EU Plant Health legislation and new Regulation

FAO-EBRD Egypt Grain Sector Policy Dialogue
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The EU Plant Health legislation

- International context
  - WTO-SPS Agreement
  - FAO - IPPC
The EU Plant Health legislation - International context

- WTO-SPS Agreement

- WTO
  - Multilateral governing body of international trade.
  - Agreements negotiated and ratified by parliaments.
  - Objective: To facilitate trade relations.
  - Tools: Dispute settlement – to resolve trade quarrels.
The EU Plant Health legislation - International context

➢ WTO-SPS Agreement

❖ SPS-Agreement allows countries to set their own sanitary and phytosanitary regulations

But:

✓ On a scientific basis.
✓ Proportional.
✓ Non arbitrarily.
✓ Following international standards.
The EU Plant Health legislation - International context

➢ WTO-SPS Agreement

△ SPS-Agreement Sanitary and phytosanitary measures can take many forms, such as:

✔ Requiring products to come from a pest-free area.

✔ Inspection of products.

✔ Specific treatment or processing of product.

✔ Or allowing only specific purposes.
The EU Plant Health legislation - International context

➢ WTO-SPS Agreement

❖ SPS-Agreement

Principles:

✓ Harmonization
✓ Equivalence
✓ Scientific justification
✓ Regionalization
✓ Transparency
✓ Special treatment for developing countries
The EU Plant Health legislation - International context

- International context
  - WTO-SPS Agreement
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The EU Plant Health legislation - International context

- **FAO – IPPC**

**What is the FAO?**

- Eliminate hunger, food insecurity and malnutrition.
- Agriculture, forestry and fisheries more sustainable.
- Neutral forum for the negotiation of agreements and political debate.
- Source of knowledge and information.
The EU Plant Health legislation - International context

➢ FAO – IPPC

The FAO International plant Protection Convention (IPPC)

- International Plant Health agreement.
- Aim: to protect wild and cultivated plants by preventing the introduction and spread of pests.
- 182 contracting parties or signatory countries.
- Coordination, elaboration and issuance of International Standard Phytosanitary Measures -ISPM.
The EU Plant Health legislation - International context

- International Standards for Phytosanitary Measures (ISPMs)

**ISPM**: plant health recommendation to be considered as international harmonization in the frame of the SPS agreement.

- The IPPC has developed up to 37 so far.
- ISPM 7: phytosanitary certification system.
- ISPM 12: phytosanitary certificates.
- ISPM 15: regulation of wood packaging material in international trade.
- ISPM 23: guidelines for inspection.
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Directive 2000/29/EC

- Basic legislation on Plant Health for the EU
- Quarantine harmful organisms
- Prohibited products
- Especific requirements
- Regulated products
EU Plant health legislation and new regulation

Directive 2000/29/EC

How does it work? How should I seek for information when exporting to the EU?

Annex III
Prohibited Products

Annex V part B
Regulated Products

Annex IV part A
Especific requirements
EU Plant health legislation and new regulation

Directive 2000/29/EC

How does it work?

Annex III Prohibited products

Only imported under the especific exception for trial or scientific purposes and for work on varietal selections
 Directive 2000/29/EC

How does it work?

Annex V part B Regulated products

Plants, plant products or other objects that must undergo a Plant Health Inspection to be imported to the EU and come along with a Phytosanitary Certificate.
Directive 2000/29/EC

How does it work?

Annex IV part A Specific requirements

Particular conditions to be fulfilled regarding:

✓ Requiring products to come from a pest-free area.
✓ Inspection of products.
✓ Specific treatment or processing of product.
✓ Or allowing only specific purposes.

Official statement through Additional Declarations (box 11 PC)
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Emergency decisions and Derogations

Directive 2000/29/EC

Emergency Decisions

Derogations
Emergency decisions and Derogations

- Emergency decisions
  - Triggered under exceptional circumstances related to risks: EUROPHYT
  - Apply reinforced measures on a temporary basis
  - Regards a Product / Country – Group of Countries / Harmful Organism
Emergency decisions and Derogations

Emergency decisions

- **Anoplophora chinensis**
  - Decision 2012/138/EC
  - China / plants for planting
  - Registered place of production – PoE inspection: destructive sampling.

- **Anoplophora glabripennis**
  - Decision 2015/893/EU
  - 3c / plants for planting and wood other than WPM
  - Registered place of production – PoE inspection destructive sampling.

- **Epitrix spp.**
  - Decision 2012/270/EU
  - 3c where *Epitrix* is present / potato tubers
  - PFA - <0,1% soil
Emergency decisions and Derogations

Emergency decisions

**Gibberella circinata**
- Decision 2007/433/EC
- 3p / *Pinus* L. and *Pseudotsuga menziesii* propagating material
- PFA or PFC.

