity/legislation/plant-health-rules/reports-2021_en)

The situation is, however, less clear as far as the changes in import procedures are concerned and in particular in case of Regulated Non-Quarantine Pests (RNQP). The Commission identified four areas that could be considered for further discussion on this subject: (1) the improvement of the coherence of the provisions for RNQPs and their controls; (2) the procedures for granting derogations from import prohibitions; (3) reinforcing transparency on the procedures for high-risk plants; and (4) targeted official controls on plants and plant products imported through distance sales.

## **B. Intra-EU plant passport system**

According to the Commission's assessment, the extended plant passport system has contributed towards achieving the objectives of the Plant Health Regulation, in particular, as regards increased protection against quarantine pests, improved preparedness for the identification of new plant pests of EU concern, improved awareness of relevant stakeholders of the importance of plant health and increased possibilities to identify pests.

However, the feedback gathered from stakeholders indicates that the transition to the new requirements was not always smooth and the new rules were not always fully clear, making the implementation more difficult especially at the outset.

Stakeholders agreed that the new provisions increased the protection of the Union territory against pests and that the costs they involved were not significant. Nonetheless, they also considered that some requirements pose additional administrative burden and associated costs that outweigh additional benefits.

To enhance the effectiveness and practical implementation of the extended plant passport system, the Commission identified three elements for further discussion and possible legislative adjustments: (1) the attachment of plant passports to 'trade units; (2) arrangements for intra-EU distance sales; and (3) possible introduction of an electronic plant passport.