OVERVIEW REPORT
OF THE RESULTS OF A SERIES OF MISSIONS
CARRIED OUT IN MEMBER STATES
IN ORDER TO
EVALUATE THE IMPLEMENTATION OF THE PLANT PASSPORT SYSTEM
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### ABBREVIATIONS AND DEFINITIONS USED IN THE REPORT

<table>
<thead>
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<th>Acronym</th>
<th>Description</th>
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<tr>
<td>EU</td>
<td>European Union</td>
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<td>FVO</td>
<td>Food and Veterinary Office of the European Commission</td>
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<tr>
<td>Internal</td>
<td>the regime of controls under the Plant Passport System within the Community</td>
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<td>market</td>
<td></td>
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<tr>
<td>checks</td>
<td></td>
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<td>MS</td>
<td>Member State(s)</td>
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<tr>
<td>ROB</td>
<td>Responsible Official Body within the meaning of Article 2(1)(g) of Council Directive 2000/29/EC</td>
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<tr>
<td>Plant Passport System</td>
<td>the system based on the registration of producers, authorisation for preparing, storing and issuing plant passports and the regime of controls</td>
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<tr>
<td>Regulated articles</td>
<td>those items (plants, plant products and other objects) which require a plant passport in order to circulate within the Community i.e. those listed in Annex V Part A to Council Directive 2000/29/EC</td>
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<td>RP</td>
<td>Replacement Plant Passport(s)</td>
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<td>ZP</td>
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EXECUTIVE SUMMARY

This report provides an overview of the outcome of a series of seventeen missions carried out by
the Food and Veterinary Office from 2004 to 2006, with the objective of evaluating the
implementation of the plant passport system, with particular reference to registration of
establishments, authorisation to issue plant passport and official controls.

Findings of the mission series showed that the implementation of the plant passport system
cannot be considered fully adequate or appropriate in the European Union, especially with regard
to plant health checks and movement of regulated articles into protected zones. This could
compromise the internal market control system for plant health and in particular for the protected
zones.

Findings of the mission series showed also other failures in the implementation of the relevant
Community legislation, i.e. format of plant passports, attachment to the regulated articles, issuing
of replacement plant passports. In some areas (i.e. exemptions for local market, small producer,
etc.) implementation across the Community varied substantially.

Contributing to the problems in many Member States is the insufficient knowledge of the
requirements of the plant passport system amongst inspectors and stakeholders.

The individual reports made a number of recommendations addressed to the Member States,
aimed to address the shortcomings found during the missions in order to ensure that controls
operated by Member States are fully harmonised and effective in preventing the introduction and
spreading of harmful organisms in the internal market. Action has been taken or promised in
response to many of these recommendations, and the Commission will continue to monitor the
implementation of the action plans provided by the Member States.
1. **INTRODUCTION**

The Food and Veterinary Office (FVO) undertook a series of missions to 17 Member States (MS) in order to evaluate their implementation of the plant passport system against relevant Community legislation.

Information used to select MS and places to visit included notifications of interception received by the Commission, experience from previous FVO missions and information from the trade and other sources. The list of MS visited and the mission period are presented in the Annex I.

Differences between the approaches of individual MS initially became apparent following a series of missions undertaken to all MS in 1995 and 1996 by the Office of Veterinary and Phytosanitary Inspection and Control (OVPIC), the predecessor of the FVO. The purpose of that series of missions was mainly to enable discussion with all MS about the way the plant passport system was implemented, the experience gained two and a half years after its introduction, and possible amendments of the relevant Community legislation. A summary report was prepared in July 1996 and presented to the Chief Plant Health Officers. The conclusion was that the plant passport regime granted sufficient protection against the spread of quarantine organisms within the EU, and no major changes in the basic principles underlying it were considered necessary.

In 2001, the Working Party of the Council of EU on Agricultural Questions (Plant Health) discussed matters related to the internal market and plant health and suggested to examine the implementation of the plant passport regime, especially considering the protection ensured to the protected zones.

In 2004 and 2005, eleven of the fifteen States, which were Members of the European Union (EU) before 1 May 2004, including all of the major producer and trader countries, were visited again in order to establish a detailed picture of the systems in place. From the second half of 2005, the series was extended to include the MS that joined the EU on 1 May 2004 and six of those were visited.

The final mission reports, along with any comments received from their Single Authority (SA) in response to the draft report, are available on the FVO’s web-site: [http://ec.europa.eu/comm/food/fvo/ir_search_en.cfm](http://ec.europa.eu/comm/food/fvo/ir_search_en.cfm)

An overview of the main findings related to the mission series is presented in Annex II to this report.

It should be noted that the text in this overview report reflects the situation found at the time of the missions, which may since have changed. References in the report to "all MS", "most MS" etc. should be understood in context of the 17 MS visited only.

2. **OBJECTIVES AND IMPLEMENTATION OF THE MISSIONS**

The objective of each mission was to evaluate the implementation of the plant passport system, with particular reference to the registration of establishments, authorisation to issue plant passports and official controls.

In pursuit of this objective, each mission included a number of visits to places where plant health checks are regularly carried out, including places for the production and sale of regulated articles and warehouses and dispatching centres for citrus fruits and ware potatoes. Each mission also included an opening and closing meeting.
The mission team was accompanied by a representative of the Single Authority (SA). An evaluation plan and a pre-mission questionnaire were sent to each SA, requesting information and data relevant to the mission, which were used in the planning and execution of the missions. Most missions also included a national expert from another Member State.

3. LEGAL BASIS FOR THE MISSIONS AND RELEVANT LEGISLATION

The missions were carried out under the general mandate of Article 21 of Council Directive 2000/29/EC.

