BRIEFING

Implementation Appraisal

European Parliament

# Plant Health: Revision of Regulation (EU) 2016/2031 on protective measures against plant pests


## SUMMARY

Plants in good health are essential to the European Union's economy and society and are therefore regulated at EU level. Regulation (EU) 2016/2031 (the 'Plant Health Regulation') provides early-stage measures to prevent pests from entering the EU, or to eradicate them immediately if found present on EU territory, thus ensuring a uniform level of phytosanitary protection within the EU territory. The regulation also seeks to level the playing field for EU producers and traders in plant and plant products on the EU internal market and sets out measures on imports to the EU from third countries.

In December 2021, the Commission published two reports presenting findings on the implementation of key provisions of the regulation, namely on imports and on the extension of the plant passport requirement to all plants for planting. Included its 2024 work programme, on 17 October 2023, the Commission submitted a proposal for a revision of the Plant Health Regulation. It addresses, on the one hand, some of the implementation challenges identified by the above-mentioned reports and experiences collected during the first years of implementation of the regulation, and, on the other hand, the general commitment made by the Commission to simplify the EU legislation by rationalising certain reporting obligations.

This implementation appraisal presents key findings on the implementation of the regulation to inform European Parliament decision-making on the Commission proposal for revision.


## Background

Plants are a key element of food and feed production and hence of the food chain. Plants are also the basis of the natural environment. Plant diseases can have a devastating effect on the environment and farmers and, as a result, on food and feed quality and prices and, ultimately, on the quality of people's daily lives.

Plant diseases are caused by pests. Pests can be fungi, bacteria, insects, viruses, parasites, etc. *Xylella fastidiosa* is an example of a bacterium; it has been seriously damaging the agricultural sector and the traditional landscapes of some parts of southern Europe (Italy, France, Portugal and Spain) for at least ten years. The pine wool nematode is a parasite whose spread in Portugal in the late 1990s destroyed millions of coastal pine trees and increased production costs for the local timber processing industry, as infected pine wood timber needs a specific heat treatment to be fit for export. Therefore, keeping plants in good health – free of pests and the resulting diseases – is essential to societies and economies. This fact has been recognised by the United Nations, which declared 2020 the International Year of Plant Health.


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Plant health is protected by rules adopted at EU level with the aim of ensuring either that pests do not enter the EU or that they are eradicated immediately, if found present on EU territory. The rules regulate the production, inspection, sampling, testing, import, movement and certification of plant material. The EU rules aim to create a level playing field for EU producers and traders in plant and plant products inside the EU internal market. As pests do not stop at the EU external borders, rules for imports from third (non-EU) countries have also been put in place.

In October 2023, the European Commission proposed a revision of the EU rules. The next section presents key features of the EU legislative framework and the scope of and reasons behind the Commission's proposal for revision.

# EU legislative framework and its revision

## EU Plant Health Regulation: Key features

The EU has been regulating plant health since 1977. The last major reform of the rules took place in 2016 when the European Parliament and the Council adopted Regulation (EU) 2016/2031 (the 'Plant Health Regulation'). It entered into application in December 2019 and is the basic legal framework of the EU plant health policy.

The key objective of the Plant Health Regulation is to protect the EU against the entry and spread of new pests (Union quarantine pests) and fight effectively against pests already present in the EU (regulated non-quarantine pests). To this end, the regulation provides for phytosanitary measures to screen for new devastating plant pests outside the EU and prevent them from entering and spreading in the EU by means of enhanced border controls. Union quarantine pests must be detected at an early stage and eradicated if found on EU territory. The regulation obliges the professional operators to notify the competent authorities (CAs) of any outbreak of a pest found in the area under their control. The CAs must immediately proceed with the eradication of a Union quarantine pest, if found in an area where it was not known to be present before, i.e. Member States may no longer decide how to address the outbreak (for example by applying containment measures restricting the presence of the pests in a particular area). Phytosanitary measures applied to regulated non-quarantine pests aim to limit the economic impact of this category of pests.

The CAs are also in charge of registering the professional operators, establishing multiannual survey programmes (to ensure timely detection of dangerous pests), running surveys and simulation exercises, establishing contingency

### Definitions under the EU Plant Health Regulation

A **Union quarantine pest** is a pest not present at all on EU territory (for example, the fungus *Phyllosticta citricarpa*, which causes the disease citrus black spot), or, if it happens to be present, its spread is only local and under official control (for example, *Xylella fastidiosa*, which has spread in only a few demarcated areas in southern Europe). This category of pests requires strict measures to prevent their entry into or spread across the EU and to provide for immediate eradication.

