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Overview of the New EU Plant Health Law

1 Existing EU Plant Health Law

At EU level, responsibility for plant health lies with Directorate General (DG) Health and Consumers. In collective terms, the legislation set out within this section of the paper is commonly referred to as the Community Plant Health Regime (CPHR).

The issue of plant health within the EU is currently legislated for within Council Directive 2000/29/EC which was adopted on the 8th May 2000. This legislation was designed to protect European agriculture and forestry from the potentially damaging effects of non-native harmful organisms by stopping the entry into and spread of the same within the EU. Key components of the legislation include:

- The plant passport system – for the trade of certain plants and plant products within the EU;
- The requirement for importers of plants both into and within EU Member State to be registered with their National Body responsible for plant health;
- The identification of plant species which are subject to particular inspection and control requirements within a series of annexes.

The Plant Health Order (Northern Ireland) 2006 effectively implemented the obligations that Northern Ireland had to meet as a result of previously covered EU legislation (Council Directive 2000/29/EC).

In November 2008 the European Council asked the Commission to conduct an evaluation of the EU plant health regime with a view towards identifying potential changes and improvements to the current regime.

This review was completed in 2010 and concluded, amongst other things that there was a need:

- to focus more on prevention in light of increased imports of high risk commodities into the EU;
- for the prioritisation of harmful organisms at EU level across all Member States;
- for better measures for controlling the presence and natural spread of harmful organisms which manage to enter EU territory; and
- for modernised and upgraded measures central to control movement of plants within the EU, namely plant passports and protected zones.

2 New EU Plant Health Law

Based upon the recommendations made in the 2010 evaluation, the European Commission has decided to make a revised EU plant Health Law a key component of the upcoming Food and Feed Safety Package, which is now scheduled to be presented during the week beginning the 6th May 2013.

In the absence of detailed proposals, Commission officials have revealed that the Plant Health Law component of the Food and Feed Safety Package will seek to accomplish the following:

- a revision of the scope of the plant health legislation;
- a simplified and standardised plant passport system for intra EU trade;
- the adoption of a prioritisation approach for combating harmful organisms within the EU which would include the introduction of harmonised surveillance and eradication obligations so that pests from 3rd countries are detected and eradicated in a timely fashion;
- create a new category for pests – priority organisms – for which stricter obligations would apply and the eradication of which would be supported by enhanced EU co-financing in an effort to compensate operators for damages caused by the destruction of plant material during eradication;
- introduce stricter requirements for the maintenance of protected zones.

The expected proposal will follow the ordinary legislative procedure and as such will be subject to co-decision, ie will require the agreement of European Council and Parliament prior to adoption.