



**Minutes of the**  
**Ad-Hoc meeting of the Advisory group on the Food Chain and Animal and Plant Health**  
**on the draft Commission Implementing Regulation on high risk plants and plants to be**  
**exempted from phytosanitary certificate**

**12 July 2018, Brussels**

**1. Nature of the meeting**

The meeting was non-public. The invitation was addressed to the members of the abovementioned Advisory Group and additional stakeholders.

**2. List of points discussed**

**Draft Commission Implementing Regulation establishing a provisional list of high risk plants, plant products or other objects, within the meaning of Article 42 of Regulation (EU) 2016/2031 and a list of plants for which phytosanitary certificates are not required for introduction into the Union, within the meaning of Article 73 of that Regulation.**

**COMMISSION** presented the abovementioned draft Implementing Regulation to the stakeholders, which is part of the Implementing acts to be adopted under the new Plant Health Regulation (Regulation (EU) 2016/2031). The list of high risk plants, plant products and other objects included in Annex I of the draft Implementing Regulation as well as the list of plants to be exempted from the requirement of a phytosanitary certificate, included in Annex II of the same draft were described. The legal basis and criteria for developing the list were explained.

**COMMISSION** also informed the stakeholders about the plans for developing a draft Implementing Regulation laying down rules on the procedure for carrying out the risk assessment of high risk plants. This includes the procedure for submission of dossiers by the countries that want to export a commodity included in the list and the information that need to be submitted in order for EFSA to carry out the risk assessment.

**COMMISSION** also informed the stakeholders about EFSA's work on information required for dossiers to support requests for import of high risk plants, plant products and other objects, which includes information on the commodity, information on the pests associated with the commodity and information on the measures in place to mitigate the risk from a specific pest.

On general issues regarding the draft Implementing Regulation,

**FRESHFEL EUROPE** and **UNION FLEURS** requested that the terminology "plants for planting", "plants", "plants other than plants for planting" used in the draft Implementing regulation, including the terms "pollen" and "seeds" is clarified in relation to the actual commodities that are planned to be covered by the draft Implementing Regulation.

**FRESHFEL EUROPE** requested that the respective CN codes of the listed commodities are mentioned in both Annexes of the draft Implementing Regulation.

**UNION FLEURS** asked if they would be able to submit written comments.

On high risk plants plant products and other objects,

**FRESHFEL EUROPE**, **ENA** and **UNION FLEURS** requested explanations regarding the process followed to develop the list including the criteria used and the risks that motivated the inclusion of the plants plant products and other objects on the list.

**FRESHFEL EUROPE** requested clarifications regarding the criteria applied in order for a plant to be covered under Articles, 40, 41, 42 and 49 of the new Plant health Regulation.

**ENA** and **FRESHFEL EUROPE** requested clarifications about the procedure under which the list will be updated i.e. how commodities will be removed or added.

**FRESHFEL EUROPE**, **AIPH**, **UNION FREURS** raised concerns about the timeline for the risk assessment, requested an estimation of submissions of dossiers, and asked for information about EFSA's capacity to respond to the workload.

In particular for plants for planting,

**ENA** asked why *Ficus* and *Cycas* which are traded for years are now considered high-risk plants and asked whether the economic impact on trade was taken into account. They also asked whether the age of the plants will be taken into account in the ban.

**UNION FLEURS** asked if potted plants that are destined for the consumer are included in the definition of plants for planting.

For plants,

**EUROPATAT** asked why ulluko is on the list and requested clarifications about the pests that are associated with ulluko. They also asked and why it is not covered under Article 49 of the new Plant Health Regulation, being a recently traded commodity.

For plants, other than plants for planting,

**EUCOFEL** requested clarifications why citrus fruits are not on the list.

**FRESHFEL EUROPE** requested clarifications why the ban on ulluko is not linked to a pest while for gourds the ban is linked to *Thrips palmi*. They also requested clarifications why gourds are on the list and not peppers or eggplants which have been associated with problems due to *Thrips palmi*.

For wood.

**CLECAT** requested from the Commission to help raise awareness for the case of elm wood to companies such furniture companies that are not aware of the phytosanitary requirements, in order to avoid a situation similar to the introduction of new requirements for wood packaging material.

On plants to be exempted from the requirements of a phytosanitary certificate.

**FRESHFEL** requested clarifications regarding plants that will be covered under article 72(1). They also requested confirmation of the fact that under the new plant health Regulation all fruits will require a PC except for the six that are listed in Annex II of the draft implementing Regulation under discussion. They asked for clarifications about whether the official controls under the new official Control Regulation will be at 100%. They also asked whether the currently applicable reduced frequencies of import controls will be maintained, if it will be up to the Member States will decide on the frequency of controls, if the number or interceptions would be linked to the frequency of control.

**COCERAL** asked if there are any changes planned for grains and cereal and asked when Article 72(1) will be applicable.