A **regulated non-quarantine pest** is a pest widely present on EU territory that affects the quality of the plant. Marketed plant reproductive material must be free or almost free of these pests to prevent serious impact on the quality and economic value of agricultural crops, forestry or fruit plants. The plum pox virus, for example, damages plums, and therefore certified plum trees can be marketed only if they are not contaminated.

A **protected zone quarantine pest** is a pest present in most parts of the EU but still absent in some areas, known as 'protected zones'. Measures need to be taken to avoid the entry or spread of the pest in the protected zone or, if it is found present therein, to ensure its eradication. An example is the insect *Phylloxera* affecting grapevines, which is present all over the EU except in Cyprus.

A **priority pest** is a pest with the highest potential impacts on the EU economy, environment and societies at large. Examples are *Xyllela fastidiosa*, which has a major impact on agricultural crops, and the Asian longhorn beetle, which seriously affects forestry. Enhanced measures on surveys, action plans for their eradication, contingency plans and simulation exercises apply to this category. The prioritisation of pests allows for efficient targeting of resources at EU and national level in the fight against the pests concerned.

plans (for potential pests), issuing certificates, and performing other tasks, some of which are described below.

The Plant Health Regulation requires professional operators to attach physically a passport to the trade unit of the plant, plant product and other objects moving inside the EU. The plant passport is issued by professional operators (authorised by the relevant CAs). It follows a harmonised format, increasing recognition of the EU plant health system among stakeholders across the EU. The regulation extended the 'passport attachment' requirement to all plants for planting (i.e. mostly plant reproductive material and plants in pots) traded at business-to-business level. The passport guarantees that the plant for planting does not host Union quarantine pests, complies with the restrictions relating to regulated non-quarantine pests and increases the traceability of the plant.

In order to be imported into the EU, all plants (including living parts of plants) need a phytosanitary certificate, which confirms that they comply with EU rules on plant health. The Commission has adopted a list of plant material (such as pineapple, bananas, dates, coconuts and durians) that is considered safe for the EU territory and is therefore exempt from the 'certificate' requirement. The import of certain plants and plant products can be prohibited, or allowed only under very strict requirements, if a risk assessment has shown that this is necessary because of the pests they may be contaminated with. In this respect, Commission Implementing Regulation (EU) 2019/2072 established specific rules and relevant lists of regulated pests and commodities, import prohibitions and requirements for import and movement inside the EU internal market. In addition, Commission Implementing Regulation (EU) 2018/2019 established a list of high-risk plants, plant products and other objects whose import to the EU is provisionally prohibited until such moment that a full risk assessment (by the European Food Safety Authority – EFSA) is conducted to determine whether the imports could be accepted and under what conditions. Several provisional import prohibitions have already been amended based on requests received from non-EU countries.[1] Passengers from third countries to the EU are not allowed to import to the EU any living plant material (entire plants, fruits, vegetables, cut flowers, seeds, tubers, etc.) unless the plant or plant product is accompanied by a phytosanitary certificate. Some exemptions from this rule are possible.

The Plant Health Regulation is complemented by Regulation (EU) 2017/625 of the European Parliament and the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (the 'Official Controls Regulation'). As the title suggests, plant health is currently subject to the system of controls established by the Official Controls Regulation and carried out by Member States' competent authorities at the border.

The Plant Health Regulation ensures that the EU and its Member States comply with the standards of the International Plant Protection Convention (IPPC), adopted in 1951 under the auspices of the Food and Agriculture Organization of the United Nations, as revised in 1997, to which the Union and its Member States are contracting parties. Under Article IV of the convention, the contracting parties have created official national plant protection organisations (NPPOs) that are in charge of various official tasks, including of the inspection of consignments of plants and plant products moving in international traffic and, where appropriate, the inspection of other regulated articles, for the purpose not least of preventing the introduction and/or spread of pests. At EU level, after the Plant Health Regulation entered into application at the end of 2019, the NPPOs took over the official control of regulated non-quarantine pests from the CAs.

