

Council Directive 2000/29/EC 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into the Community of organisms harmful to plants or plant products and against their spread within the Community (repealed)

Article 2

1 For the purposes of this Directive:

a ^[F1] *plants* shall be considered to mean: living plants and specified living parts thereof, including seeds;]

living parts of plants shall be considered to include:

- fruit, in the botanical sense, other than that preserved by deep freezing,
- vegetables, other than those preserved by deep freezing,
- tubers, corms, bulbs, rhizomes,
- cut flowers,
- branches with foliage,
- cut trees retaining foliage,
- ^[F2]leaves, foliage,]
- plant tissue cultures^[F1],
- ^[F2]live pollen,]
- ^[F2]bud-wood, cuttings, scions,]
- ^[F2]any other part of plants, which may be specified in accordance with the procedure referred to in Article 18(2).]

seeds shall be considered to mean: seeds in the botanical sense, other than those not intended for planting;

b *plant products* shall be considered to mean: products of plant origin, unprocessed or having undergone simple preparation, in so far as these are not plants;

c *planting* shall be considered to mean: any operation for the placing of plants to ensure their subsequent growth, reproduction or propagation;

d *plants intended for planting* shall be considered to mean:

- plants which are already planted and are intended to remain planted or to be replanted after their introduction, or
- plants which are not planted at the time of introduction, but are intended to be planted thereafter;

^[F1]e *harmful organisms* shall be considered to mean: any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products;]

f *plant passport* shall be considered to mean: an official label which gives evidence that the provisions of this Directive related to plant health standards and special requirements are satisfied, and which is:

- standardised at Community level for different types of plants or plant products, and
- prepared by the responsible official body in a Member State and issued in accordance with the implementing rules governing the details of the procedure for issuing plant passports.

For specific types of product, official agreed marks other than a label may be decided on in accordance with the procedure laid down in Article 18.

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The standardisation shall be established in accordance with the procedure laid down in [F1Article 18(2)]. Under this standardisation, different marks shall be determined for plant passports which are not valid, in accordance with the second subparagraph of Article 10(1), for all parts of the Community;

g *the responsible official bodies in a Member State* shall be:

- (i) the official plant protection [F1organisation(s)] of a Member State referred to in Article 1(4); or
- (ii) any State authority established
 - at national level,
 - or, under the supervision within the limits set by the constitution of the Member State concerned, of national authorities at regional level.

[F3The responsible official bodies in a Member State may, in accordance with national legislation, delegate the tasks provided for in this Directive to be accomplished under their authority and supervision to a legal person, whether governed by public or private law, provided that such person, and its members, has no personal interest in the outcome of the measure it takes.

The responsible official bodies in the Member States shall ensure that the legal person referred to in the second subparagraph is, under its officially approved constitution, charged exclusively with specific public functions, with the exception of laboratory testing which such legal person may perform even where the laboratory testing does not form part of its specific public functions.

Notwithstanding the third subparagraph, the responsible official bodies in a Member State may delegate the laboratory testing provided for in this Directive to a legal person which does not comply with that provision.

The laboratory testing may only be delegated if the responsible official body ensures throughout the time of the delegation that the legal person to which it delegates laboratory testing can assure impartiality, quality and protection of confidential information, and that no conflict of interest exists between the exercise of the tasks delegated to it and its other activities.]

The Member States shall ensure that there is close cooperation between the bodies referred to in point (ii) of the first subparagraph and those referred to in point (i) thereof.

Moreover, [F1in accordance with the procedure referred to in Article 18(2)], other legal persons established on behalf of the body or bodies referred to in point (i) of the first subparagraph and acting under the authority and supervision of such body may be approved, provided that such person has no personal interest in the outcome of the measures it takes.

[F1The single authority referred to in Article 1(4) shall inform the Commission of the responsible official bodies in the Member State concerned. The Commission shall forward that information to the other Member States;]

h *protected zone* shall be considered to mean a zone in the Community:

- in which one or more harmful organisms referred to in this Directive, which are established in one or more parts of the Community, are not endemic or established despite favorable conditions for them to establish themselves there,

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— in which there is a danger that certain harmful organisms will establish, given propitious ecological conditions, for particular crops, despite the fact that these organisms are not endemic or established in the Community,

and which has been recognised, [F¹in accordance with the procedure referred to in Article 18(2), as fulfilling the conditions set out in the first and second indents and, in the case referred to in the first indent, at the request of the Member State(s) concerned and on the grounds that the results of appropriate surveys which have been monitored by the experts referred to in Article 21 under the procedure laid down therein show no evidence to the contrary. In the eventuality referred to in the second indent, surveys are optional.

A harmful organism shall be considered to be established in an area if it is known to occur there and if either no official measures have been taken there with a view to its eradication or such measures have proved, for a period of at least two successive years, to be ineffective.

