



# Report on the enforcement and effectiveness of plant health measures relating to imports into the Union territory

## Report under Article 50 of Regulation (EU) 2016/2031

*Ad-hoc meeting of the Advisory Group on Food Chain and Animal and Plant Health*

*2 May 2022*

# Outline

Introduction

Import Procedures

Phytosanitary certificate

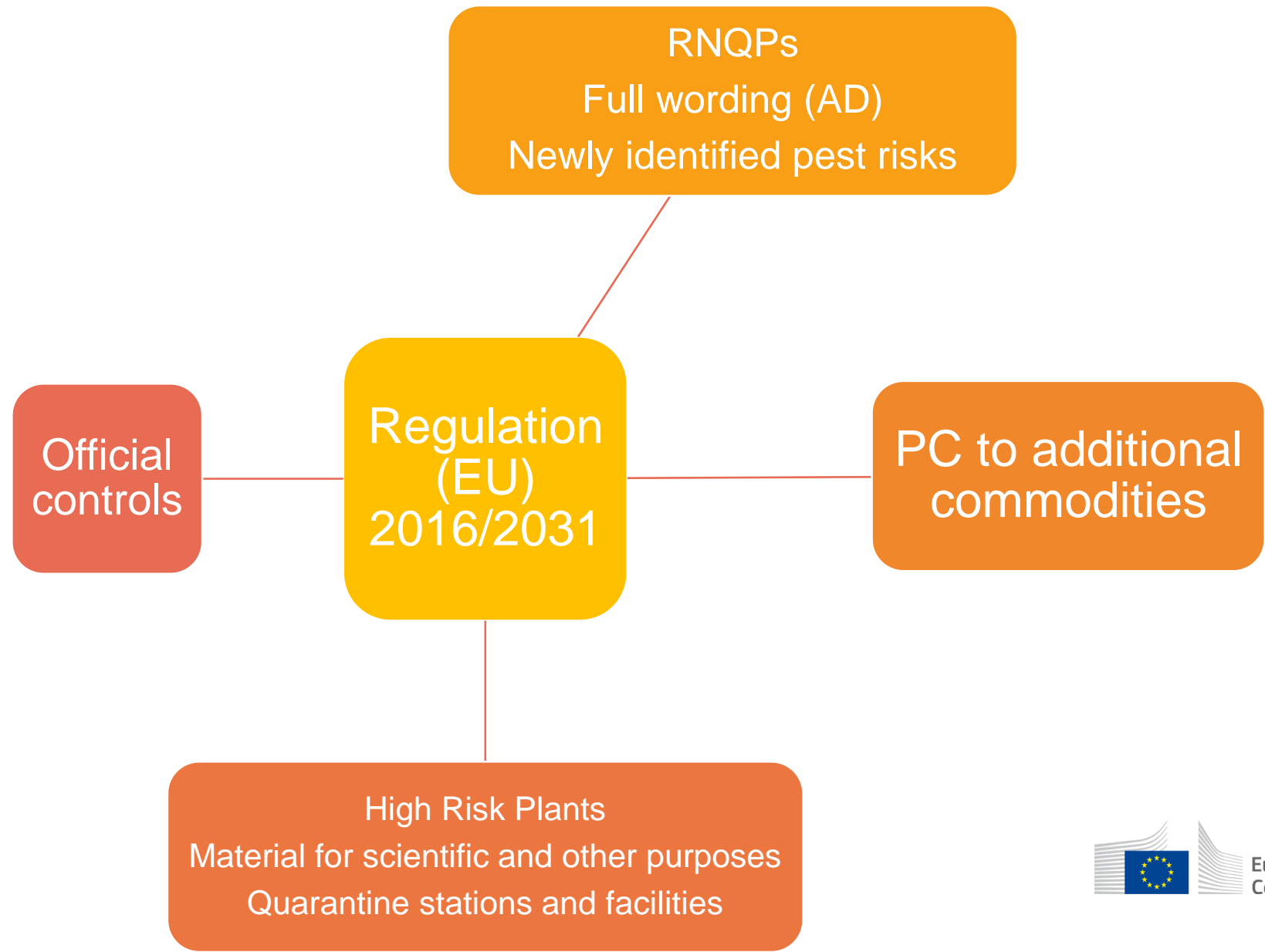
Import Prohibitions

Official Controls

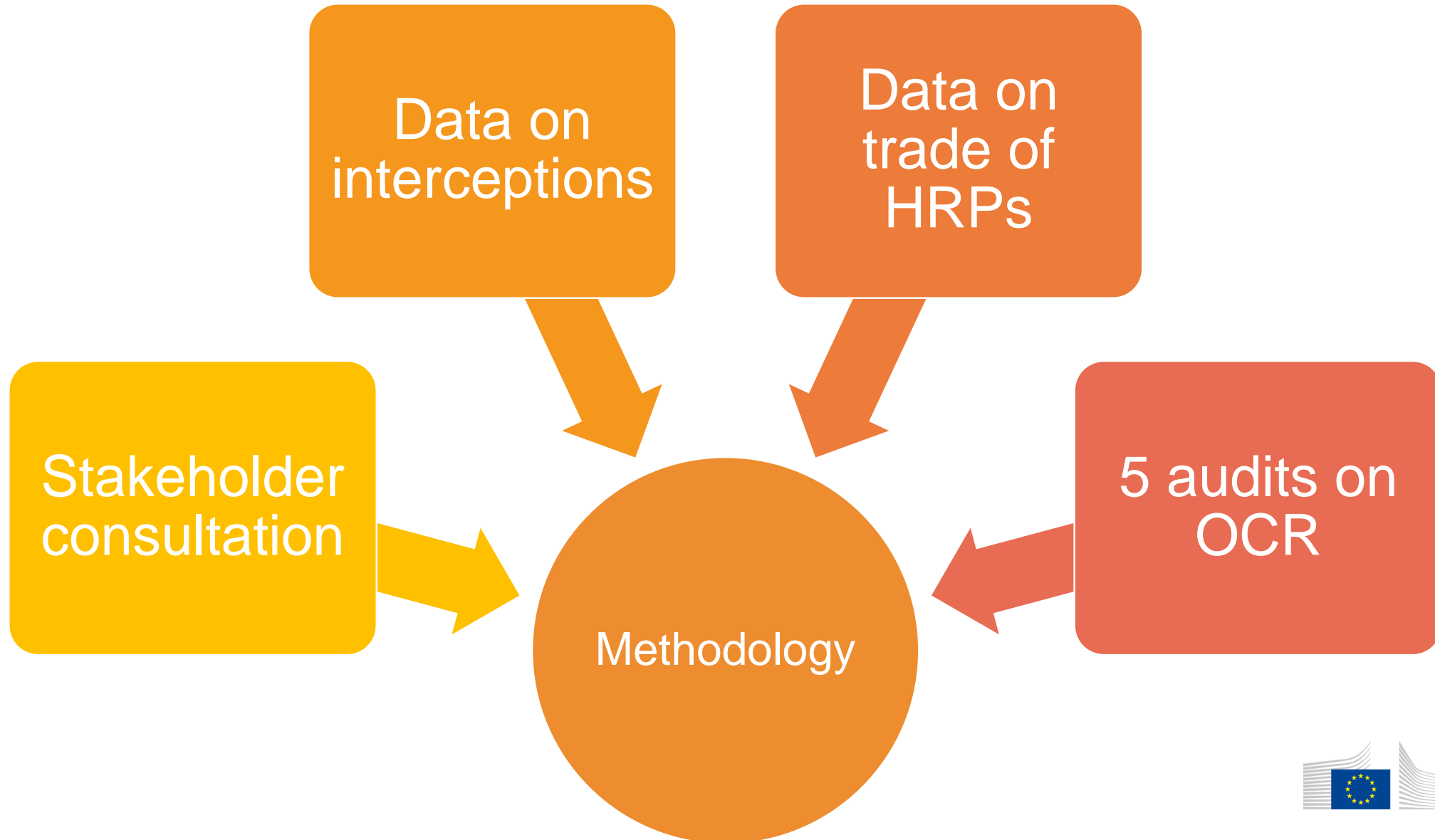
Conclusions

Way forward

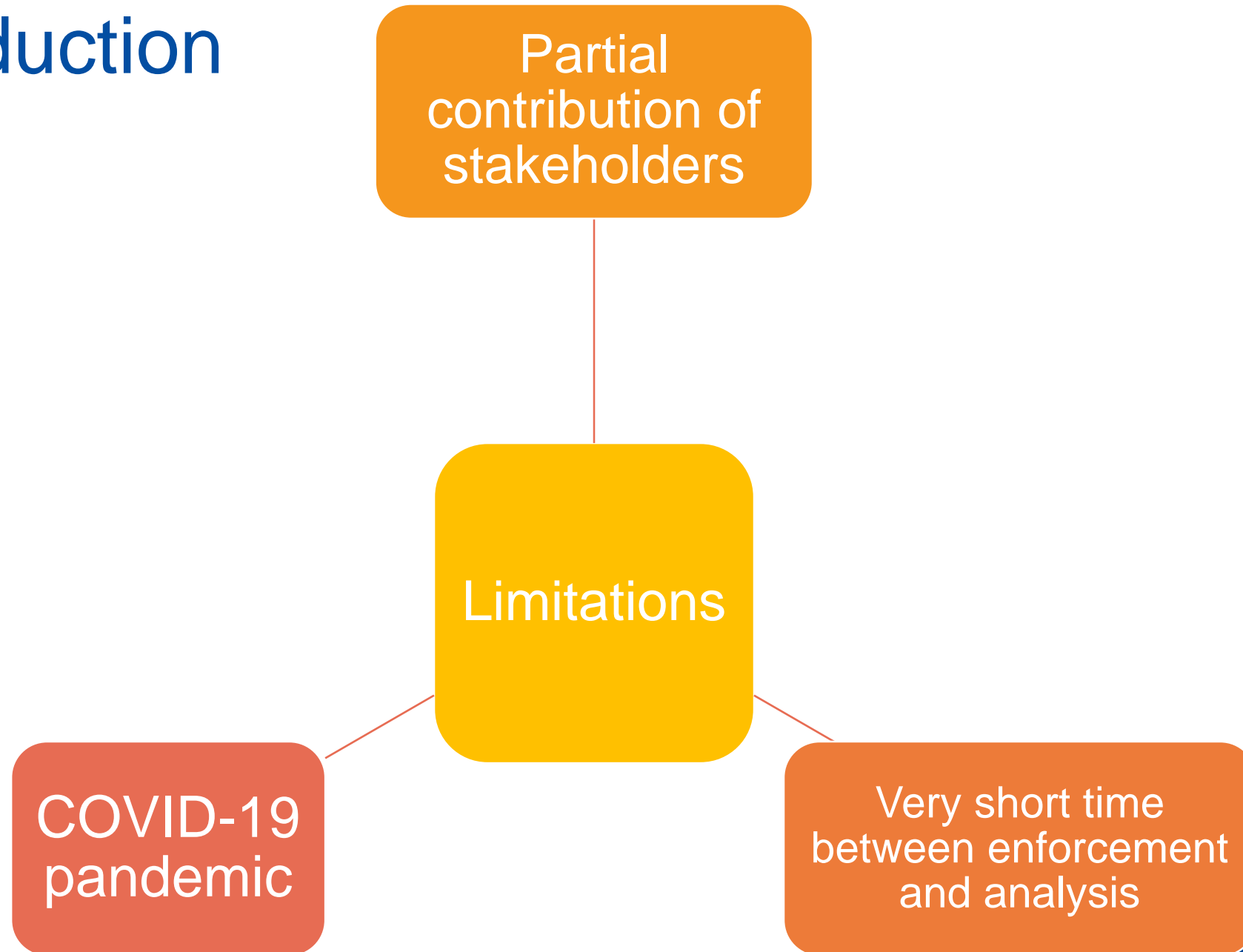
