

Proposed changes to the EU Plant Health Regulation (Regulation (EU) 2016/2031)

The EU Proposal is currently open for feedback, up until 01 January 2024. Please see [here](#) for providing any comments.

Changes to EU requirements

There is a proposed change that will directly impact third countries.

Proposed change	Previous EU requirements	Comments
Phytosanitary Certificates (PCs) must specifically state how the third country has ensured that the relevant plants for planting comply with import requirements on Regulated Non-Quarantine Pests (RNQPs).	PCs are already required to certify the absence of RNQPs but did not need a statement on how RNQP rules were complied with, when different options are available.	Following the feedback period and final approval by the EU Commission, the EU plan to provide 6 months for third countries to adapt to these new rules. Defra are seeking further clarification on this new requirement from the EU.

Changes to EU powers

There are several changes to EU powers that are expected to impact third countries in future.

Proposed change	Previous EU powers	Comments
Temporary EU pest measures may include specific import requirements for the respective plants and other goods against pests that provisionally qualify as Union Quarantine Pests.	EU legislation could adopt temporary measures against provisional Union Quarantine Pests but did not clearly state whether these measures could include import requirements.	No impact yet on trade. Specific goods may be impacted once the EU utilises this power.
Temporary derogations from import prohibitions and special import requirements may be adopted for goods that have been removed from the EU list of high-risk plants, based on a provisional assessment. The EU are also proposing powers to adopt rules for the submission and	Currently, temporary derogations may be adopted on goods that were originally on the EU list of high-risk plants, but only related to specific Union Quarantine Pests rather than pests that have only been provisionally assessed.	These powers will enable trade and increase transparency once used, though have no impact yet. Specific goods may be impacted once the EU utilises these powers.

examination of third country requests for temporary derogations.		
Adopting rules on the process for identifying and listing high-risk plants.	According to EU legislation, the provisional listing of the plants as high-risk plants should be based on a preliminary assessment. However, no further details are set out on how to carry out this assessment.	These powers will enable trade once used, via increased transparency, though have no impact yet. Specific goods may be impacted once the EU utilises this power.
Expanding requirements for third countries' equivalence to include existing import requirements	Currently, the EU can set out requirements for third countries to provide a level of phytosanitary protection which is equivalent to the special requirements applicable to the movement of plants and other goods within the EU. This power does not cover cases where no movement requirements within the EU exist, as the respective pest is not known to be present in the Union territory so instead special import requirements are in place.	No impact yet on trade. Specific goods may be impacted once the EU utilises this power.
Enabling official attestations, issued by exporting countries for specific imported plants, plant products and other objects, to be accepted as alternatives to international standards.	The EU can currently accept official attestations for certain goods, as alternatives to PCs, which are required by the relevant international standards. However, no international standards so far exist for such attestations (the latter being very specific).	No impact yet on trade. Specific goods may be impacted once the EU utilises this power.

Finally, there are proposed changes to Member States and Northern Ireland (NI).

Proposed changes	Previous EU requirements or powers	Comments
Requiring Member States and NI to report non-compliances with the rules on RNQPs via the electronic notification system, the Information Management System for Official Controls.	No obligation existed previously to report non-compliances for rules on RNQPs.	No impact on trade expected.
Power proposed to allow certain goods, for which it is impractical to attach an EU Plant Passport (such as logs), to move without an EU Plant Passport attached to the trade unit.	EU legislation requires EU Plant Passports to be attached to all respective plants, plant products or other objects, despite this being impractical for certain goods.	A similar measure is already in place in GB. No impact yet. Specific goods in the EU may be impacted once the EU utilises this power.
Amending the reporting obligations for Member States and NI concerning the pest survey programme and demarcated areas.	EU currently have more complicated reporting requirements, often via a non-digitalised approach.	No impact on trade expected.