## Commission proposal to revise the EU Plant Health Regulation

The Plant Health Regulation is scheduled for revision in Annex II of the Commission work programme (CWP) for 2024.[2] However, the proposal for revision was submitted on 17 October 2023, the day the CWP for 2024 was published.[3] The initiative does not stem from the results of an ex-post evaluation and is not accompanied by an ex-ante impact assessment.[4] Stakeholders' feedback on the proposal for revision was collected from 24 October 2023 until 1 January 2024.

The proposal's explanatory memorandum states that the system needs to be improved and that this will require an amendment of the Plant Health Regulation (under the ordinary legislative procedure). The improvements are divided in two groups.

- First are improvements stemming from the findings of two Commission reports submitted in December 2021 under Articles 50 and 79(6) of the regulation, which concern the enforcement and effectiveness of the import measures and the extension of the plant passport to all plants for planting respectively, and the relevant follow-up discussion of the Commission with Member States' Chief Plant Health Officers and EU associations working on plant health:
  - the need for declarations on the phytosanitary certificate for regulated non-quarantine pests (revision of Article 71(2));
  - the need to report non-compliance with the rules on regulated non-quarantine pests in the electronic notification system (information management system for official controls – IMSOC) (revision of Articles 37 and 104);
  - the need for procedural rules to govern the submission and examination of non-EU countries' requests for temporary derogations from import prohibitions (addition of a new Article 42a);
  - the need for procedures for identifying and listing high-risk plants (revision of Article 42(1)); and
  - the need to rationalise the obligation to attach a plant passport to certain plants (revision of Article 88).
- Second are improvements 'identified through elements deriving from the experience gained by the Commission during the first five years of the application of the regulation', which concern:
  - measures against pests qualifying as quarantine pests but not yet fully assessed (revision of Article 30(1)); the need for autonomous acts for adopting temporary derogations from import prohibitions, and special import requirements (addition of a new Article 42a);
  - the need to set temporary import requirements for the introduction into the Union of plants, plant products or other objects that have been removed from the list of high risk plants but for which the phytosanitary risk has not been fully assessed (addition of a new Article 42a);
  - the setting out of requirements for third countries' equivalence (revision of Article 44(1)); and
  - alternative official attestations (revision of Article 99).

In addition, the explanatory memorandum of the proposal notes that some reporting requirements of the regulation fall within the scope of the Commission's commitment to rationalise the reporting obligations of Member States and professional operators on the basis of its communication on the 'Long-term competitiveness of the EU: Looking beyond 2030'.[5] The proposed amendments directly concern Member States' competent authorities (and indirectly professional operators) and involve:

- the removal of those reports that are not necessary any longer (revision of Article 18);
- reduction of frequency of reporting requirements (Article 23); and
- digitalisation of transmission of information (revision of Articles 18(6), 22(3), 23(1)(2), 24(2) and 34(2)), including the establishment of an electronic system for the submission of reports (revision of Article 103).

## European Commission reports

As mentioned, the Plant Health Regulation obliges the Commission to submit a report under Article 50 on the enforcement and effectiveness of measures relating to imports into the Union territory, including a cost-benefit analysis, and a report under Article 79(6) on experience gained from the extension of the plant passport system to all movement of plants for planting within EU

territory including a clear cost-benefit analysis for operators. Both articles open the possibility for the Commission to submit a legislative proposal, if appropriate, based on the findings of the relevant report. The reports were submitted by the deadline of 14 December 2021 set by the regulation[6] but were not accompanied by a legislative proposal. Nevertheless, as discussed, the findings of the reports served as the basis for the Commission proposal for revision submitted in October 2023.

The two reports are based largely on the opinions of stakeholders collected by means of five questionnaires analysing the following main areas where the Plant Health Regulation introduced changes: phytosanitary import procedures, the use of the phytosanitary certificate (PC), import prohibitions, plant health provisions of the Official Controls Regulation and the extension of the plant passport requirement. Stakeholder feedback was collected in the first half of 2021 from the following categories (depending on the regulatory aspect analysed): NPPOs of EU Member States, NPPOs of non-EU countries, certification CAs, custom authorities, EU institutions, EU and national associations, operators, laboratories, research institutions and the general public. The results of these stakeholder consultation activities were analysed in detail by five dedicated technical reports prepared by the Commission's Joint Research Centre (JRC).[7] In addition, the reports use, as appropriate, trade data for 2013 to 2020; data on interceptions of plant and plant products imported into the EU or traded within the EU in the 2019-2020 period (contained in the EUROPHYT information system for plant health alerts and TRACES-NT on certifications – both part of the IMSOC); and the results of five Commission audits on import controls in Member States.[8]

The next two sub-sections of this briefing present key findings of the two reports and, as appropriate, of the underlying JRC technical reports, with a focus on relevant provisions included in the scope of the Commission proposal for revision.