The Member State(s) concerned shall conduct, with respect to the case provided for in the first indent of the first subparagraph, regular and systematic official surveys on the presence of organisms in respect of which the protected zone has been recognised. Each finding of such organisms shall immediately be notified[F²in writing] to the Commission. The risk arising from such finding shall be assessed by the Standing Committee on Plant Health and appropriate action decided on in accordance with the procedure referred to in Article 18(2).

The details of the surveys referred to in the first and third subparagraphs may be established in accordance with the procedure referred to in Article 18(2)], account being taken of sound scientific and statistical principles.

The results of the above surveys shall be notified[F²in writing] to the Commission. The Commission shall forward this information to the other Member States.

The Commission shall, before 1 January 1998, submit a report to the Council on the operation of the system of protected zones together, if necessary, with any appropriate proposals;

i *a statement or measure* shall be considered official if made or taken, without prejudice to the provisions of Article 21:

— [F¹by representatives of the official national plant protection organisation of a third country or, under their responsibility, by other public officers who are technically qualified and duly authorised by that official national plant protection organisation, in the case of statements or measures related to the issuing of the phytosanitary certificates and phytosanitary certificates for re-exports, or their electronic equivalent;]

— either by such representatives or public servants or by qualified agents employed by one of the responsible official bodies of a Member State, in all other cases, provided that such agents have no personal interest in the outcome of the measures they take and satisfy minimum standards of qualification.

Member States shall ensure that their public servants and qualified agents have the qualifications necessary for the proper application of this Directive. [F¹In accordance with the procedure referred to in Article 18(2)], guidelines may be established for such qualifications.

The Commission shall, acting within the Standing Committee on Plant Health, draw up Community programmes, the implementation of which it shall monitor, regarding the

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further training of the public servants and qualified agents concerned, in an effort to raise the knowledge and experience acquired in the national context to the level of the aforementioned qualifications. It shall contribute to the financing of this further training and shall propose the inclusion of the necessary appropriations for that purpose in the Community budget^{[F1];}

- [F2] *point of entry* shall be considered to mean: the place where plants, plant products or other objects are brought for the first time into the customs territory of the Community: the airport in the case of air transport, the port in the case of maritime or fluvial transport, the station in the case of railway transport, and the place of the customs office responsible for the area where the Community inland frontier is crossed, in the case of any other transport;
- k *official body of point of entry* shall be considered to mean: the responsible official body in a Member State in charge of the point of entry;
- l *official body of destination* shall be considered to mean: the responsible official body in a Member State in charge of the area where the ‘customs office of destination’ is situated;
- m *customs office of point of entry* shall be considered to mean: the office of the point of entry as defined in (j) above;
- n *customs office of destination* shall be considered to mean: the office of destination within the meaning of Article 340b(3) of Commission Regulation (EEC) No 2454/93⁽¹⁾;
- o *lot* shall be considered to mean: a number of units of a single commodity, identifiable by its homogeneity of composition and origin, and forming part of a consignment;
- p *consignment* shall be considered to mean: A quantity of goods being covered by a single document required for customs formalities or for other formalities, such as a single phytosanitary certificate or a single alternative document or mark; a consignment may be composed of one or more lots;
- q *customs-approved treatment or use* shall be considered to mean: the customs-approved treatments or uses referred to in point 15 of Article 4 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾ (hereafter referred to as the Community Customs Code);
- r *transit* shall be considered to mean: the movement of goods which are subject to customs supervision from one point to another within the customs territory of the Community as referred to in Article 91 of Regulation (EEC) No 2913/92.]

2 Save where it is expressly provided otherwise, the provisions of this Directive concern wood only in so far as it retains all or part of its natural round surface, with or without bark, or as it is in the form of chips, particles, sawdust, wood waste or scrap.

Save for the purpose of the provisions relating to Annex V, wood, whether satisfying the conditions referred to in the first subparagraph or not, is also concerned where it is in the form of dunnage, spacers, pallets or packing material which are actually in use in the transport of objects of all kinds, provided that it presents a plant health risk.

Textual Amendments

- F1** Substituted by [Council Directive 2002/89/EC of 28 November 2002 amending Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.](#)
- F2** Inserted by [Council Directive 2002/89/EC of 28 November 2002 amending Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.](#)

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F3 Substituted by Council Directive 2009/143/EC of 26 November 2009 amending Directive 2000/29/EC as regards the delegation of the tasks of laboratory testing.

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- (1) [^{F2}OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2787/2000 (OJ L 330, 27.12.2000, p. 1).
- (2) OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council (OJ L 311, 12.12.2000, p. 17).]

Textual Amendments

- F2** Inserted by Council Directive 2002/89/EC of 28 November 2002 amending Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.