The following legislation was of particular relevance to this mission series:

- Council Directive 2000/29/EC\(^1\) of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community;
- Commission Directive 92/90/EEC\(^2\) of 3 November 1992 establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration;
- Commission Directive 92/105/EEC\(^3\) of 3 December 1992 establishing a degree of standardisation for plant passports to be used for the movement of certain plants, plant products or other objects within the Community and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement;
- Commission Directive 93/50/EEC\(^4\) of 24 June 1993 specifying certain plants not listed in Annex V, part A to Council Directive 77/93/EEC, the producers of which, or the warehouses, dispatching centres in the production zones of such plants, shall be listed in an official register;
- Commission Directive 93/51/EEC\(^5\) of 24 June 1993 establishing rules for movements of certain plants, plant products or other objects through a protected zone and for movements of such plants, plant products or other objects originating in and moving within such a protected zone;
- Commission Decision 2002/757/EC\(^6\) of 19 September 2002 on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in ’t Veld sp. nov.

Community legislation cited in this report refers to the version as last amended.

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\(^1\) OJ L 169, 10.07.2000, p.01
\(^2\) OJ L 344, 26.11.1992, p.38
\(^3\) OJ L 004, 08.01.1993, p.22
\(^4\) OJ L 205, 17.08.1993, p.22
\(^5\) OJ L 205, 17.08.1993, p.24
4. CONCLUSIONS

4.1. Legislation

In general, Community legislation relevant to the plant passport system has been transposed correctly by the MS. However, one Member State had not fully transposed Article 3 of Commission Directive 92/105/EEC and another had not transposed Commission Directive 93/51/EEC. Delay in the transposition of updating Community legislation was also noted. This could result in the possibility that registered entities sell regulated material which has not been officially inspected and does not have a plant passport.

The inspectors had the necessary legal powers to carry out their duties.

From the findings collected during the missions, the mission teams concluded that some points of the relevant Community legislation were not implemented because MS found them impractical, either for the trade or for the Responsible Official Bodies (ROB). They included in particular the requirements for attaching labels and for preparation and issuing of replacement plant passports.

4.2. Competent authority performance

In general, the Single Authorities (SAs) and the official bodies responsible for the implementation of the plant passport system have a well-defined structure and the legal competence to carry out their functions, which are clearly defined.

The ability of the SAs to carry out the duties envisaged in Article 1(4) of Council Directive 2000/29/EC is compromised in several MS by shortages of staff, and in two cases by the lack of national networks for data distribution. Moreover, this ability was found to be further compromised in one MS where authority has been delegated to other services, where these are not adequately supervised.

The capacity of some of the responsible official bodies to carry out plant health checks is restricted due to shortages of staff and other resources. This capacity is further limited in some MS by the broad range of duties to be performed by inspectors and also by the lack of specific training and handbooks for inspectors and up-to-date legislation.

Due to the fact that some inspectors met by the mission teams were not fully familiar with the specific requirements, especially for protected zones (ZP), the mission teams concluded that there was a need for training and specific guidelines on how to perform checks, handle outbreaks, especially concerning the consequences for the issuing of plant passports, paying particular attention to ZP.

In general, in those MS where resources were available and considerable attention was given to the plant passport regime during training courses, the implementation of it was found to be more effective and in compliance with the relevant legislation.

Although the ROBs generally maintain a good level of contact with producers and the trade, in many cases specific leaflets on plant passports issues were not available or out-of-date and many of the operators had insufficient knowledge of the purpose and working of the plant passport system or their responsibilities.
4.3. Plant passport system

Registration

Producers, importers of plants listed in Annex V, Part A to Council Directive 2000/29/EC and collective warehouses and dispatching centres for ware potatoes and citrus fruits were found to be registered in almost all MS as required by Article 6 (5) of the same Directive and Article 1 of Commission Directive 93/50/EEC. In two MS, registration was not complete. In one, producers of ware potatoes engaged in retail sale were not registered and in another, some dispatch centres of seed potatoes and some producers, sub-contracted for seed or propagating material production, were not registered.

In all MS, there were appropriate registration procedures, which were harmonised at national level.

An official register of producers was always available and regularly updated. In most MS, there was a national register in electronic form. Although not a legal requirement, such an electronic register was found to be useful for coordination purposes and traceability in the event of outbreaks.

In two MS, prompt notification by the producers of changes in their production was not obligatory. This is not in compliance with Article 1(5) of Commission Directive 92/90/EC and, as a consequence, there is a risk that plants are sold without being officially inspected or accompanied with proper plant passports.

The obligations laid down in Article 2(2) of Commission Directive 92/90/EC were not fully respected by registered establishments, specifically with regard to keeping an updated plan of the premises, keeping records and carrying out visual observations following guidelines issued by the responsible official body. This could be related in some cases to a lack of awareness among producers or a lack of control by the inspectors, but also for reasons of impracticality, i.e. keeping a detailed plan for glasshouses with high turnover of plants.

Based on point (d) of Article 2(2) of the same Directive, ROBs need to provide guidelines for producers on how and when to perform visual observations, with the view to strengthen the cooperation in detecting the presence of harmful organisms. This crucial element was neglected in most MS with producers generally receiving only sporadic, oral guidance. Written material, as seen in a couple of MS, or a simple handbook would be more appropriate to help producers to control their production according the requirement of the EU legislation.

Authorisation, preparation and issuing of plant passports

In most MS, a specific authorisation is given to those registered establishments that want to issue plant passports. In some MS, a visit before registration or before authorisation for issuing plant passports is also carried out. Although under the legislation this is not strictly required, these are good practices in order to better organise the internal market controls and to verify that registered establishments are aware of their obligations and have the capacity to fulfil them.

In most MS, the plant passport was produced, printed and then stored by the registered establishments in varying formats. In some MS the lay-out was standardised at national level and in three MS, most plant passports were produced and delivered by the ROB. In one MS the ROB prints and delivers all plant passports after required inspections and tests have been
performed. In this way the ROB has complete control: all regulated material ready for sale is officially inspected and the number and format of plant passports is fully controlled.