**Pepino mosaic virus**
- Decision 2004/2000/EC
- 3c / tomato seeds
- PFE – Sampling test.

**Phytophthora ramorum**
- Decision 2002/757/EC
- US / plants for planting, wood and bark
- PFA – Registered producers – Kiln drying
Emergency decisions and Derogations

Emergency decisions

**Pomacea**
- Decision 2012/697/EU
- 3p / water plants for planting
- Additional specific requirements.

**Pseudomonas syringae pv. actinidiae**
- Decision 2004/2000/EC
- 3c / plants for planting and live pollen of Actidia Lindl.
- PFA – Additional specific requirements - Sampling test.

**Spodoptera frugiperda**
- Decision 2018/638/EC
- 3p/ several fruits and plants originating in Africa or in the Americas
- Additional specific requirements
Emergency decisions and Derogations

Emergency decisions

- **Xylella fastidiosa** Decision UE 2015/789
  - Background: 2013 outbreak in Italy.
  - Pathway: origin California (US), Coffea plants from Central America.
  - DEC 2014/81/UE: first movement restrictions.
  - Host: EFSA finds 563 species.

- **Phylosticta citricarpa** Decision UE 2016/715
  - Ba1. 2003: ES suspended imports from AR & BR due to repeated CBS findings.
  - 2. 2004: UE - additional measures for AR & BR: PFA, monitoring & registration

- **Aromia bungii**
  - Decision (UE) 2018/1503
  - 3p/ plants for planting of Prunus spp.
  - Additional specific requirements
Emergency decisions and Derogations

Derogations

- Provide exceptions to some requirements
- Principle of Equivalence
  - Ej: *Chamaecyparis, Juniperus, Pinus* from Japan and Korea
  - Strawberry plants from Argentina or Chile
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Cases of interest for Egypt

- For Egypt, the export of some Annex III products is allowed:
  - Potatoes
  - *Solanaceae* plants (ie Petunia)
  - Soil and growing media
  - Plants intended for planting of *Phoenix, Cydonia, Malus, Prunus, Pyrus* and *Fragaria*
  - Some taxa of *Gramineae* family intended for planting.

- Emergency Decision 2016/787/EC
  - Potatoes
  - *Ralstonia solanacearum*
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The New Regulation

Background

- 2008 – EU triggered the revision of the EU Plant Health Regime
  - Single market (Directive 77/93/EEC)
  - Globalization
  - EU Enlargements (EU9 – EU27)
- Regulation (EU) 2016/2031, on protective measures against pests of plants
- Regulation (EU) 217/625, on official controls
The New Regulation

➢ Globalization

❖ Increasing plant health risk
The New Regulation

1957-2013 Enlargements
The New Regulation

New Developements

1. PROHIBITION
- Permanent or temporary

2. REGULATION
- Imports undergo Specific Requirements and PC
- Compulsory control 100%

3. WIDESPREAD CONTROL
- All vegetables come along with a PC

4. PC EXEMPTIONS
- Free import with no PC
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The New Regulation

New Developments

- Temporary BAN: HIGH RISK PLANTS

  - Article 42 – Regulation (EU) 2016/2031
  - Implementing act issuance by December 2018
  - In force 14 – December - 2019
The New Regulation

New Developments

Temporary BAN: HIGH RISK PLANTS

- Products: – DRAFT – Plants for planting – Plants of *Ullucus tuberosus* - Fruits of *Momordica*

- REQUEST FOR LIFTING PROHIBITION: Risk Assessment to EFSA:
  - Commodity data
  - List of pests potentially associated with the commodity in the exporting country
  - Data on phytosanitary treatments and inspections
The New Regulation

New Developments

NEW RECALCULATED PRODUCTS: Compulsory Checks and PC

- Avocados
- Strawberries
- Raspberries
- Grapes
- Kiwis
- Papayas
The New Regulation

New Developements

-WIDESPREAD CONTROL: PC Request: For All vegetable not excluded

✓ Products excluded: – DRAFT – pineapples, coconuts, durian, bananas, dates.
✓ CONTROL CONDITIONS: DRAFT - % documentary/identity/physical checks
The New Regulation

- Impact on Egypt exports
  - Temporary ban: No impact foreseen.
  - New Regulated products: Strawberries, Raspberries and Grapes shall undergo official Plant Health inspections to be imported into the EU – PC shall also be issued.
  - Widespread control: PC Request: For All vegetables not excluded.
Thank you very much for your attention

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