# Introduction – Main changes in import regime



# Introduction



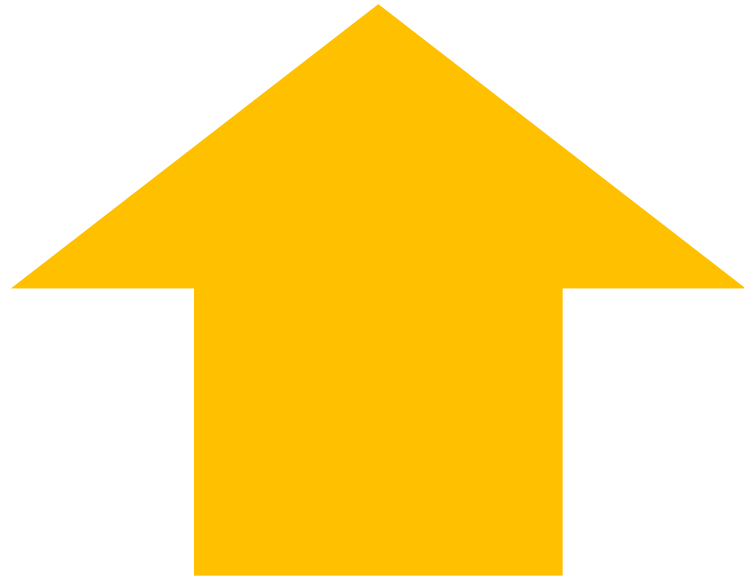
# Introduction



# Introduction – Fulfilment of legal obligation



# Import procedures - RNQPs

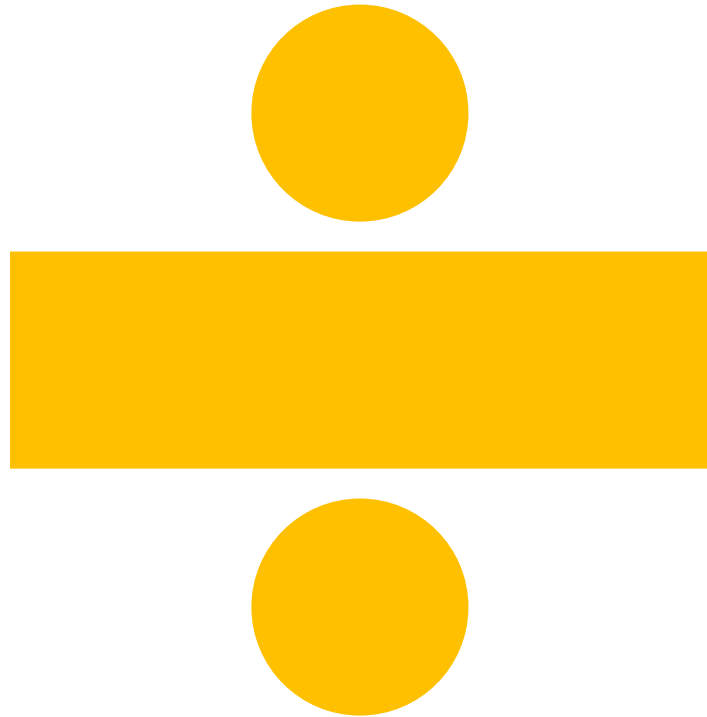


Overall – effective implementation (effective for 38% vs ineffective for 29%)