Individual plant passports, consisting of a label with all the information required, were mainly employed for fruit trees and vegetable propagating material. Their use was found in compliance with Article 1 and 3 of Commission Directive 92/105/EEC.

The use of a label as a combined plant passports for certified plant propagating material (including seed potatoes) or material of the CAC category was functioning well.

For other material, the format of the plant passport did in most MS not comply with Article 1 and 3 of Commission Directive 92/105/EEC. In fact, most plant passports consisted of accompanying documents only, which had, in some cases, a stamp or a sticky label attached and which were not attached to the regulated items.

In some MS, where registered establishments produce plant passports without following a standard format, inspectors and producers found it difficult to recognise the official plant passports and to find all the relevant information, when this was mixed with commercial information on an accompanying document. A higher degree of standardisation of the plant passports layout, as seen in some MS, could be helpful for inspectors and producers to solve this problem.

In many MS, in the case where the plant passport was an accompanying document, the plant passport was routinely issued also for non-regulated material. If we also consider that numerous mistakes were observed by the mission teams in most of the MS in entering information on plant passports, it would appear that plant passports often are considered more a simple administrative formality rather than a document which provides real plant health guarantees.

For the purpose of trace-back and trace-forward in the event of an outbreak, it was evident from these missions that the plant passport itself does not ensure full traceability. It generally enables trace-back to the previous producer only. Tracing back to the origin is possible only via the producers’ internal record keep ing system and requires that such a system is of a good standard. The obligatory keeping of a standardised log-book by the producers, with complete information concerning the origin, the cultivation and the purchaser and plant passport references, as in place in some MS, could be helpful for ensuring traceability and compliance with Article 2, point 2(b) of Commission Directive 92/90/EEC.

It was clear that only the individual plant passport (a label with ten particulars) can ensure trace-back to the original producer.

The provisions concerning the storage of plant passports for at least one year were implemented correctly in all MS.

In general, plant passports reached the final consumer not professionally engaged in plant protection, only in the case of individual plant passport attached to the plants or their packaging. In most cases, plant passports were kept by commercial purchasers and regulated articles were sold to the final consumers, not professionally engaged in plant production, without any plant passport (including plants listed in Annex V, Part A, Section I, Point 1, to Council Directive 2000/29/EC, e.g. fireblight host plants). This is not in compliance with Article 10(2) of the same Directive, which requires that regulated articles ‘may not be moved within the Community without a plant passport attached to them’. While there are
exemptions from this for certain articles prepared and ready for sale to the final consumer (listed in Annex V, Part A, Section I, Point 2 and 3 to Council Directive 2000/29/EC), there is no such exemption for the species mentioned in Point 1 of the same Section.

Replacement plant passport

In most MS, the implementation of replacement (RP) plant passport provisions was not in compliance with the relevant legislation (Article 10(3) of Council Directive 2000/29/EC and Article 2(f) of Commission Directive 92/105/EEC). Producers generally used normal plant passports instead of RP plant passports for confidentiality and practical reasons and if RP plant passports were used, these were prepared by the establishments themselves and not by the ROBs as required by the legislation. This results in a lack of direct traceability.

Protected zones

Some cases of non-compliance were found in the issuing and use of plant passports for ZP. Due to poor awareness of both inspectors and producers, the mark “ZP” is often seen more as an administrative formality than a guarantee that specific controls have been carried out and that relevant provisions for protected zones have been satisfied.

From some MS, host plants of *Erwinia amylovora* were moved into ZP without respecting the relevant provisions for buffer zones laid down in Annex IV Part B Point 21 to Commission Directive 2000/29/EC. This presents a substantial risk to the respective protected zones.

The system of codes for ZP plant passports varies between MS. A standardisation of the system within and between MS would help to avoid misunderstandings.

Import from third countries

Consignments of regulated material imported from third countries are usually inspected at point of entry. Either the ROB or registered importers then issue plant passports. In some MS, however, these consignments were not accompanied by plant passports and traceability was thus not guaranteed.

Internal market checks

The plant health checks carried out at the place of production were not always meticulous, due to a lack of time, guidance and in some cases equipment of inspectors. The timing and frequency of checks were not always appropriate. In some MS, registered establishments were not inspected at least once a year as required by Article 6 (5) of Council Directive 2000/29/EC; in others, checks were not always performed in compliance with specific provisions included in Annex IV, Parts A and B to Council Directive 2000/29/EC. This could compromise the internal market control system for plant health, which primarily relies on controls at the place of production.

Documentary checks were neglected in many MS. This was mainly due to a lack of staff and their prioritisation on plant health checks.

Occasional checks were in general carried out in the context of a surveillance regime. They were mainly targeted at the detection of harmful organisms without focusing enough on the proper use of plant passports. In some MS, occasional checks were not organised on a regular basis or their frequency was low.
Documentary and occasional checks are important instruments in assessing the correct implementation of the plant passport system (i.e. compliance with the obligations for registered establishments, format and filling-in of plant passports) and the plant health situation both within the individual Member State and across the internal market.

**Exemptions from the system**

Substantial divergence between MS on the interpretation of the exemptions was noticed. In particular:

- The exemption for small quantities of regulated articles (Article 6(5) of Council Directive 2000/29/EC) had been transposed in all MS but without a clear definition of ‘small quantity’, with the exception of one MS.

- Exemptions concerning the ‘small producer’ and the ‘local market’ (Article 6(7) of Council Directive 2000/29/EC) are implemented only in few MS but with different interpretations. Some problems were noted concerning the validity of these exemptions for protected zones, together with the definitions of ‘plants ready for sale’ and ‘final consumer’.

- The registration of garden centres and producers whose activity involves plants listed in point 2 and 3 of Annex V, Part A, Section I, to Council Directive 2000/29/EC varies between MS. In the case of registration, these producers become subject to the relevant obligations under Commission Directive 92/90/EEC, but this aspect was found to be neglected in two MS.