## Report under Article 50 on the enforcement and effectiveness of the import measures

The report generally found that that the Plant Health Regulation and the inclusion of the plant health sector in the scope of the Official Controls Regulation have contributed – via their risk-based and transparent approaches – to better phytosanitary protection in the EU and increased pro-active measures against pests, while ensuring compliance with the IPPC standards.

### Import procedures

According to the report, a majority of the respondents assessed the implementation of the rules on import controls of regulated non-quarantine pests established by the Plant Health Regulation as 'effective' or 'neither effective nor ineffective' and one third - as 'ineffective'. In respondents' views, ineffectiveness was due to lack of clarity regarding either the requirements of the Regulation on regulated non-quarantine pests or the measures that need to be taken in cases of consignments infected with such pests. Some respondents considered that there were incoherencies between the EU legislation on plant health and on plant reproductive material that undermine implementation's effectiveness.[9]

Respondents were divided on whether the phytosanitary certificate should contain – under the 'Additional declaration' referred to by Article 71(2) of the Plant Health Regulation – information on the measures that the exporting non-EU country has taken to ensure compliance with the requirements on regulated non-quarantine pests.[10] The Commission proposal revises Article 71(2) in order to oblige third countries to declare on the phytosanitary certificate how compliance with the requirements on regulated non-quarantine pests has been ensured, if different options are available in the EU legislation.

For an overwhelming majority of respondents, the efficiency of official controls has improved because, as a follow up to the Plant Health Regulation, more NPPOs and certification CAs started controlling Union quarantine pests and regulated non-quarantine pests simultaneously. The report

assessed this as a benefit of the regulation, not least since costs had not increased for the vast majority of responding authorities – a view also confirmed by 'private' operators.

In cases of consignments that did not comply with the import control requirements for regulated non-quarantine pests, the majority of respondents reported that they informed the third (non-EU) country concerned and rejected the consignment. Only a few respondents said that they consulted the operator on the application of a special treatment. Three quarters of respondents considered it useful or quite useful that, for the sake of transparency, non-compliance relating to regulated non-quarantine pests should be notified to TRACES-NT (part of the IMSOC), something that the regulation does not currently require. The Commission proposal revises Articles 37 and 103 to ensure that the reporting of non-compliance with the requirements on regulated non-quarantine pests are notified to the IMSOC.

Only half of the respondents commented on the use of Article 49 of the Plant Health Regulation on temporary measures concerning plants, plant products and other objects likely to pose newly identified pest risks or other suspected phytosanitary risks. A majority said that Article 49 was useless because other provisions of the regulation – such as Articles 29, 30, or 52 – provided (and have been used as) the legal basis for measures against newly identified pests together with dialogue with the Member States. However, a significant (non majority) share of those who responded confirmed the usefulness of Article 49 'in addressing emerging risks of non-regulated pests in a fast but technically justified manner'.

## Phytosanitary certificates

Respondents considered beneficial the requirement of Article 73 of the Plant Health Regulation that certain ('new'/'additional') commodities – listed in Part B of Annex XI to Commission Implementing Regulation (EU) 2019/2072 – needed a phytosanitary certificate in order to be imported into the EU ('the PC extension'). The benefits cited included an increased level of inspections that had led to an increased level of protection against pests, higher awareness of plant health among the relevant actors (including consumers/passengers), better traceability of the commodities, and – for non-EU NPPOs – increased accountability and improved detection capacities in pre-export inspections. Furthermore, the PC extension was considered by some respondents as beneficial in terms of trade. In particular, the PC extension did not lead to a major change in the overall trade of plants and at the same time, there was more trust between the actors in the supply chain, improved capacity for contract monitoring and enforcement, reduced overall risk and uncertainty, and fewer fraudulent practices.

