EU Plant Health legislation

The EU phytosanitary legislation and Background on the import regulations in general on the global level

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WTO and the SPS agreement

- Today we have the World Trade Organization (WTO) to support trade in general with the for us important Agreement on the Application of Sanitary and Phytosanitary Measures (SPS), which is of fundamental importance for the international trade in plants and plant products.

- The SPS agreement reaffirms the right for Members to adopt and enforce measures necessary to protect human, animal or plant life or health.

- The agreement is pointing on the need for a multilateral framework of rules and disciplines to guide the development, adoption and enforcement of sanitary and phytosanitary measures in order to minimize their negative effects on trade.
The SPS agreement

- To produce these global standards there are the ‘the three sisters’: Codex Alimentarius/for food safety, International Office of Epizootics/OIE for animal health and zoonoses and the International Plant Protection Convention/IPPC for plant health.

- IPPC is Producing the International Standards on Phytosanitary Measures/ISPMs by its Commission for Phytosanitary Measures (CPM).

- These are the standards we all have to bear in mind when taking actions, deciding on measures and so on, to support trade in plant and plant products without introducing nor spreading harmful organisms.
More on SPS

It is important to bear in mind that the SPS agreement gives the background and establishes the basic principles for the Members when they establish their import regulations for plants and plant products.

- The requirement for making Pest Risk Analysis based on scientific principles before deciding on new import requirements is one of the most important provisions we all have to respect.

- Measures shall not arbitrarily or unjustifiably discriminate between Members where identical or similar conditions prevail, including between their own territory and that of other Members.
Still more on SPS

The requirement on minimal impact on trade is another provision which perhaps not always is that easy to achieve when Members at the same time are seeking a relevant phytosanitary measure to protect itself against new harmful organisms.
The EU import regulations for plants and plant products

Is an important subject for this seminar and the main document to study is the Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.

The directive is about the movement into but also between and within the EU Member States (MS), which may make it a bit complicated to read and understand.

Other EU directives are taking care of the control of quarantine organisms aiming at their eradication.

Where can you find this directive? Through the internet:


-go to simple search: natural number > Directive >

Enter the year: 2000, enter the number: 29, > search.

For consolidated versions: > Bibliographic notice, >


Reading the articles and annexes you have to bear in mind again that the directive handles both imports to the EU and internal movement of plants and plant products between and within MS.

- The articles are giving the law on the stable part of the directive and where amendments have to be adopted by Council.

- While the annexes covers the details which more often have to be amended through the Commission (GD Sanco E 7) and its Standing Committee on Plant Health.

- Article 2 is important for an exporter of plants and plant products to the EU. It gives the definitions used for this directive and should be studied carefully.
Short overview ....2000/29/EC  2

In the annexes following structure is used for annexes:

- Annex I and II. Part A is relevant for all MS and part B is relevant only for certain protected zones within the EU.

Section I: the harmful organisms are not known to occur in any part of the community.

Section II: Harmful organisms are known to occur in the Community and relevant for the entire community.

Annex I deals with harmful organisms whose introduction and spread within all MS shall be banned.
Annex II deals with harmful organisms whose entry shall be banned if they are present on certain plants or plant products.
Annex III: Part A: Plants, plant products and other objects the introduction of which shall be prohibited in all MS. Part B: the same as for A but only for certain protected zones. (This part is empty right now).

Annex IV: Part A: Special requirements which must be laid down by all MS for the introduction and movement of plants, plant products and other objects into and within all MS. Section I: objects originating outside the Community. Section II: objects originating in the community.

Part B: the same as for A but only for the introduction into and within certain protected zones.
Annex V. Plants, plant products and other objects which must be subject to a plant health inspection (at the place of production if originating in the Community, before being moved within the Community – in the country of origin or the consignor country, if originating outside the community) before being permitted to enter or moved within the Community.

Part A: objects originating in the community:
I. Plants, plant products and other objects which are potential carriers of harmful organisms of relevance for the entire Community and which must be accompanied by a plant passport.

II. Plants, plant products and other objects which are potential carriers of harmful organisms of relevance for certain protected zones, and which must be accompanied by a plant passport valid for the appropriate zone when introduced into or moved within that zone.
Part B: Plants, plant products and other objects originating in territories, other than those territories referred to in part A.

I. Plants, plant products and other objects which are potential carriers of harmful organisms of relevance for the entire Community.

II. Plants, plant products and other objects which are potential carriers of harmful organisms of relevance for certain protective zones.

The requirement for a PC is given in Article 13.1, (ii).

There might be reason to look for derogations (art.15.1), cases of equivalency (art.15.2) or for emergency measures adopted in accordance with art. 16.
Annex VIIIa The standard fee referred to in Article 13d(2) shall be set at the following levels: .... Comment: these fees have not been updated since many years now and is not covering the actual cost for the import control.