**Notifications of interceptions and follow-up**

In general, interceptions for plant health reasons are notified to the Commission and other MS and a timely and appropriate follow-up of notifications made by other MS is carried out. However, missing or incorrect plant passports were not notified by many MS.

**Laboratories**

Laboratories providing diagnostic support for the activity of inspectors were available in all Member States.

5. **OVERALL CONCLUSION**

The implementation of the plant passport system cannot be considered fully adequate or appropriate in the European Union, especially with regard to plant health checks and movement of regulated articles into protected zones. This could compromise the internal market control system for plant health and in particular for the protected zones.

Findings of the mission series showed also other failures in the implementation of the relevant Community legislation, i.e. format of plant passports, attachment to the regulated articles, issuing of replacement plant passports. In some areas (i.e. exemptions for local market, small producer, etc.) implementation across the Community varied substantially.

Contributing to the problems in many MS is the insufficient knowledge of the requirements of the plant passport system amongst inspectors and stakeholders.
6. **Recommendations to Member States and Action Taken**

The individual mission reports each contained a number of recommendations for action and advisory points for consideration by the respective MS. In total, 101 such recommendations and 25 advisory points were given in the 17 reports.

A topic very frequently recommended for improvement was training and awareness of inspectors and similarly, information to and cooperation with operators to improve their awareness and fulfilment of their obligations.

Another topic with equally frequent recommendations for improvement is the format of the plant passport and its correctness/completeness as to the information required.

There were also many recommendations to improve the actual control work, such as, the frequency and accuracy of official examinations, documentary checks and occasional checks and ensuring compliance with protected zone specific requirements.

All MS except one provided an action plan in response to the recommendations and advisory points.

A few Member States did not accept the recommendation to require that a plant passport always includes a label (and not an accompanying document only); likewise, a few Member States did not accept that replacement passports should be issued by the official authorities and it was requested that these two issues be discussed as part of a general review of the plant passport system at Community level.

7. **Action Taken by the Commission Services**

The Commission will continue to monitor the implementation of the action plan provided by each MS. This overview report will also be discussed with MS with a view to seeking solutions to the shortcomings identified.
ANNEX I: MEMBER STATES VISITED IN THE MISSION SERIES

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<thead>
<tr>
<th>Member State</th>
<th>Mission period</th>
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<td>Sweden</td>
<td>January 2004</td>
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<td>Greece</td>
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<td>Italy</td>
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<td>Latvia</td>
<td>September 2006</td>
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<td>Slovakia</td>
<td>November 2006</td>
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ANNEX II: MAIN FINDINGS

1. Legislation

1.1 Transposition of legislation

In the Member States (MS) visited, the Single Authority (SA) was responsible for transposing Community legislation; this was typically done either by Ministerial Decree or by administrative circulars.

Problems relating to transposition of Community legislation concerning the plant passport system were found in one MS, where Commission Directive 93/51/EEC had not been transposed, and on a minor issue, in another MS, where Article 3 of Commission Directive 92/105/EEC concerning information to be included in the plant passport (i.e. the use of ‘ZP’ and ‘RP’ codes, botanical name and capital letters), had not been transposed in full.

In five MS the transposition of certain directives (such as Commission Directives 2003/116/EC; 2004/103/EC; 2004/105/EC; 2005/16/EC and 2005/17/EC) updating the relevant Community legislation had not been done at the time of the mission. This has since largely been rectified.

1.2 Legal powers of inspectors

In all of the MS visited, the inspectors had adequate powers to perform their duties, i.e. having access to the regulated articles at all stages in the production and market chain and making any investigations necessary for the official checks concerned, including those related to plant passports and the records (Article 12 (2) of Council Directive 2000/29/EC).

2. Competent authority performance

The structure of the SA and the responsible official bodies, their human and financial resources and the provision of technical information and training of staff and stakeholders were considered to be important factors, influencing the capacity to properly implement the plant passport system. For this reason, they were evaluated during each mission.

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8 Commission Directive 2004/103/EC of 7 October 2004 on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks; OJL 313, 12.10.2004, p.16


2.1 Structure and responsibilities

Article 1(4) of Council Directive 2000/29/EC requires that MS establish or designate a single authority (SA) in charge, at least, of coordination and contact on matters related to plant health. Each of the MS visited had established a SA with responsibilities including the transposition of Community legislation, work planning, planning resource requirements, drawing up guidelines for inspectors, running training courses, sending notifications of interceptions and generally ensuring that the national control system covers all parts of the national territory in an effective and harmonised way. They also represent the MS at international level.

In all MS, the implementation of Community legislation and national guidelines concerning the plant passport system is carried out by responsible official bodies (ROB) as defined in Article 2(1)(g) of Council Directive 2000/29/EC, for example regional plant health services.

Some MS have delegated authority to issue plant passports to specific organisations. Examples from various MS include: the Forestry Service for forestry plants (three MS), regional services for potatoes and seeds (one MS), public professional organisations for vines, fruit and vegetable plants and potatoes (one MS), public institutes for vines, fruit trees, hop, seeds and seed potatoes, public institutes for seeds, seed potatoes and propagating material covered by the Marketing Directives (one MS) and semi-public inspection bodies for bulbs, potatoes, horticultural and ornamental crops (one MS).

In each case, this delegation had a legal basis, detailed protocols of agreement and tasks with these organisations were in place, and their activities were subject to audit by the SA. However, a lack of supervision by the responsible official body was found in one MS and a specific recommendation was made in order to ensure that inspectors are able to, and actually do carry out appropriately, the official examinations that have been delegated to them.

Although no significant problems were found regarding the structure and responsibilities of the SA, there were difficulties in two MS in ensuring adequate co-ordination and communication within ROBs due to a shortage of staff at central level.

