

**PROVISIONS
OF THE NEW EU PLANT HEALTH LAW
CONCERNING
CONTINGENCY MEASURES**

Jacek Żandarski

Sarajevo, 7-8 December, 2016

Content

- What is the new EU Plant Health Law?
- Concept of priority pests
- Contingency plans for priority pests
- Simulation exercises for priority pests
- Action plans for priority pests
- Union measures for specific Union quarantine pests
- Conclusions



Regulation of the European Parliament and of the Council on protective measures against pests of plants (the new Plant Health Law, PHL)

OJ%3AC%3A2016%3A3 × +

file:///C:/Users/Jacek/Desktop/UE%20new%20law/OJ%253AC%253A2016%253A376%253AFULL%253AEN%253ATXT.pdf

3 z 116

COUNCIL

POSITION (EU) No 16/2016 OF THE COUNCIL AT FIRST READING

with a view to the adoption of a Regulation of the European Parliament and of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC

Adopted by the Council on 18 July 2016

(2016/C 376/01)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

17:03
29.11.2016

Concept of priority pests

- Article 3 of the new PHL provides definition of quarantine pests
- Article 4 provides definition of Union quarantine pests
- Article 6 establishes a term „*priority pests*“
 - (a) they fulfil, as regards the Union territory, one or more of the conditions set out in point (2) of Section 1 of Annex I;
 - (b) their potential economic, environmental or social impact is the most severe in respect of the Union territory as set out in Section 2 of Annex I
- Article 24 lists provisions related to obligatory surveys for the presence of priority pests

Contingency plans for priority pests

Article 25

- Each MS shall draw up and keep up to date, for each priority pest which is capable for entering and establishment, a contingency plan (...)
- No need to draw up plans for pests which are not relevant for a particular MS



Contingency plans for priority pests

Contingency plans shall contain:

- the roles and responsibilities of the bodies involved in the execution of the plan, as well as the chain of command and procedures for the co-ordination
- access of competent authorities to premises of relevant operators and natural persons
- access of competent authorities, where necessary, to laboratories, equipment, personnel, external expertise
- measures to be taken concerning the provision of information to the Commission, the other MS, etc.



Contingency plans for priority pests

Contingency plans shall contain (cont.):

- arrangements for recording findings of the presence of the priority pest concerned
- the available assessments as regards the risk
- principles for the geographical demarcation of demarcated areas
- protocols describing the methods of visual examinations, sampling and laboratory testing
- principles concerning the training of personnel of the competent authorities and, where appropriate, the bodies, public authorities, laboratories, professional operators and other persons

Simulation exercises for priority pests

Article 26

- Member States shall carry out simulation exercises concerning the implementation of the contingency plans
- Those exercises shall not be required where the Member State concerned has recently taken measures for the eradication of the pest or pests concerned
- Simulation exercises concerning priority pests (...) may be carried out together with other Member States, or, in specific cases, even with neighbouring third countries

Action plans for priority pests

Article 27

- Where the presence of a priority pest is officially confirmed in the territory of a MS, the competent authority shall immediately adopt a plan (*the 'action plan'*) setting out the measures for the eradication of that pest
- The action plan shall be based on the relevant contingency plan and shall be immediately communicated by the competent authority to the professional operators concerned

Union measures for specific Union quarantine pests

Article 28

The Commission may, by means of implementing acts, set out measures against specific Union quarantine pests. Those measures shall implement, specifically for each of the pests concerned, one or more of the following provisions:

- measures to be taken in the event of suspicion and official confirmation of the presence of that pest
- measures to be taken immediately by professional operators
- measures to be taken by persons other than professional operators

Union measures for specific Union quarantine pests

- on eradication of Union quarantine pests
- on establishment of demarcated areas
- on surveys and modifications of demarcated areas and lifting of restrictions
- on surveys on Union quarantine pests and pests provisionally qualifying as Union quarantine pests
- on surveys for priority pests, as regards the number of visual examinations, samples and tests for particular priority pests
- on concerning contingency plans for priority pests
- on simulation exercises for priority pests
- on action plans for priority pests

Conclusions

- The new EU PHL provides a number of specific provisions related to quarantine pests, surveys on them, and contingency planning
- This puts a number of obligations on relevant Competent Authorities
- This also requires a lot of efforts to be made by Competent Authorities
- Simulation exercises seem to be a novelty among the activities of plant health services
- Member States will be required to report on fulfilling of obligations imposed by the new PHL

THANK YOU FOR YOUR ATTENTION