Lack of coherence between the PRM and PH legislation (25% of NPPOs, 41% of operators, 5 out of 6 Certification CAs)

# Import procedures - RNQPs



Divided views as to whether compliance with RNQP measures should be included in Additional Declaration or not



# Import procedures - RNQPs



Increase in efficiency of import controls (2/3 started QP and RNQP controls simultaneously, 1/3 already doing so)

Lack of clarity on actions in case of non-compliance (no full implementation of Art 66-67 of OCR)



# Import procedures – Art 49 – Newly identified risks



51% did not express an opinion

28.6% - not to be used

20.4% - to be used

Feedback too poor - Not possible to make an assessment

# Phytosanitary certificate – PC extension



PC extension  
overall – beneficial


- Increased traceability, protection against pests, awareness about plant health

*Non-EU NPPOs:*

- Increased accountability, improved capacity to detect pests during pre-export checks

*Operators:*

- No change in level playing field
- Increased awareness, equal rules, increased controls, increased level of trust
- Decrease in fraudulent practices, and in overall risk
- Improved capacity to monitor contracts

- 
- Increased administrative burden and associated costs
  - Increased workload

# Phytosanitary certificate - PC extension



Capacity to make long-term investments or strategic decisions not majorly impacted

Increased time and costs to carry out controls to additional commodities



# Phytosanitary certificate - PC extension



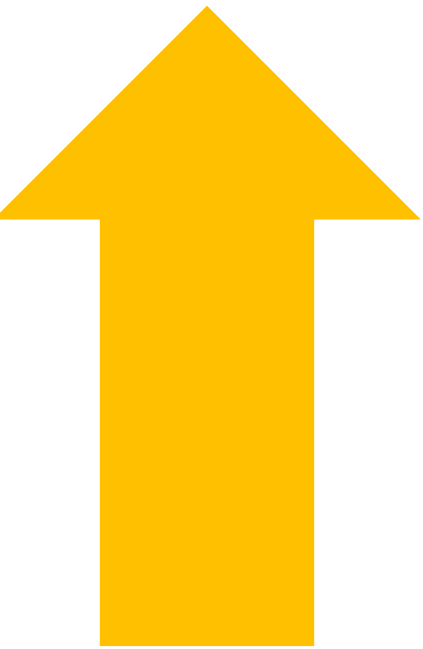
# Phytosanitary certificate –Art 71(2) - Full wording

>50% - rather clear  
32% - rather unclear

EU NPPOs – clear  
non-EU NPPOs – clear  
Operators - unclear

Operators  
Non-homogenous  
implementation

# Phytosanitary certificate – Passengers' luggage



Overall beneficial  
80% - Increased  
protection against  
pests



Replies from general  
public too few to make  
an assessment.

However those who  
responded were  
aware of their  
obligation

# Prohibitions – Derogations from Art 40 prohibitions

47% - procedure satisfactory

30% - procedure unsatisfactory

Reasons for dissatisfaction:  
Lack of transparency  
Limited scientific basis  
Lengthy procedures  
Increased admin and financial efforts



# Prohibitions – Art. 42 – High Risk Plants

Art. 42 – effective (61%)

- Increased protection
- Increased preparedness
- Increased awareness

List of HRP and procedures - clear

Stringency of ban – adequate



Transparency not adequate



# Prohibitions – Art. 42 – High Risk Plants



Increased capacity to trace HRP commodities



Increased admin burden due to complexity of controls, inspections and surveillance, lack of transparency in listing of plants



# Prohibitions – Art 42 – High Risk Plants

No significant impact on domestic market

- Production
- Prices
- Sales
- Capacity to export and to invest

*Operators and associations:*

- HRP trade more complex due to the need for new suppliers – successfully replaced
- In line with trade data analysis

*Non-EU NPPOs with dossier:*

- Process complex
- Information requested – too specific
- Detailed guidelines – not available
- Inspections complex (addressed by training)