Other difficulties faced by two SAs were caused by regional or local ROB staff being subject to control by other administrations or where regional authorities were responsible for the allocation and distribution of tasks.

2.2 Human resources

The mission teams found that ROB inspectors usually carry out a range of duties in addition to plant passport checks, including pre-export certification and import inspections, quality checks and carrying out monitoring and specific surveys. The percentage of time spent by inspectors on each of these duties varied by location, but in 12 MS, plant passport controls were not their main duty.

The minimum entry requirement for inspectors was a university degree or diploma in agricultural sciences; in addition, most services require successful completion of an introductory training period.

The key indicator for the adequacy of staff resources, considered by the mission teams, was whether inspectors had adequate time available to perform the meticulous checks laid down by Article 6(1) of Council Directive 2000/29/EC. It was found that there were insufficient
staff in six MS. In one case, shortage of staff at central level had prevented the national plant passport guide from being kept up-to-date. In another case, the shortage of staff had prevented occasional checks from being carried out.

The facilities and equipment available for inspectors were in general adequate, with the exceptions of two MS (concerning sampling equipment) and other two MS (concerning information technology facilities - i.e. lack of a national data-base for the registration of establishment, lack of internet/intranet access to plant health inspectors).

2.3 Training

The SA or the ROB normally arranges courses for inspectors at national or regional level. These are either general in nature, for example, administrative procedures and sampling techniques, or specific, such as courses on the identification and control of specific quarantine pests. In some MS, however, most training for inspectors was ‘on-the-job’.

Specific courses on plant passport issues had in most cases been held at the beginning of the system (1994) and for new staff joining the service. In some cases, inspectors are informed of new developments during general refresher courses. More recently, specific courses on the plant passport regime for all ROB inspectors had been organised in eight MS (all six EU10 visited and two of the EU15).

In 10 MS, particularly amongst those where training had not been done recently, inspectors did not have adequate knowledge of all aspects of the plant passport legislation. For example: producers’ obligations, the correct format of plant passports to be accepted from other MS, documentary checks and plant health requirements (i.e. for Coniferales, for tomato plants, Malus spp. and Pyrus spp., for Bemisia tabaci, for Phytophthora ramorum, for fireblight protected zones and Quercus and Castanea, Pelargonium). Furthermore, inspectors were not well informed of developments in Community legislation relevant for plant passports.

2.4 Resources and fees

Insufficient information technology equipment at regional and local offices was noted in two MS and inadequate equipment for sampling was noted in other two MS.

Although it was not possible to thoroughly assess the adequacy of the financial resources available to each of the ROBs during the missions, the shortages of staff (see section 2.2.) and facilities identified by the mission teams in some MS, may suggest that financial resources are not always adequate.

Fees are currently charged for the official controls under the plant passport system in 11 of the MS visited. The level of fees varies between these MS and, in the case of one MS, between the regions as well. They are in most cases charged on full cost recovery basis.

In two MS, fees are charged for plant passport labels. In another MS, fees for registration and inspections during the vegetative season are cost-based and depend on the premises’ area. In yet another MS, all registered companies pay a fee, which is a combined fee for both quality and phytosanitary inspections.
2.5 Co-ordination, working relationships and procedures

All of the MS visited hold regular meetings between central and regional levels, at least once a year, in order to plan the work, discuss progress and exchange information. In addition, four MS establish working groups to deal with specific issues.

The SA usually provides the ROBs with instructions concerning plant passport matters in the form of circulars or letters. In one MS, it was observed that instructions concerning the plant passport format were not in compliance with Article 1 of Commission Directive 92/105/EEC.

Internal communication is via written reports, faxes, telephone calls and e-mail. Many of the ROBs visited have also established their own intranet or websites for use by inspectors. In two MS, however, this was not available or only at central level. Internal communication is usually effective, although in one case inter-regional contacts were limited and in another case communication from bottom to top showed some inadequacies.

Work plans were available in most MS. ROBs submit reports during the year on their performance against the work plan as well as the results of activities and information on findings of harmful organisms.

In 11 MS, inspectors were supported in their tasks by handbooks, written instructions and standardised forms for plant passport issues – with some handbooks being comprehensive detailing the period, methods and procedures to be followed for each type of check, including collection of samples and data sheets on harmful organisms. In four MS, the handbooks were out of date.

Inspection reports are usually kept, either at the local offices or entered in a national database.

In all the visited MS, different kinds of technical materials (leaflets, instructions for specific quarantine organisms, etc.) were available to staff and, to some extent, to the public.

2.6 External co-operation and communication

In all the MS, there appeared to be good relations between the ROB, registered establishments and professional associations.

The ROB keeps the producers informed of new legislative and technical issues concerning plant passports matters by various means: personal contact with the inspectors, meetings, newsletters, internet site, technical brochures, video, and posters. In eight MS, however, producers met by the mission team had insufficient knowledge and understanding of the plant passport system, leading to errors in completing the plant passports or in issuing plant passports for Protected zones (ZP) and replacement (RP) plant passports. In one MS, growers/traders did not always know what kind of format was acceptable for plant passports from other MS. In two MS the list of regulated articles provided by the CA was not up-to-date.

In two MS, a brochure for producers on plant passports had been prepared and recently updated.
In one MS, it was noticed that co-operation between phytosanitary inspectors and other inspectors (quality control) was limited, resulting in producers having to adhere to several similar obligations which were unnecessarily repetitive.

3. Plant passport system

3.1 Registration

Producers, importers of plants listed in Annex V, Part A to Council Directive 2000/29/EC and collective warehouses and dispatching centres for ware potatoes and citrus fruits were found to be registered in all MS except for two, where the registration was incomplete. In one, producers of ware potatoes engaged in retail sale were not registered and in another, some dispatch centres of seed potatoes and some producers, sub-contracted for seed or propagating material production, were not registered.

