

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into the Community of organisms harmful to plants or plant products and against their spread within the Community (repealed)

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into the Community of organisms harmful to plants or plant products and against their spread within the Community (repealed)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(2)</sup>,

Whereas:

- (1) Council Directive 77/93/EEC of 21 December 1976, on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community<sup>(3)</sup>. For the sake of clarity and rationality, it has been amended on a number of occasions, often substantively<sup>(4)</sup>. It should therefore be consolidated.
- (2) Plant production is very important to the Community.
- (3) Plant production yields are consistently reduced through the effects of harmful organisms.
- (4) The protection of plants against such organisms is absolutely necessary not only to avoid reduced yields but also to increase agricultural productivity.
- (5) Action aimed at the systematic eradication of harmful organisms within the Community, established by the plant health regime applicable in the Community as an area without internal frontiers, would have only limited effect if protective measures against their introduction into the Community were not applied at the same time.
- (6) The need for such measures has long been recognised and they have formed the subject of many national regulations and international conventions, including the International Plant Protection Convention (IPPC) of 6 December 1951 concluded at the United Nations Food and Agricultural Organisation (FAO), which is of worldwide interest.
- (7) One of the most important measures consists in listing the particularly dangerous harmful organisms whose introduction into the Community must be prohibited and also

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the harmful organisms whose introduction into the Member States when carried by certain plants or plant products must also be prohibited.

- (8) The presence of some of these harmful organisms, when plants or plant products are introduced from countries in which these organisms occur, cannot be effectively checked. It is therefore necessary to make minimum provision for bans on the introduction of certain plants and plant products, or to provide for special checks to be made in the producer countries.
- (9) Such plant health checks must be limited to introductions of products originating in non-member countries and to cases where there is strong evidence that one of the plant-health provisions has not been observed.
- (10) It is necessary to make provision under certain conditions permitting derogations from a certain number of provisions. Experience has shown that the same degree of urgency may be attached to a certain number of derogations as is attached to the safeguard provisions. Therefore the urgency procedure specified in this Directive should also be made applicable to these derogations.
- (11) Temporary safeguard measures not laid down in this Directive should normally be adopted by the Member State where the problem originates in the case of imminent danger of the introduction or spread of harmful organisms. The Commission should be informed of all events which require the adoption of safeguard measures.
- (12) Given the importance of the trade in plants and plant products between the French overseas departments and the remainder of the Community, it is desirable to apply the provisions of this Directive to them. In view of the special nature of the agricultural production of the French overseas departments, it is appropriate to provide for additional protective measures justified on grounds of the protection of health and life of plants therein. The provisions of this Directive should also be extended to protective measures against the introduction of harmful organisms into the French overseas departments from other parts of France.
- (13) Council Regulation (EEC) No 1911/91 of 26 June 1991 on the applications of the provisions of Community law to the Canary Islands<sup>(5)</sup> integrates the Canary Islands into the Community customs territory and into the common policies. Under Articles 2 and 10 of that Regulation, application of the common agricultural policy is subject to the entry into force of specific supply arrangements. Such application must also be accompanied by specific measures concerning agricultural production.
- (14) Council Decision 91/314/EEC of 26 June 1991 setting up a programme of options specific to the remote and insular nature of the Canary Islands (Poseican)<sup>(6)</sup> outlines the options to be implemented to take account of the specific problems and constraints faced by those islands.
- (15) To accommodate therefore the specific plant health situation in the Canary Islands, it is appropriate to extend the application of certain measures of this Directive for a period expiring six months after the date by which Member States must have implemented forthcoming provisions dealing with the Annexes to this Directive for the protection of the French overseas departments and of the Canary Islands.

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- (16) It is appropriate to adopt, for the purposes of this Directive, the model certificates approved under the IPPC, as amended on 21 November 1979, in a standardised layout which has been drawn up in close cooperation with international organisations. It is also appropriate to lay down certain rules concerning the conditions in accordance with which such certificates may be issued, certain rules for the use of previous models during a transitional period, and certification requirements in the case of the introduction of plants and plant products from third countries.
- (17) In the case of importations of plants or plant products from third countries the authorities responsible in such countries for issuing certificates should be, in principle, those empowered under the IPPC. It could be desirable to establish lists of these authorities for the non-contracting third countries.
- (18) The procedure applicable to certain types of amendments to be made to the Annexes to this Directive should be simplified.
- (19) The scope of this Directive should be clarified in respect of 'wood'. In particular, it is useful to follow the detailed descriptions of 'wood' set out in Community Regulations.
- (20) Certain seeds are not included amongst the plants, plant products and other objects, listed in the Annexes to this Directive, which must be subjected to a plant health inspection in the country of origin or the consignor country before being permitted to enter in the Community or in intra-Community trade.
- (21) It is appropriate to provide in certain cases that the official inspection of plants, plant products and other objects coming from third countries should be carried out by the Commission in the third country of origin.
- (22) The Community inspections must be made by experts employed by the Commission, and also by experts employed by Member States, whose services are made available to the Commission. The roles of these experts should be defined in connection with the activities required under the Community plant health regime.
- (23) The scope of the regime should no longer be restricted to trade between Member States and third countries, but should also be extended to marketing within single Member States.
- (24) In principle, all parts of the Community should benefit from the same degree of protection against harmful organisms. However, differences in ecological conditions and in the distribution of certain harmful organisms must be taken into account. In consequence, 'protected zones' exposed to particular plant health risks should be defined and should be accorded special protection under conditions compatible with the internal market.
- (25) The application of the Community plant health regime to the Community as an area without internal frontiers, and the introduction of protected zones make it necessary to distinguish between requirements applicable to Community products on the one hand and those applicable to imports from third countries on the other, and to identify harmful organisms relevant for protected zones.