# Prohibitions – Art. 8 and 48 – Material for scientific and other purposes



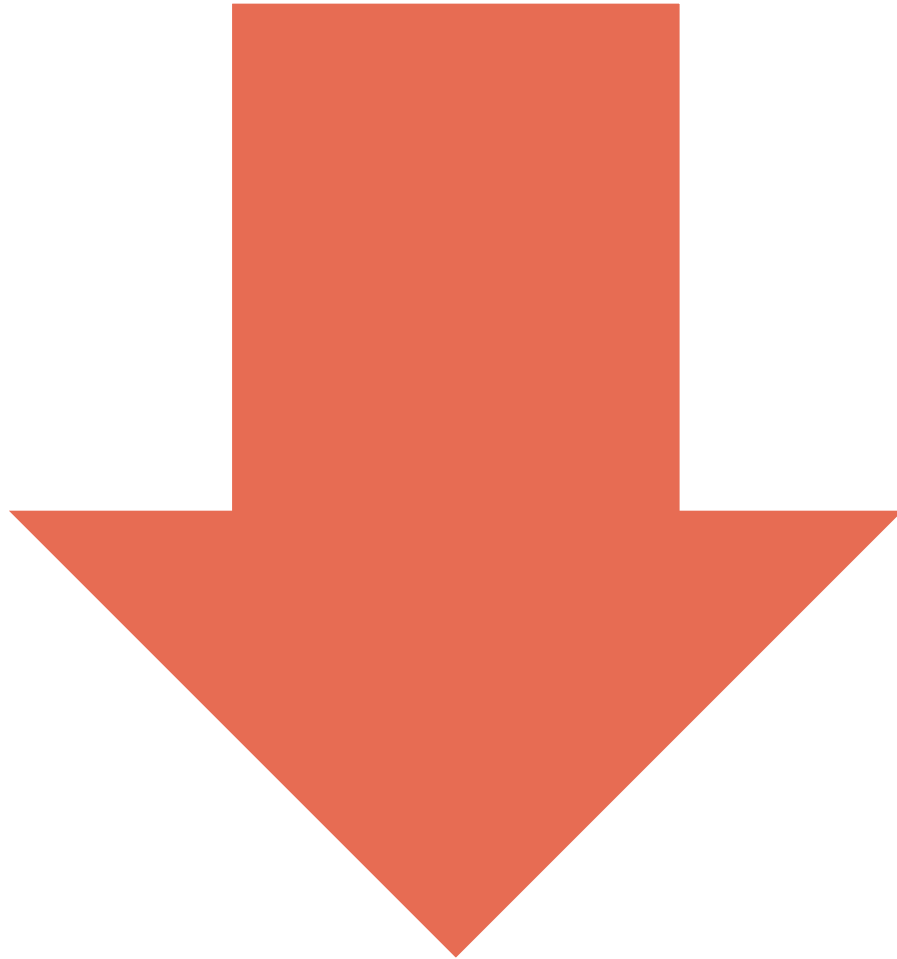
Majority of respondents:  
- Provisions simplified

1/3 of respondents (3  
laboratories)

- Provisions more complex



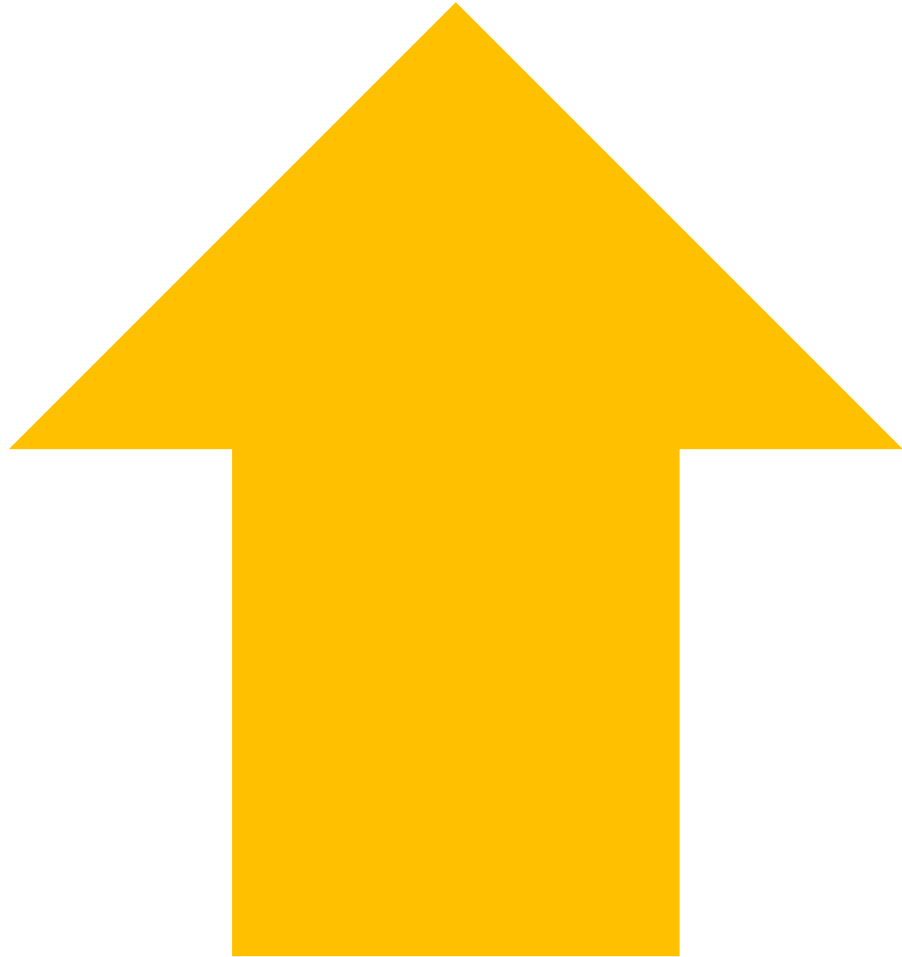
# Prohibitions – Art. 8 and 48 – Material for scientific and other purposes