Reported negative impacts of the PC extension, implying higher costs, included a greater administrative burden and workload, additional staff needs, the need to upgrade facilities and laboratories, the extra time and higher costs entailed by controls at the EU point of entry for the 'new' commodities. It was not possible to establish whether costs exceeded the benefits.

## Import prohibitions and derogations

Based on the stakeholder feedback received, the report assessed as 'working relatively well' the procedure for granting derogations from the prohibition of imports of certain commodities into EU territory, i.e. on the basis of a request of an interested third (non-EU) country, a derogation may allow imports of plants and plant products that are otherwise prohibited. A minority of EU-based respondents considered the derogation procedure to be lengthy, lack transparency, increase administrative and financial efforts or have a limited scientific basis. The report noted that further standardisation of the procedure could be envisaged. The Commission followed up by proposing the addition of a new Article 42a to the Plant Health Regulation.

The report notes that Article 42 of the Plant Health Regulation on the restriction of imports of high-risk plants, plant products and other objects was considered 'an effective provision' as regards enhancing the EU protection against pests. Although the list of high-risk plants was assessed as 'effective' in reducing the risk of pest outbreaks, there was a call for more transparency as regards

the procedure used by the Commission to establish the list. This deficiency is addressed by the Commission's proposal to amend Article 42(1) of the Plant Health Regulation to empower the Commission to adopt a delegated act describing the procedure for identifying and listing those high-risk plants, and the specific elements needed to carry out the assessment. Some respondents (a minority) considered that the provision has increased the administrative burden because of the complex border controls, inspections and surveillance measures. Nevertheless, respondents reported that the additional resources allocated to ensure compliance with the provision had increased Member States' capacity to trace high-risk commodities on the list and to identify high-risk plants, which have been removed from the list. Generally, the benefits of introducing the temporary prohibition of high-risk plants outweighed the costs.

### Official controls

The report did not present a conclusion as regards the effectiveness or harmonisation of import controls because respondents' feedback (collected in the context of the Commission report discussed here and which was relatively sparse) and the results of audits performed by the Commission on the implementation of the Official Controls Regulation were not coherent. For example, a (slight) majority of respondents found the implementation of the new rules on import controls to be 'effective' and 'harmonised', while some Commission audits found that the minimum requirements for border control posts (BCP) and control points (CP) were not ensured at national level. Another incoherence lay in the implementation of the new rules on sampling for physical checks performed by visual inspection. More specifically, while for respondents (in the context of the Commission report discussed here), with the new Plant Health Regulation the sample size was decided more uniformly thanks to clearer legal requirements, some Commission audits found significant differences in the practices for sampling for physical checks, which the Commission and Member States considered a weak point of implementation.

The report found that the costs (such as those of new staff recruitment and a higher workload for NPPOs) implied by the implementation of the official control requirements did not appear to have increased substantially. This may result from the fact that the number of BCPs and CPs has not changed a lot as result of the implementation of the regulation, and that the Commission's programmes for better training and safer food was adapted to the needs of plant health inspectors in charge of implementing the Official Controls Regulation.

## Report under Article 79(6) on the extension of the plant passport to all plants for planting

The report found that half of the respondents considered the extension of the plant passport to all plants for planting to have improved the traceability of the plants. The protection against Union quarantine pests, preparedness for the identification of new plant pests of EU concern and understanding and awareness of relevant stakeholders were rated as either improved or the same by most respondents. However, the extension was also assessed as burdensome and difficult by a majority of two thirds of the respondents. The difficulties concerned the transition to the new rules, their implementation, and the overall complexity of issuing or replacing a plant passport. They might also relate to the relatively short time since they were implemented – December 2019 to February 2021. The extension led to changes in terms of staff and workload for operators and NPPOs.

### Harmonised format of the plant passport

The respondents assessed positively the transition to a harmonised format of the plant passport across all Member States. The common format requirement led to changes in terms of staff and workload for NPPOs and operators.

## Attachment of the plant passport to the trade units

The report details implementation of Article 88 of the Plant Health Regulation requiring that a plant passport be attached to the trade unit. The feedback received shows that this has been one of the 'most difficult' changes introduced by the new Plant Health Regulation. More specifically, the transition to the new requirement has become 'burdensome' or 'very burdensome' for 65 % of the respondents and its implementation 'complicated' or 'much more complicated', as compared to the situation before, for an overwhelming majority of 81 %. Furthermore, half of the respondents thought that the complexity of issuing or replacing the plant passport has became more difficult. The following categories pose particular difficulty in terms of attachment: logs of wood, grass sods (turf in rolls), consignments with multiple small lots, multiple species in a single pot, and lots with multiple species.