**COPA COGECA** commented that *Ficus carica* which is one of the six plants that are exempted from the requirement of phytosanitary certificate is a host for *Xylella fastidiosa*.

**COMMISSION** responded that the terms used in the draft Implementing Regulation will be clarified and that the CN codes will be included by the time of adoption of the legal act.

**COMMISSION** explained that the proposed commodities on the list were defined by the Working Group of Member States' experts and further analysis by the Commission services. It was based on the criteria of Annex III (for high risk plants) and Annex VI (for plants to be exempted from the requirement for a phytosanitary certificate) of the new Plant Health Regulation.

**COMMISSION** explained that Article 40 of the new plant health will cover the permanent prohibitions of commodities to be imported into the EU, Article 41 will cover commodities for which specific import requirements are in place while Article 49 will cover cases where temporary measures need to be taken due to newly identified or emerging risks.

**COMMISSION** explained that once a risk assessment has been carried out for a specific commodity from a specific country, a decision will need to be taken under Comitology on whether a permanent ban is justified or if specific import requirements need to be put in place.

**COMMISSION** explained that the risk assessment will be carried out within an appropriate and reasonable time, that a procedure will be put in place to help applicants submit their dossiers, that the information regarding the preparation of the dossiers will be published by EFSA by October 2018 and that ways to facilitate the countries in understanding the procedure have been envisaged. The importance of submitting a complete dossier was emphasised as a factor to accelerate the risk assessment process.

**COMMISSION** explained that the preliminary risk assessment for plants for planting was based on the criteria of Annex III of the new Plant Health Regulation which includes amongst others the risk that a pest has a latency period and could be missed during inspections. It was also explained that when the assessment was based on known pest risks the ban could be linked to those pests. However, when there was uncertainty about the full identification of the known risks, the ban was not linked to the pest risks but it was made general (as in the case of plants for planting and ulluko). For ulluko it was explained that it was included on the list because it could carry potato viruses which could impact the EU potato production. For citrus fruits it was explained that it is one of the most regulated commodities, that the risks associated with citrus fruits were thoroughly discussed during 2016-2017 in the context of discussions for the amendment of the Annexes of the current Directive for plant health (Directive 2000/29/EC) and measures were put in place to reinforce the import conditions for several pests (citrus black spot, citrus canker, false codling moth) and that there were not new elements that need further assessment. Therefore a provisional ban could not be justified.

**COMMISSION** took note of the request for contributing to raising awareness for these new measures especially to companies which are not directly related to phytosanitary issues.

**COMMISSION** explained that article 72(1) of the new Plant Health Regulation will cover the commodities that already under Directive 2000/29/EC need a phytosanitary certificate at import while Article 73 will cover the rest of the live plant material, and that from 14 December 2019 this requirement will be obligatory except from the commodities that will be exempted in accordance with the draft Implementing Regulation under discussion. It was also explained that the frequencies of official controls will be determined under the new Official Control Regulation (Regulation (EU) 2016/625 for which the intention is to maintain the reduced frequencies until enough experience is gained for the new Information system (IMSOC) to be able to determine the frequency of controls in real time. Interceptions will contribute to the determination of the frequencies of official controls.

**COMMISSION** clarified that there are no plans for changing the requirements for phytosanitary certificate for grains and cereals and clarified that *Ficus carica* that is proposed to be exempted from the requirement for a phytosanitary certificate refers only to the fruit and not to the plant.

### **3. Conclusions/recommendations/opinions**

**COMMISSION** invited stakeholders to submit comments through the portal of the public consultation which would be launched.

### **4. List of participants**

#### **Members of the Advisory group**

<b>CELCAA</b>
<b>European Liaison Committee for the Agricultural and Agri-food Trade</b>
<b>COCERAL</b>
<b>Comité du commerce des céréales, aliments du bétail, oléagineux, huile d'olive, huiles et graisses et agrofournitures de l'UE</b>
<b>COPA</b>
<b>European farmers</b>

<b>COGECA</b> <b>European agri-cooperatives</b>
<b>ECSLA</b> <b>European Cold Storage and Logistics Association</b>
<b>ENA</b> <b>European Nurserystock Association</b>
<b>EUROCOMMERCE</b>
<b>EUROCOOP</b>
<b>FRESHFEL</b> <b>Freshfel Europe - the forum for the European fresh fruits and vegetables chain</b>

**Permanent Observers in the Advisory group**

<b>ESA</b> <b>European Seed Association</b>
<b>EUROPATAT</b> <b>European Potato Trade Association</b>

**Members of the sub-group on plant health**

<b>AIPH</b> <b>International Association of Horticultural Producers</b>
<b>CLECAT</b> <b>European Association for Forwarding, Transport, Logistics and Customs Services</b>
<b>EUSTAFOR</b> <b>European State Forest Association</b>
<b>UNION FLEURS</b> <b>International Flower Trade Association</b>

**Additional stakeholders**

<b>EUCOFEL</b> <b>European Fruit and Vegetables Trade Association</b>
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