LoA unsatisfactory

- Endorsement by non-EU NPPOs
- Administrative burden
- Lack of clarity
- Lack of harmonization amongst MS
- Repeated request to the same consignor

# Prohibitions – Art. 60-64 – Quarantine stations and confinement facilities



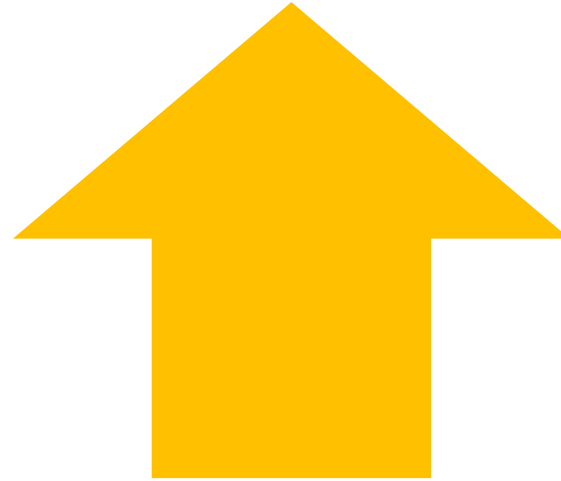
Provisions satisfactory

Procedure for release of material clear and effective

# Official Controls



No conclusions on level of effectiveness and harmonization of import controls



Based on questionnaire:  
>50% effective and harmonized

Based on 5 audits:

- Min requirements at BCP and CP are not yet met
- Audit and verification procedures, documented procedures, monitoring plans, sampling plans at different stages of development
- Shortcoming of TRACES-NT with personal consignments and WPM



# Official Controls


## TRACES-NT


Important improvement  
Functionality to notify non-compliances effective (80%)  
Interconnection with other systems  
User-friendliness  
Availability of information


## Risk Based controls at BCP/CP

Controls efficient

## Rules for sampling and physical checks

 Important improvement  
Sample size decided uniformly

 Disproportionate size for small quantities

 No impact on costs





# Official Controls

No increase in staff or workload

BTSF training

Very limited changes in number of BCPs and CPs

## Official Controls

No impact in capacity to import plants/plant products (47%)

Reduced capacity to import plant/plant products (25% of operators and associations)

### Justification:

Now goods are cleared based on PC, before based on transport document which included several PCs

- Increased costs of controls (1 out of 3 – private sector)

# Official Controls




No increase in costs for consumables (>50% of NPPOs)

Time to undertake controls either remained the same

or increased by less than 10% (67% of NPPOs)



# Official Controls



Control of passengers' luggage:

- Risk based
- Delegated to customs
- Few facilities needed upgrade

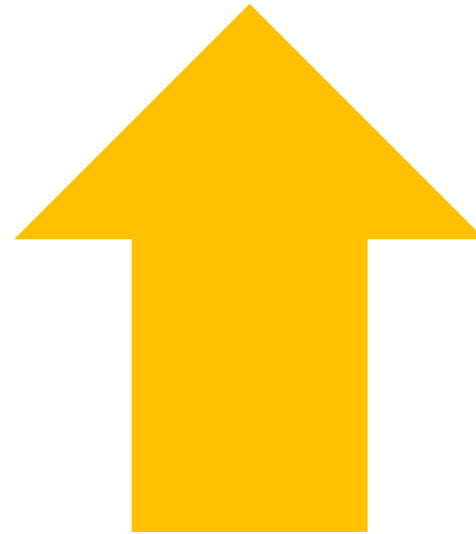
E-commerce:

- Controls are not the same as those on goods supplied through the traditional supply chain

# Official Controls - Post-import checks



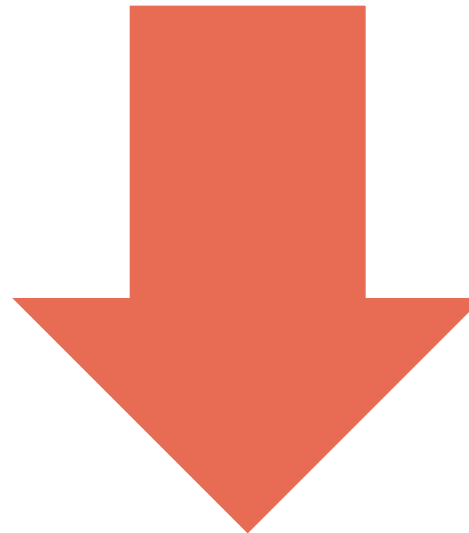
In force since only  
half a year  
61.6% - no opinion