The report notes a contradiction in the opinions of two categories of stakeholders, notably NPPOs and operators. While NPPOs considered that attaching a plant passport to the trade unit was useful and supported prevention, operators believed the opposite was true and proposed that the plant passport should be included among the commercial documents (for example, the invoices) and be made electronic, which seems to be supported by more than half of the respondents as feasible and useful. There were, however, concerns among some operators that an electronic plant passport would involve new burdens and costs, especially for small companies, and therefore, in their view, both paper and electronic plant passports should be available to help small producers.

The current 'attachment' requirement had led to changes in terms of staff and workload for NPPOs and operators. Furthermore, in addition to administrative burden, the requirement created additional costs for operators and the supply chain, in particular for some types of materials, or for the need of new information technology systems or equipment.

It is noted that the Commission proposal revises Article 88 on the physical attachment of a plant passport. In particular, the Commission would be able to adopt a delegated act to determine the plants, plant products and other objects that may be moved within the EU internal market with a plant passport associated with them in a way other than that of a physical attachment, owing to their size, shape or speed of trading making that attachment impossible or very difficult.

## Regulated non-quarantine pests

Under Article 85 of the Plant Health Regulation, the plant passport confirms that, in addition to being free from Union quarantine pests, the traded plant complies with the requirements for and measures against regulated non-quarantine pests. As regards this element of the scope of the plant passport, the report underlines that the regulation is not coherent with EU legislation on plant reproductive material in some specific cases. In particular, provisions (relating to regulated non-quarantine pests) on fruit propagating material and fruit plants and vine propagating material are contained in both pieces of EU legislation, which creates confusion about what legal requirements must be followed.

Given that the divergent opinions on the efficiency of the provision were equal in number, it was difficult for the report to draw clear conclusions on the benefits of the new requirements of the plant passport in relation to regulated non-quarantine pests. This might be due to the approach applied to seed certification; several respondents questioned the need for the plant passport to show information on compliance with the relevant requirements on regulated non-quarantine pests because official controls during and after seed certification already guarantee that the traded seed lots are free of regulated non-quarantine pests. The report considers that the inclusion of a requirement for compliance with the rules on regulated non-quarantine pests in the plant passport did not affect the efficiency of official controls for this pest category. This is so because most NPPOs and certification CAs were already doing simultaneous official controls for regulated non-quarantine pests and Union quarantine pests before the entry into force of the new Plant Health Regulation.

# European Parliament

## Resolutions

The European Parliament has addressed plant health in various resolutions. A few examples are given below.

In its 2022 resolution on an EU action plan for organic agriculture, in the context of improving the contribution of organic farming to sustainability, the European Parliament highlighted the importance of sufficiently available, high-quality organic seeds, heterogeneous material and high-yielding plant varieties, native varieties and locally adapted varieties. In particular, they have the potential to strengthen resilience against plant disease and the impact of climate change. Parliament encouraged the Commission and the Member States to step up efforts, including through specific actions, to improve the functioning of the organic seed market. It argued that transitional periods would be helpful in achieving this. It also called on the Commission to ensure that sufficient financial resources are allocated to research into organic seeds and animal breeding.

In 2021, in its resolution on the biodiversity strategy for 2030, Parliament highlighted the value of incorporating genetic diversity into planting considerations, as this limits the risk of pest attacks and the spread of disease, and of local/native species.

In its 2021 resolution on the farm to fork strategy, Parliament underlined that the imprudent use of pesticides is a significant source of soil, water and air pollution and negatively affects plant health as well as animal and human health. In this context, Parliament stressed that reduced use of pesticides must be matched by increased availability on the market of sustainable alternatives with equivalent effectiveness in plant health protection to chemical pesticides, in order to avoid the proliferation of plant pests.

In its 2018 resolution on the implementation of Directive 2009/128/EC on the sustainable use of pesticides (currently under revision in the context of the European Green Deal and its farm to fork strategy), Parliament acknowledged the need for more research in and development of preventive and indirect agro-ecological plant health care strategies.