In one MS, owners or users of storage places, agricultural producers with mills and fodder mixers and owners of facilities producing wood packaging material from unprocessed, raw wood must also be registered.

Investigations are carried out in all MS in order to verify if all relevant companies are registered.

In all MS, establishments apply for registration to the responsible official bodies using a standard form. The responsible official bodies record this application in an official register and examine the information supplied in the application form; in 10 MS a visit is required prior to registration. In all MS, at the end of the registration procedure a unique registration number is allocated by the responsible official body to identify each establishment. Then, a certificate of registration is sent to the establishment indicating the registration number. In one MS, the delegated bodies also register producers under their own numbers in addition to the ROB registration numbers, but it is always possible to link the two numbers so that the producer can be traced if necessary.

The validity of registration varies; in some MS this is one year, in others the registration is automatically renewed every year unless there is a reason to withdraw it. Generally, registered establishments have to inform the ROB when they decide to carry out activities in addition to or different from those for which they were initially registered. This was not the case in two MS, however.

All MS have a national or regional database of registered establishments, which, in most cases, is electronic and accessible to plant health inspectors. The register is periodically updated or revised if there is any change in the activities of producers.

Generally, the register is broken down by categories (producers, importers, traders) and groups of plants, which are host to the same organism and subject to the same controls. The number of registered producers in the visited MS varied between 976 and 10 560.

Registration imposes the obligations laid down in Article 2(2) of Commission Directive 92/90/EEC. Usually, these obligations are clearly stated in the certificate of registration; however, in three MS, producers were not fully aware of them. During on-the-spot visits some cases of non-compliance were noted by the mission team: i.e. the plan of the premises was not always kept up-to-date in six MS, guidelines for visual inspection were not available for producers in most MS and, with the exception of three MS, never in written
form. Additionally, the technically experienced person supposed to liaise with the ROB was not always designated, and record keeping was not fully adequate in three MS.

In most MS, soil samples are routinely taken before registration for all new plantings in the open air in order to test for the presence of *Globodera spp.* However, this was not the case in two MS.

### 3.2 Authorisation, preparation and issuing of plant passports

#### 3.2.1. Authorisation

In most MS, specific authorisation is usually given to issue plant passports, following a standard procedure. Registered companies apply to the ROB, specifying in the application form the species and in the case of three MS also the quantity of the regulated articles for which they need to issue plant passports. In three MS, a lay-out of the plant passports must also be submitted for approval. In one MS there is no specific authorisation or detailed procedures for the issuing of plant passports: every registered establishment may issue plant passports for regulated articles specified on the application form.

Usually a visit is carried out by the ROB before authorisation is granted, and the authorisation is valid for one year. Authorisation to issue plant passports is temporarily revoked in the event of outbreaks. However, in two MS it was found that authorisation to issue plant passports was either not suspended, or was quickly restored after outbreaks of plum pox virus. In one of these MS, this was also the case after an outbreak of apricot chlorotic leafroll mycoplasma.

In three MS, registered establishments are obliged to keep a standardised log-book in which they record all incoming and out-going regulated articles accompanied by plant passports.

#### 3.2.2 Format of plant passports

Generally, according to paragraphs (2) and (3) of Article 1 of Commission Directive 92/105/EEC a plant passport should consists of:

- an official label providing at least five items of information required by the mentioned Directive and an accompanying document providing ten items of information required by the same Directive, or
- a label providing the ten required items of information.

Only in four MS were all the plant passports seen by the mission team in conformity with the format required by the EU legislation.

A considerable number of plant passports consisted only of an accompanying document (usually a delivery note) which included varying amounts of the required information. It was often difficult to find the plant passport information from all the trade related information. Some accompanying documents had an official stamp/label on them, which clearly indicated that the document was intended to be a plant passport.

In these cases, the plant passports were not attached to the plants, plant products or other objects, to their packaging or to the vehicles transporting them as required by Article 10(2) of Council Directive 2000/29/EC and Article 3(2)(h) of Commission Directive 92/105/EEC.
Furthermore, the ten required items of information, as specified in the Annex to Commission Directive 92/105/EEC, were not always present or were wrongly indicated on the plant passports in 10 MS, specifically:

- the EEC acronym, the Member State Code, the serial number and the producer code were missing (two MS);
- the name of the original MS was indicated in field 10, which is for material of third country origin (two MS);
- the botanical name was either not indicated or written in capital letters (six MS did not comply with this point);
- the code “ZP” was not indicated (four MS);
- the individual serial, week, batch number was not indicated (one MS);
- the code of the original producer was not indicated on replacement plant passports (five MS).

In several MS, the label providing the ten items of information (individual plant passport) was used for a single plant or a consignment of plants of the same genus, species or category. In many cases, the plant passport was a combined label including information related to EC marketing regulation and/or certification.

A combined plant passports was generally used for certified plant propagating material (including seed potatoes) and material belonging to the Conformitas Agraria Communitatis (CAC) category.

3.2.3 Preparation and issuing of plant passports

In most MS, the plant passport is produced, printed and then stored by the registered establishments in varying formats. In four MS, the lay-out is standardised at national level and in three MS, most plant passports are produced and delivered by the ROB to the producers at the end of the vegetative season, after a phytosanitary inspection. In one MS, the ROB prints and delivers all plant passports after required inspections and tests have been performed. In this way, the ROB knows the exact number of plant passports issued and the regulated material produced by each registered establishment.

Usually, the labels were made of suitable material and had not been used previously, as required by Article 1.2 (a) of Commission Directive 92/105/EEC.

In four MS, regulated articles without plant passports were noted by the mission teams. In two MS, citrus fruits with leaves and peduncles were not accompanied by a plant passport as required by Annex V, Part A, Section I, item 1.6, to Council Directive 2000/29/EC and citrus fruits without leaves and peduncles did not always have a label bearing an appropriate mark of origin as required by Annex IV, Part A, section II, item 30.1 to the same Directive.