22.3% - effective  
Organization of checks - simple



No conclusions on  
impact on costs -  
too few data



50% of NPPOs found tracing of  
commodities imported via other MS  
complex  
Important share found organization  
of checks not easy at all

# Conclusions

PHR and OCR achieved the objective of enhanced protection and preparedness

- Risk-based, transparent approaches
- Provisions that provided clarity and enhanced protection
- EU and MS level associations: against provisions that changed already established procedures of trade

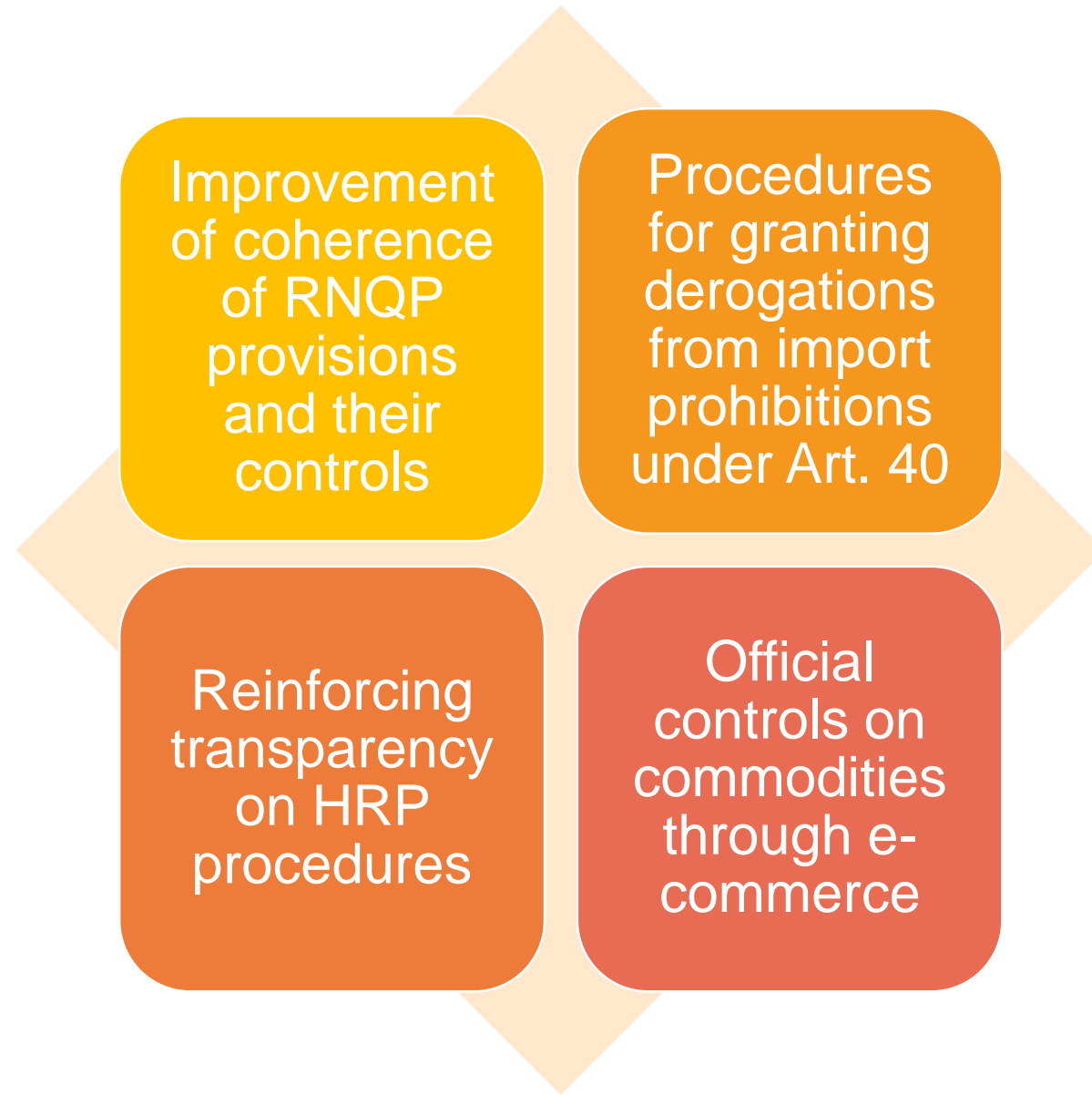
Feedback on changes to PC requirements and to OCR, and temporary ban of HRP  
Analysis of available data

- Benefits outweigh the costs
- Training dissemination activities

Import procedures - RNQPs

- EU and non-EU authorities – benefits
- Private operators – shortcomings in implementation/ need for fine-tuning

# Conclusions



Meeting of the AGRIFISH Council  
21-22 February 2022  
Information point

COPHs Meeting  
2-3 February 2022



# COPHS Feb 22 - Document by FR Presidency

## RNQPs

- Coherence
- Compliance with RNQP requirements on PC (Additional Declaration)
- RNQP non-compliances in IMSOC