Note that MS may also set the level of the Phytosanitary fee on the basis of a detailed cost calculation to cover all the costs occasioned by the documentary checks, identity checks and plant health checks provided for in this directive in Article 13a(1)
Understanding some expressions in the directive 2000/29/EC
- **Not known to occur**: means there are no scientific records of occurrence of the organism in question.
- **Known not to occur**: there are scientific based surveys which indicate the freedom of the organism in question.
- Reference to **Article 18(2)** means that a decision could be taken by the Standing Committee on Plant Health of the Commission, for instance on a **procedure or measure**.
- **Protected zones** are defined in Article 2(h) and the actual status for the different protected zones is given in COM Regulation 690/2008.
- **Plant passport** is defined in Article 2(f) and COM Dir 92/105/EC amended by COM Dir 2005/17/EC.
Plant Passports and Protected Zones in the EU

- When the internal market was established in the EU 1993, looking on the map of the EU you easily can imagine that there were differences in the phytosanitary status amongst MS.
- The internal market meant abolishing all plant health border inspections between MS.
- To avoid a general spread of harmful organisms between MS, the major new measures taken was to move plant health inspections to the places of production and establish the plant passport system but also to give MS the right to achieve a higher level of protection through establishing protected zones.
The EU Plant Passport

- The indication on the Legal text on the plant passport was given already.
- It is an official label, an internal EU plant health information and certification system - a label to ascertain that the consignment of plants or plant products full fill the plant health requirements on freedom of harmful organisms given in the directive. There shall also be an accompanying document.

- Why describing the EU Plant Passport discussing import to the EU? All material indicated in Annex V B shall also be given an EU Plant Passport after having gone through the border inspection. This is indicated in COM Dir 92/105/EC. For the exporter thus it is of importance that all relevant information is given with the consignment.
The label shall have the following information:
1. EC- plant passport.
2. Member state code (SE for Sweden and so on).
3. Responsible official body.
4. Producers registration number.
5. Individual serial, or week or batch number.
7. Quantity.
8. ZP indicating the territorial validity of the passport, and, where appropriate the name of the protected zone.
10. Where appropriate, name of the country of origin or consignor country, for third country products.
Protected zones in the EU


- Protected zones exposed to particular plant health risks may be defined and therefore may be accorded special protection under conditions compatible with the internal market.

- Certain Member States or certain areas are recognised as protected zones in respect of certain harmful organisms. These may be granted provisionally or permanent depending the available information on the area freedom of the organism in question. By using the relevant ISPMs as 4(pest free area), 6(surveillance), 8(pest status), 9(pest eradication) MS may prove freedom of the harmful organism in question.
More on protected zones

MS are required to send in yearly reports to the Commission on their findings during the surveys they are obliged to do according to Commission Dir 92/70/EEC. These reports are discussed at the Standing Committee on Plant Health, and decisions are taken leading to amendments to the Regulation (EC) No 690/2008.

Just as an example Sweden have the following protected zones for the following organisms: *Bemisia tabaci*, *Leptinotarsa decemlineata* (certain regions), *Cryphonectria parasitica*, Tomato spotted wilt virus. **Reason**: to be able to require from other MS a higher degree of plant health security, which means stricter inspections at the place of production.
Emergency measures in line with Dir 2000/29/EC Article 16 deals with these issues. MS are first of all obliged to notify the Commission and MS if some of the listed organisms in the relevant parts of annexes I and II are found in their territory and to take action to eradicate or inhibit their spread. MS can also if they deem it necessary take national legal actions for the eradication, avoidance of spreading or even introduction of a new harmful organism.

There are some serious introductions worth while mentioning with some comments from my side: *Ralstonia solanacearum* from Egypt, *Diabrotica virgifera* from US, *Anoplophora chinensis* and *A glabripennis* from China and lately *Tuta absoluta* from South America.
Tuta absoluta

National record
- Red: Present
- Yellow: Present only in some areas

Subnational record
- Green: Present
- Light green: Present only in some areas

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The EU Plant Health Control directives

If a serious pest has been established in a country or region of countries, they may still want to minimize the economic impact or even over time try to eradicate the pest in question by establishing obligatory control measures within their plant health legislation.

The EU do operate the following community control directives:


Remarks on the EU phytosanitary system 1
Registration requirements

As indicated earlier freedom from harmful organisms in plants and plant products in the internal market is dependant on strict inspections at the place of productions and that producers see the plant health authority and its inspectors as their support to avoid problems on the market.

Any producer, collective ware house, dispatching centre, other person or importer inline with the Council Dir. 2000/29/EC Art.6.5, shall be registered in an official register and given a registration number. They shall, depending of the type of production, be officially examined to support and secure the production without any harmful organisms. The details are given in the Commission Directive 92/90/EEC.
Emergency measures

In Art. 16.1 it is stipulated what MS shall do if harmful organisms listed in Annex 1, part A or in Annex II, part A is present on its territory:
- Immediately **notify** in writing the Commission and the other MS of the measures taken
- It shall **take all necessary measures to eradicate**, or if that is impossible **inhibit the spread** of the harmful organisms concerned.

- In Art. 16.2 the same procedures are laid down for **any suspected appearance** for any harmful organisms not listed in Annex I or II **previously unknown** in its territory.
Remarks on the EU Phytosanitary system 5
More on emergency measures

In Art. 16.2 it is further made clear that in respect of consignments of plants, plant products or other objects from third countries considered to involve an imminent danger of the introduction or spread of harmful organisms earlier referred to, the MS shall take actions to protect the territory of the Community from that danger and shall inform the Commission and MS.

If a MS considers that measures on the Community level is not taken quickly enough, they have the right to temporarily set up their own national legal measures which it deems necessary.