

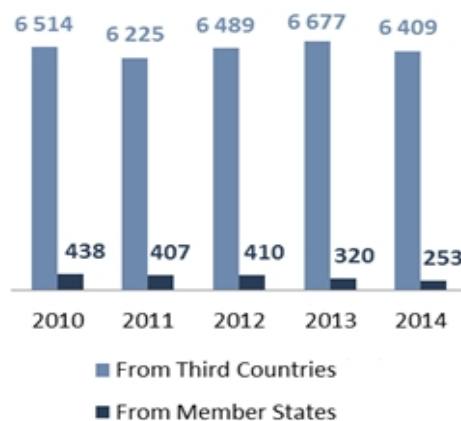
New plant health legislation

Following a series of trilogue meetings, in December 2015 the European Parliament and the Council of the EU finalised a compromise text on a new EU plant health regulation. Its overall objective is to address increased risks for the plant health sector posed by new pests and diseases having emerged as a result of globalisation and climate change, and by plants imported from third countries.

Context

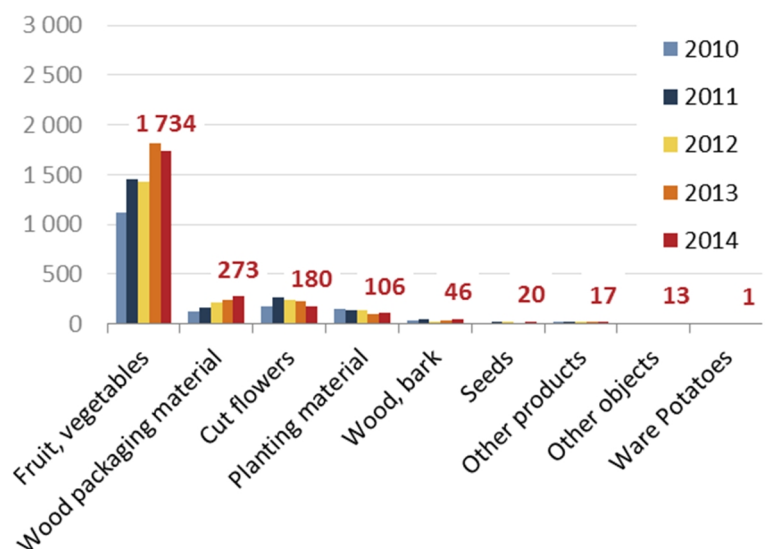
Plant health is a key factor in the promotion of sustainable and competitive agricultural, horticultural and forestry sectors. Plant pests or harmful organisms, such as insects, fungi, bacteria and viruses can cause serious damage to plants, especially when they come from other continents, as they can spread rapidly if generic resistance within the EU is absent. Without the protection afforded by plant health rules, these sectors would suffer severe economic damage. Evidence on the scale of the threat posed by plant pests can be obtained from statistics on notifications of plant health interceptions found during import controls (Figures 1 and 2).

Figure 1 – Number of notifications of interceptions to EUROPHYT showing non-conformities attributable to third countries or Member States



Source: [EUROPHYT](#), (2014).

Figure 2 – Type of intercepted consignments with harmful organisms from third countries (2010-2014, numbers shown for 2014)



Source: EUROPHYT – EU Notification System for Plant Health Interceptions [annual report](#) 2014.

Evidence on the potential impacts of harmful organisms including the costs associated with plant diseases is available from previous studies and experiences within the EU. For example, there is the case of the plant pathogen *Xylella fastidiosa* which devastated close to 30 000 ha of olive groves in the Italian region of Apulia in 2014, causing significant economic losses for growers. An [evaluation](#) of the EU plant health regime published by the European Commission in May 2010 concluded that the basic legislation needed to be amended to address the increased risks of dangerous new pests entering the EU as a result of the globalisation of trade and the effects of climate change. Its recommendations highlighted the need for a greater focus on prevention, better risk-targeting and the adoption of an EU approach for joint action to tackle risks of EU significance.



Commission proposal

The Commission's subsequent legislative proposal for a [regulation](#) repeals and replaces the current EU regulatory framework, which is based on [Council Directive 2000/29/EC](#). The proposal deals with the assessment and management of risks posed by plant pests. It classifies pests as quarantine and regulated non-quarantine ones, and further subdivides the former into Union quarantine pests (applicable to the entire EU territory) and Protected Zone quarantine pests (applicable to particular protected zones only). Other key elements of the proposal include, for example: measures to address emerging risks associated with plants imported from third countries; new obligations and/or rules concerning the notification of pests and their eradication; new rules on the certification of plants, plant products and other objects involving a phytosanitary certificate for introduction into the EU, and a plant passport for movement within the EU.

Parliament and Council positions

Adopted at first reading on 15 April 2014, Parliament's [position](#) consisted of 136 amendments which reflect multiple issues, such as concerns over the risks presented by the introduction of plant pests into the EU; and the need to raise stakeholders' familiarity with plant pests and their awareness of how important preventive measures and early detection of plant pests are. Parliament asked the Commission to maintain and make publicly available an updated list of emerging plant pests in third countries which could potentially pose a risk to plant health within the EU. The [amendments](#) reflected Parliament's preference for delegated acts where power is delegated to the Commission to amend or supplement the lists of Union quarantine pests and priority pests. Parliament and Council can object to delegated acts under Article 290 of the Treaty on the Functioning of the European Union.

Following the adoption of the Parliament's first-reading position, informal discussions took place between the Parliament delegations, the Council presidency and the Commission, with a view to concluding an agreement at the Council's first-reading stage (an 'early second-reading agreement' for Parliament). During the seven trilogue meetings held between 22 September 2015 and 16 December 2015, discussions focused on contentious issues related to the identification of priority pests; how pests should be listed; the import regime; and the issue of delegated acts and implementing acts. In the case of priority pests, the Commission's proposal would allow it to list certain quarantine pests as priority pests up to a maximum of 10 % of the listed Union quarantine pests. The Parliament wanted this threshold removed as it considered it unjustified and arbitrary. The Council subsequently accepted deletion of the 10 % limit. The Council introduced amendments in almost all articles of the proposal. Most of them constituted a further development of the proposal's provisions rather than a new or fundamentally amended approach.

Agreement in trilogue

On 16 December 2015, the Council and Parliament representatives [finalised](#) an overall compromise text in a concluding trilogue meeting. A new article was inserted introducing the possibility of a preliminary assessment, on the basis of which high-risk plants, products or other objects would not be introduced into EU territory. The new rules made provision for a plant-passport system to cover all movements of plants for the purposes of planting within EU territory; the creation and update by Member States of contingency plans for potential pests, as well as the establishment of 'multi-annual' survey programmes to ensure timely detection of dangerous pests.

Parliament's Committee on Agriculture and Rural Development (AGRI) voted on the text agreed during the inter-institutional negotiations of 26 April 2016, [approving](#) the text as amended. Subsequently, on 26 May 2016 the Council reached a [political agreement](#) on the position it would adopt regarding the new regulation at first reading. On 18 July 2016, the Council formally adopted its position at first reading, confirming the agreement reached with Parliament in December 2015. On 13 October 2016, AGRI [voted](#) to back the deal. To conclude the legislative procedure, the regulation must still be adopted by the Parliament at second reading in plenary. Once adopted, it is expected to enter into force at the beginning of 2017. It would apply 36 months after entry into force.

Further details on the proposal and on the legislative process can be found in the EPRS 'EU Legislation in progress' briefing, [PE 586.643](#).