## PC

- Difficulties distinguishing between commodities of Part A and Part B of Annex XI of Regulation (EU) 2019/2072
- 1% controls of Part B commodities – when and how
- Article 71(2) – full wording on PC in case of requirements with options

## Import prohibitions

- Procedures for derogations from Art. 40 prohibitions
- Transparency in selection of high-risk plants
- Material for scientific and other purposes - Letter of Authority

## Official controls

- Improvement of legal framework for distance sales
- Facilitation of post-import checks

# COPHs Feb 22 – MS comments on FR document

## RNQPs -Coherence

- Support harmonization
- Sampling, laboratory testing not at the same level as QPs
- Experience with RNQP controls to be discussed in PAFF
- Review RNQP list
- Unclear in import of seeds (OECD schemes, lack of equivalence)

## RNQPs – Additional Declaration

- In favour (necessary to know the measure applied)
- Against (AD already too long, guarantee already in certification label)
- Proposal for a generic text

## RNQPs - IMSOC

- In favour
- Concerns about duplication of work with Marketing Directives
- Actions not at same level as for QPs

# COPHs Feb 22 – MS comments on FR document

## Part A vs Part B commodities

- Some MS - no difficulties
- Some MS - some difficulties with CN codes
- Proposal for more specific CN codes
- Proposal for creation of import database in IMSOC

## 1% controls of Part B commodities When - How

- When part of mixed consignment
- Risk based
- When for other official controls
- When market surveys

## 1% controls of Part B commodities How (3 proposals)

- Proposal to record controls in IMSOC
- Proposal to submit reports and discuss in PAFF annually
- Proposal to include controls in MANCP report – MANCP not for imports
- To be discussed only when risk.
- No need for action. Interceptions are notified via IMSOC and discussed in PAFF.

# COPHs Feb 22 – MS comments on FR document

## Full wording on PC

- Some MS - no difficulties
- Some MS - some difficulties
- Proposal for a simple and standardized wording

## Derogations from Art 40 import prohibitions

- Support for a procedure
- Proposal for a flexible procedure involving more actors (e.g. EFSA) when needed
- Proposal for a generic commodity risk assessment

## Art. 42 - High-Risk Plants - Transparency

- Elaborate on criteria
- Procedure for selecting high-risk plants

# COPHs Feb 22 – MS comments on FR document

## Letter of Authority

- Issues with period of validity of LOA, countersignature, multiple consignments, IMSOC reference number
- Proposal to extend validity of LOA
- Proposal to develop a simple, illustrated guidance document
- Proposal to abolish the endorsement/signature by non-EU NPPO

## Improvement of legal framework for distance sales

- Need for clarification/ dedicated controls based on PRA
- Problems with registration of postal consignments in TRACES and non-registered operators in TC
- Proposal to address first postal consignments and planting material
- Proposal to clarify test purchases
- Proposal to develop an info webpage/ guidelines/ procedures
- Proposal to develop rules after IPPC standard is adopted?

## Post-import checks – facilitation of controls

- Tracing difficult in consequent trade steps after import
- Tracing possible for operators in the same country
- Tracing possible for plants moved from other MS based on country of origin mentioned on PC
- Proposal to evaluate usefulness of measure after a representative number of controls

# Proposed way forward – Amendments of PHR

RNQPs -  
coherence

- Amendment of PHR and PRM legislation so that RNQPs only under PHR

# Proposed way forward – Amendments of PHR

## RNQPs – Additional Declaration

- Include RNQP requirements in Additional Declaration when options (dependent on decision for full wording in general)

# Proposed way forward – Amendments of PHR

RNQPs  
-  
IMSOC

- Explicitly cover notification of RNQP non-compliances



# Proposed way forward – Amendments of PHR

Procedures  
for  
derogations  
from Art 40  
prohibitions

- Include legal basis for the development of such procedures

# Proposed way forward – Amendments of PHR

## Art 42 HRP Transparency

- Elaborate on the selection criteria for HRP and
- Develop procedure for preliminary assessment

# Proposed way forward – Other actions

## Distance sales

- Improve/ensure correct implementation
- Empowerments available for specific control provisions (e.g. Art 53 and 77 OCR)

## Part A part B commodities

- CN codes is an ongoing work
- Import database is under construction

## 1% controls of Part B commodities

- How to improve implementation?

## Full wording in AD

- Keep or simplify?

## LOA

- Work is ongoing in expert group

## Post-import checks

- More info to facilitate controls, needed or not?

# Proposed way forward - Summary

## RNQPs

- Amendment of PHR and PRM legislation – RNQPs only under PHR
- Full wording in Additional Declaration
- Cover explicitly notifications in IMSOC

## Derogations to prohibitions

- Legal basis for procedure

## HRP

- Selection criteria
- Procedure for preliminary assessment

## Distance sales

- Improve/ensure correct implementation
- Empowerments available for specific control provisions (e.g. Art 53 and 77 OCR)

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## Post-import checks

- More info to facilitate controls, needed or not?