In its 2018 resolution on prospects and challenges for the EU apiculture sector, Parliament recommended that Member States set up centres devoted to the breeding and safeguarding of native bee species. In this context, the importance of developing breeding strategies to increase the frequencies of valuable traits in local honeybee populations was underlined and the Plant Health Regulation was referred to as a regulatory instrument that could support Member States' efforts in this respect.

The European Parliament specifically addressed the outbreak of *Xylella fastidiosa* in a dedicated 2015 resolution adopted in plenary, based on a question for oral answer initiated by its Committee on Agriculture and Rural Development.

## Written questions

Several written questions concerning the implementation of the Plant Health Regulation have been addressed by individual Members of the European Parliament. The issues raised concern, among other things, the regulatory approaches applied to specific pests, plant passports, imports (including of citrus fruits) to the EU from third countries, exports from the EU to third countries, and official controls. Two examples of recent written questions directly relevant to the implementation of the Plant Health Regulation and the respective Commission answers are presented below.

Written question submitted by Jordi Cañas (Renew, Spain) on 14 September 2023

According to the Member, agricultural organisations across the EU were reporting that 'imports of citrus fruits from South Africa containing harmful organisms have tripled since 2022'. In particular, in the first half of 2022, 12 consignments of citrus fruit contaminated with the fungus *Phyllosticta*

*citricarpa* (causing the citrus black spot disease) were intercepted. In 2023, 37 consignments contaminated with the same pest were detected. According to Cañas, although the current EU rules on plant health aim to protect European agriculture and forestry by preventing the entry and spread of pests and diseases, the Commission continues to allow products to enter the EU from countries that repeatedly fail to comply with plant health requirements, putting the European agricultural sector and food safety in the EU at risk. In this context, he asked the Commission the following questions: (i) what steps does the Commission propose to take to put an end to this situation, and (ii) will the imports from countries – such as South Africa 'that cannot guarantee that they have taken the plant health measures requested by the EU' – be temporarily suspended.

Answer given by Stella Kyriakides on behalf of the Commission on 7 November 2023

In her answer, the Commissioner explained that Commission Implementing Regulation (EU) 2019/2072 had put in place import measures for several quarantine pests related to citrus fruits, including measures for *Phyllosticta citricarpa*. In addition, Commission Implementing Regulation (EU) 2022/632 had set temporary measures for specified fruits (including citrus fruits) imported from Argentina, Brazil, South Africa, Uruguay and Zimbabwe to prevent the introduction into, and the spread within, the EU of the pest *Phyllosticta citricarpa*. The Commission had also had several exchanges with South Africa over the course of the season, urging it to take immediate action including the suspension of trade. In the Commissioner's words, 'Subsequently, the Citrus Growers' Association of South Africa announced in the news the suspension of trade starting from 15 September 2023'.[11] The Commission would discuss imports of citrus fruits with the EU Member States at the Standing Committee for Plants, Animals, Food and Feed after the end of the current season in order to decide on the way forward ahead of the following season.

Written question submitted by Clara Aguilera (S&D, Spain) on 10 May 2022

The Member stated that Spain accounted for 55 % of global olive oil production. Her region, Andalusia, was home to 80 % of Spain's production and the industry played a vital role in rural areas' household income. Spanish olive growers were fighting various diseases. The biggest threats to olive trees were the bacterium *Xylella fastidiosa* and the fungus Verticillium wilt (possibly caused by the soil-borne fungus *Verticillium dahliae*). In this context, she asked the Commission the following two questions: (i) what were the impacts of both diseases on the European olive industry and how prevalent were they; and (ii) what measures had been taken to detect, prevent and treat both pests.

Answer given by Stella Kyriakides on behalf of the Commission on 8 July 2022

In her answer to the first question, the Commissioner referred to JRC estimates. According to the data available, a generalised spread of *Xylella fastidiosa* could cost the EU more than €5.5 billion per year owing to loss of production. Potential export losses would cost additional €0.7 billion per year. If the bacterium fully spreads across the EU, it could affect over 70 % of the Union's production value of olive trees older than 30 years, and 35 % of the younger trees. As regards Verticillium wilt, the Commissioner referred to an EFSA opinion, which predicted yield falls of 50 % or more for planted olive trees in the affected areas.