In many MS, in the case where the plant passport was the accompanying document, plant passports were routinely issued for all plant material and not just for regulated material. In such cases, plants subject to the plant passport regime were usually not highlighted even if both regulated and non-regulated material appeared on the same document.

Plant passports were retained by commercial purchasers of regulated articles for at least one year; while producers in some MS have to keep it for longer (e.g. three or even 10 years). In general, this requirement was respected because plant passports are attached to commercial documents that for tax purposes have to be kept longer.
In most MS, final consumers not professionally engaged in plant production receive plant passports only in the case of an individual plant passports attached to a single article. In all other cases, commercial purchasers keep it, also in the case of regulated material of Annex V Part A Section I Point 1 to Council Directive 2000/29/EC. By contrast, in one MS, these plants are required to be accompanied by a plant passport until the final consumer.

Garden Centres were registered in some MS and had to keep the plant passports as final users professionally engaged in plant production.

Direct trace-back, to the original producer, was possible with individual plant passports (a label with ten particulars). In other cases, traceability was often possible via the internal documentation and database of producers, depending on the standard of the record keeping system.

3.3 Replacement plant passport

Where consignments of regulated articles are divided up or combined, or where the plant health status of consignments changes, Article 10(3) of Council Directive 2000/29/EC requires that registered establishment apply for a replacement plant passport (RP). This may be prepared ‘only by the responsible official body of the area in which the requesting premises are situated’ and must bear the special mark RP and including the code of the original registered producer or importer according to Article 3 (f) of Commission Directive 92/105/EEC.

In practice, in most MS, there was no specific authorisation required for replacing plant passports and in many cases when plant passports were replaced, “RP” mark and original producer code were not put on the RP. This was said to be due to the reluctance of producers to indicate the original producer for confidentiality reasons. In three MS the ROB allows the use of a recognised code other than the original producer code if appropriate record keeping enables producers to ensure traceability.

In two MS, all replacement plant passports are prepared by the responsible official bodies. In another MS, this is done for forestry material and seed potatoes. In two additional MS, the official responsible bodies must either issue or specifically approve issuance of replacement plant passports, but these requirements were found not to be enforced.

In conclusion, the implementation of RP was not in compliance with the relevant provisions in 14 MS.

3.4 Protected Zones

Under Article 3(2) of Commission Directive 92/105/EEC, the responsible official bodies have to ensure that registered establishments, which intend to dispatch a regulated article into a protected zone (ZP) notify such intention and apply simultaneously for a ZP passport. The code for the protected zone must be indicated on the plant passport next to the ZP mark.

In most MS, registered establishments apply and receive specific authorisation for issuing ZP plant passports.

In general, MS (or some areas of them), which have protected zone status, issued ZP plant passports for regulated articles, moving within and originating from these zones, as appropriate. In three MS, however, the ROB or the establishments were not aware that the
requirements concerning movements into ZPs also apply to regulated articles produced and moved within the ZP.

In three MS, specific plant health checks for ZPs were not always carried out, and the provisions of Annex IV Part B to Council Directive 2000/29/EEC had not been satisfied (e.g. for propagating material of *Begonia spp.* dispatched to *Bemisia tabaci* protected zones).

With Commission Directive 2003/116/EC\(^{12}\), which had to be transposed by Member states by 31 March 2004, new requirements were introduced for the fireblight buffer zones, relating to the size of the zone surrounding the field of cultivation, the minimum distance of the field from the boundary of the buffer zone and testing for latent infection.

In three MS, cases of non-compliance were found concerning these requirements. One of the three MS had started to implement the new requirements, with the exception of testing for latent infections, while the second did not comply with the provisions in force before 1 April 2004 but had started to implement the new provisions from 1 April 2004. The third MS did, at the time of the mission, not comply with either the old or new provisions. There was a large number (206) of outbreaks within the buffer zones in 2004 in this MS, but the buffer zone status was not cancelled, as required by the legislation in force until 1 April 2004. On the other hand, the MS only intended to implement the new provisions from 1 April 2005. Thus, the plants originating in its buffer zones have up to the end of the 2005 growing season actually been traded without meeting the requirements for entry into protected zones.

Buffer zones which have been established recently in a MS in connection with its accession to the EU were found in compliance with the relevant requirements. Host plants produced there were allowed for movement to protected zones only from the end of growing season 2006, i.e. after two growing seasons’ implementation of the required regime.

Commission Directive 92/105/EEC requires that ZP plant passports bear ‘the name of the ZP for which the product is qualified’. It was found during missions that some MS indicated the country code of a MS in which a PZ has been recognised (e.g. “UK” for the protected zones located in the United Kingdom). Other MS, instead, indicated protected zones by a code derived from the position of harmful organisms in the Annex to Commission Directive 2001/32/EC\(^{13}\) as amended: e.g. “(a) 2” for *Bemisia tabaci*.

In one MS, the ROB recommended that all plants intended for protected zones listed in Annex V, Part A, Section II, point I to Council Directive 2000/29/EC, be accompanied by a plant passport, including plants for retail sale and plants moving with private removals.

### 3.5 Import from third countries

Article 13(c)(6) of Council Directive 2000/29/EC establishes that a plant passport must be issued at point of entry for the movement of all plants listed in Annex V, Part A, to the Directive. Four MS did not comply with this requirement. In three MS, regulated articles are accompanied by a phytosanitary import document until the first place of destination.


3.6 Internal market checks

These consist of both official examinations and occasional checks (established by Article 6 and Article 12 of Council Directive 2000/29/EC).

3.6.1 Official examinations

Article 6 of Council Directive 2000/29/EEC establishes that regulated articles and their packaging must be meticulously examined on an official basis preferably at the place of production. Examinations must be performed regularly at appropriate times, at least once a year and at least by visual observation.