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- (26) The most appropriate place for carrying out plant-health checks is the place of production. In respect of Community products, these checks must therefore be made mandatory at the place of production and should extend to all relevant plants and plant products grown, produced, used or otherwise present there, and to the growing medium used there. For the efficient operation of such a system of checks, all producers should be officially registered.
- (27) To ensure more effective application of the Community plant-health regime in the internal market, it must be possible to use, for the purpose of plant-health checks, available official manpower other than that of Member States' official plant-protection services, whose training should be coordinated and supported financially by the Community.
- (28) If the results of the checks are satisfactory, instead of the phytosanitary certificate used in international trade, Community products will bear an agreed mark (plant passport), adapted to the type of product, in order to ensure its free movement throughout the Community or those parts thereof for which it is valid.
- (29) The official measures to be taken when the results of the checks are not satisfactory should be specified.
- (30) To ensure compliance with the Community plant-health regime in the context of the internal market, a system of official checks during marketing should be established. This system should be as reliable and uniform as possible throughout the Community but should exclude specific controls at borders between Member States.
- (31) In the framework of the internal market, products originating in third countries should in principle be subjected to plant-health checks on first introduction into the Community. If the results of the checks are satisfactory, third country products should be issued with a plant passport ensuring free movement in the same way as Community products.
- (32) In order to confront the situation created by the completion of the internal market with the necessary guarantees, it is essential to reinforce the plant-health inspection infrastructure at national and Community level at the Community's external frontiers, paying particular attention to those Member States which, by reason of their geographical situation, are points of entry to the Community. The Commission will propose the inclusion in the General Budget of the European Union of the necessary appropriations for that purpose.
- (33) With a view to improving the efficiency of the Community plant-health regime in the context of the internal market, the Member States should harmonise the practices of the personnel responsible for plant-health. The Commission will submit, before 1 January 1993, a Community code of plant-health practice.
- (34) It is no longer possible for Member States to adopt any special plant-health provisions on the introduction into their territory of plants or plant products originating in other Member States. All provisions on plant-health requirements for plants and plant products should be established at Community level.

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- (35) It is necessary to establish a system of Community financial contributions to share at Community level the burden of possible risks which might remain in trade under the Community plant-health regime.
- (36) In order to prevent infections by harmful organisms introduced from third countries, there should be a Community financial contribution aimed at reinforcing the plant health inspection infrastructure at the Community's external frontiers.
- (37) The regime should also provide for adequate contributions to certain expenses for specific measures, which Member States have adopted to control and, where applicable, eradicate infections by harmful organisms introduced from third countries or from other areas in the Community, and, where possible, to repair the damage caused.
- (38) The details of the mechanism for granting the Community financial contribution should be determined under a rapid procedure.
- (39) It must be ensured that the Commission is informed in full of the possible causes for the introduction of the harmful organisms concerned.
- (40) In particular, the Commission should monitor correct application of the Community plant-health regime.
- (41) It should be established that the introduction of the harmful organisms has been caused by inadequate examinations or inspections. Community law should apply in respect of the consequences, taking into account certain specific measures.
- (42) It is appropriate for Member States and the Commission to cooperate closely within the Standing Committee on Plant Health set up by Council Decision 76/894/EEC<sup>(7)</sup>.
- (43) This Directive must not affect the obligations of the Member States concerning the time-limits for transposition and application set out in Annex VIII, Part B,

HAS ADOPTED THIS DIRECTIVE:

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- (1) Opinion delivered on 15 February 2000 (not yet published in the Official Journal).
- (2) [OJ C 129, 27.4.1998, p. 36.](#)
- (3) [OJ L 26, 31.1.1977, p. 20.](#) Directive as last amended by Commission Directive 1999/53/EC ([OJ L 142, 5.6.1999, p. 29.](#)).
- (4) See Annex VIII Part A.
- (5) [OJ L 171, 29.6.1991, p. 1.](#) Regulation as last amended by Regulation (EC) No 2674/1999 ([OJ L 326, 18.12.1999, p. 3.](#)).
- (6) [OJ L 171, 29.6.1991, p. 5.](#)
- (7) [OJ L 340, 9.12.1976, p. 25.](#)