In her answer to the second question, the Commissioner explained that *Xylella fastidiosa* is regulated as a Union quarantine pest under the Plant Health Regulation. Commission Implementing Regulation (EU) 2020/1201 set up measures against its spread. Furthermore, Spain had received EU co-financing support for the costs relating directly to survey programmes, eradication and containment measures to fight the bacterium under Regulation (EU) 652/2014 laying down, among others, provisions for the management of expenditure on plant health and plant reproductive material, and Regulation (EU) 2021/690 establishing the single market programme. According to EFSA, no cure for plants affected by *Xylella fastidiosa* was yet available.[12] The results of two projects financed under the Horizon 2020 programme had improved knowledge of *Xylella fastidiosa*, and in particular on how it should be managed to prevent greater economic losses.[13] On *Verticillium dahliae*, the Commissioner explained that the fungus was listed as a Union regulated non-quarantine pest in Commission Implementing Regulation (EU) 2019/2072. Furthermore,

requirements had been laid down and measures put in place in the EU to prevent the presence of the pest on plant propagating material under Commission Implementing Directive 2014/98/EU.

## Petitions

The European Parliament's Committee on Petitions has received and discussed a number of petitions submitted by EU citizens concerning plant health. These concern, among others, the situation of Valencian orange growers (Petition No 0280/2019), the introduction of an EU-wide quarantine requirement for imported plants (Petition 0674/2019), the possibility of using alternative techniques to treat olive trees affected by *Xylella fastidiosa* (Petition No 0462/2018), the measures adopted to control *Xylella fastidiosa* (Petition No 1095/2020), and the moth *Cydalima perspectalis* destroying plants of the buxus family (Petition No 0581/2018).

# Council of the European Union

The Council addressed plant health in its 2020 conclusions on the 'farm to fork' strategy. The document highlighted the importance of the precautionary principle, a risk-based approach, and biosecurity in safeguarding plant health along with animal health, soil health and food safety in the EU and worldwide, as well as in supporting livelihoods and food security. In this context, ministers welcomed the Commission's objective to improve plant health protection and called on the Commission to achieve this objective in parallel to maintaining a high level of protection for the environment and public health. They also stressed that EU trade policy should seek to obtain ambitious commitments from third countries in several key areas, including plant health and the sustainable use of pesticides, and also ensure their effective implementation.

# ENDNOTES

1 Provisional prohibitions are amended by Commission implementing regulations amending Commission Implementing Regulation (EU) 2018/2019, which established the list of high-risk plants whose introduction into the EU was provisionally prohibited from 14 December 2019 until a full risk assessment had been carried out.

2 'Commission work programme 2024 – Delivering today and preparing for tomorrow', COM(2023) 638 final, European Commission, October 2024. See the initiative in Annex II, Section B 'Additional proposals and initiatives to rationalise reporting requirements adopted by the Commission alongside the work programme and afterwards'.

3 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, COM(2023) 661 final, European Commission, 2023.

4 The explanatory memorandum of the proposal states on p. 6 that: according to the analysis carried out by the Commission, the proposed amendments do not bear significant economic, environmental, or social impacts. 'The Commission hence decided not to carry out an impact assessment for the targeted technical amendments included in the proposal'.

5 The communication stresses the importance of a regulatory system ensuring that objectives are reached at minimum costs. The Commission has therefore committed to rationalise and simplify reporting requirements, the ultimate aim being to reduce such burdens by 25 % without undermining the relevant policy objectives.

6 COM(2021) 786 final and COM(2021) 787 final.

7 See the five technical reports on the Commission's food safety web page. The Commission specifies that the analysis in the context of both reports is hampered by three factors: i) some stakeholder categories provided partial contributions that affected the representativeness of the data collected and hence the analysis cannot be conclusive for these categories; ii) the very short time between the entry into application of the provisions under scrutiny (December 2019) and the feedback request (February 2021); and iii) the impact of the COVID-19 pandemic on trade and activities relating to the scope of the reports.

8 The report on imports includes the following reference to the audit reports.

9 The EU legislation on the production and marketing of plant and forest reproductive material in the EU is currently under revision. The relevant Commission proposals amend, among others, the Plant Health Regulation.

10 Currently, Article 71(2) of the Plant Health Regulation does include such a requirement.

11 The statement does not refer to a specific source.

12 The statement does not refer to a specific EFSA source.

13 See the projects 'Pest organisms threatening Europe' and 'Xylella Fastidiosa Active Containment Through a multidisciplinary-Oriented Research Strategy'.

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