In most MS, these official examinations were carried out at least once a year in the registered establishments. However, this was not always the case in three MS; moreover, in two MS, registered garden centres were not inspected every year.

The mission teams found that in practice, the timing and frequency of checks depended on the priorities given to the MS for a certain type of products and on the phytosanitary risk estimated. In six MS, instructions for plant passports controls were defined every year by the ROB; these give details of the frequency and methods of checks and the sampling intensity. In other MS, some priorities were set at local level.

In most MS, the checks carried out by inspectors appeared meticulous and focused on the relevant plant health requirements and testing required. However, in six MS, checks were not always meticulous or based on specific requirements and time-frequency specified in Annex IV, Part A, Section II, to Council Directive 2000/29/EC: i.e. for Apple Proliferation Mycoplasma, Liryomiza, evidence of the kind of extraction for tomato seeds, Bemisia tabaci non European populations, Bemisia tabaci and Liryomiza spp.

In cases where the material is destined for ZPs, the inspections should also fulfil the specific requirements of Annex IV Part B. However, this was not always the case (see section 3.4 above).

Samples are generally taken for further laboratory analysis whenever suspicious symptoms are found.

3.6.2 Documentary checks

Article 4 of Commission Directive 92/90/EEC establishes that records and related documents kept by registered establishments have to be checked at least once a year.

In seven MS, however, documentary checks were carried out less frequently or they were not adequate. In two MS, documentary checks were carried out only if harmful organisms had been found.

3.6.3 Occasional checks

Article 12(1) of Council Directive 2000/29/EC establishes that MS shall organise official checks to ensure compliance with the provisions of the plant passport system. Specifically, occasional checks have to be carried out at any time and at any place where regulated articles are moved, grown, produced, stored or offered for sale. The checks must be regular in registered establishments.
Some MS had established a good programme of surveillance for harmful organisms, including occasional checks in both registered and non-registered establishments, based on potential risk and covering all parts of the supply and production chain. However, five MS did not sufficiently focus on the proper implementation of the plant passports system, the control of plant passports, their territorial validity and their presence on the plants, the packaging or the vehicles transporting them. In one case, occasional checks were not regular. In two other MS, the amount of checks was found inadequate.

4. Exemptions from the system

Article 6(5) of Council Directive 2000/29/EC exempts from the plant passports system the movement of small quantities of regulated articles where they are intended for use by the owner or recipient for non-industrial and non-commercial purposes.

Generally, this article has been transposed in MS but without specifying what is to be considered a ‘small’ quantity, with the exception of one MS where a specific notice has been issued.

Article 6(7) establishes that MS may exempt:

- small producers or processors whose entire production and sale of regulated articles are intended for final usage by persons on the local market not professionally involved in plant production (local movement) from registration;

- the local movement of regulated articles originating from producers so exempted from official examinations.

In five MS and parts of a sixth MS, these provisions were not implemented, and therefore no exemptions from the plant passports system were allowed. Consequently, all relevant producers and traders should be registered and subject to official controls.

In four MS and parts of another MS, the ‘small producer’ exemption was implemented and ‘local market’ had been defined by the Province, Region, District or County. However, in one of these MS, the definition varied across its territory, with one County constituting the local market in certain parts and the County plus neighbouring Counties doing so in other parts; small producers were listed but did not have any further obligations.

In one MS, the ‘local market’ had been defined as being the Municipality, but in practice this exemption was not implemented.

In one MS, small producers exempted from registration were defined as producers growing ware potatoes in an area less than 1 ha. In another MS, establishments with an annual business turnover of less than €1,000, which sell directly to the final consumer for non-professional use were exempted.

Finally, in one MS, the Forestry Commission applied two different definitions of local market for cut coniferous plants, wood or bark: if the consignment originates within the relevant ZP the local market is the whole of the main land, but if originates outside the ZP, the local market is limited to this area.

Producers whose activity involves plants listed in Points 2 and 3 of Annex V, Part A, Section I, to Council Directive 2000/29/EC, where these are prepared and ready for sale to the final consumer, were not registered in one MS, while in another MS, plants listed in point 2 of the same Annex were required to be accompanied by a plant passport when sold outside of the local market.
The terms ‘plants ready for sale’ and ‘final consumer’ were not defined in most MS. In one MS, plant passports are issued by authorised establishments also for plants ready for sale to the final consumer. In another MS, the ‘final consumer’ was considered to be also the vegetable and fruit producer or forestry owner.

5. Enforcement and infringement

In the event of a quarantine organism occurrence, official notice is served imposing phytosanitary measures and, if necessary, suspending the authorisation to issues plant passports. Official measures generally include restrictions on the movement of the material, appropriate treatment or destruction.

The ROBs are responsible for carrying out the investigation of infringements, applying administrative sanctions and conducting follow-up inspections to ensure compliance. However, very few infringements were reported, mainly concerning administrative problems, i.e., movement of plants without or with an incorrect or incomplete plant passports, and breach of the producer’s obligation (record keeping and plan).

6. Notification of interception and follow-up

The consignor country and the Commission are generally notified in the event of the interception of consignments from other MS as required by Article 12(4) of Council Directive 2000/29/EC. However, in some MS, notifications of intra-Community trade were rare and six MS did not notify the absence or invalidity of plant passports for products from other MS. When notifications are received from other MS, they are generally followed up.

7. Laboratory service

The evaluation of the performance of the national laboratories was outside the scope of this series of missions. In each Member State, however, the presence of laboratories providing support to the plant passport activities was checked. In most cases, these laboratories are part of the ROB, at central or regional level. In a few MS, however, the ROB has contracts with private laboratories covering the relevant fields of analysis.

The mission team visited the official laboratories in six MS. No significant problems were found in relation to the laboratories or the ability to carry out the necessary analyses.