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Committee on Sanitary and Phytosanitary Measures

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**THE EU REGULATION ON HIGH RISK PLANTS
COMMISSION IMPLEMENTING REGULATION (EU) 2018/2019**

COMMUNICATION FROM THE EUROPEAN UNION

The following communication, received on 6 March 2019, is being circulated at the request of the Delegation of the European Union.

1.1. Regulation (EU) No 2016/2031 on protective measures against pests of plants ("Plant Health Law") was adopted on 26 October 2016 and entered into force on 13 December 2016. It constitutes a new European Union (EU) legal framework for plant health providing comprehensive and clear rules for the prevention of entry into, and spread within, the EU territory of pests injurious to plant health. These new rules will apply from 14 December 2019.

1.2. Amongst other provisions, the Plant Health Regulation introduces requirements for "High risk plants, plant products and other objects", namely commodities whose import will be provisionally prohibited into the European Union until a full risk assessment is carried out.

1.3. The European Commission proposal was notified under the WTO SPS Agreement as G/SPS/N/EU/272 on 26 September 2018, while the final Regulation (Regulation (EU) 2018/2019) was notified as G/SPS/N/EU/272/Add.2 on 8 January 2019.

1.4. Further to the above-mentioned notifications, the European Union circulated document G/SPS/GEN/1541 that sketched out the general provisions of the regulation and held a thematic session on the EU plant health import regime. This meeting, held in Brussels the 28 September 2018¹, was open to all WTO Members and was attended by representatives of 37 non-EU countries.

1.5. The list of high risk plants, plant products and other objects was adopted on 18 December 2018 and notified to WTO/SPS as G/SPS/N/EU/272/Add.2. The list was drafted on the basis of Article 42 of Regulation (EU) 2016/2031. The introduction of the plants listed as high risk plants will be provisionally prohibited from the 14 December 2019 pending a risk assessment.

1.6. The European Food Safety Authority (EFSA) published on 31 October 2018 a Technical Report entitled "Information required for dossiers to support demands for import of high risk plants, plant products and other objects as foreseen in Article 42 of Regulation (EU) 2016/2031" detailing the information that non-EU countries shall provide for EFSA to carry out the risk assessment. The publication of this report was notified as G/SPS/N/EU/272/Add.1.

1.7. An implementing act detailing the procedures for carrying out the risk assessment and the information that third countries shall include in the dossier accompanying the demand of import of high risk plants was adopted on 18 December 2018, together with the list of high risk plants. Commission Implementing Regulation (EU) 2018/2018 was notified as G/SPS/N/EU/272/Add.3.

1.8. Twelve WTO Members commented on the EU notification G/SPS/N/EU/272. The comments received referred to the increased phytosanitary protection of the European Union, the possibility of taking into account historical trade and exemption from the measure based on that data, the

¹ G/SPS/GEN/1639 Information session on the EU plant import regime.

possibility to continue trading while the risk assessment is carried out, the request of the list of pests to list high risk plants and information about the procedures followed to establish such a list.

1.9. The European Union has replied to all comments received. In those comments the European Union explained the details of the procedures that have to be followed to carry out a risk assessment, clarified that no country can be excluded from the measure at this stage before the risk assessment is concluded, and encouraged WTO Members to prepare and submit complete dossiers from the date of adoption of the text, as the measure will be applicable from 14 December 2019.

1.10. In addition, and to assist trading partners with the preparation of the dossiers, the European Food Safety Authority (EFSA) organised an online webinar open to all WTO Members on 12 February 2019.² A total of one hundred and seventy-two people from fifty-five different countries joined the webinar. Participants focused their questions on the content of the dossiers as well as on the deadline to submit the dossiers and the time-scale for the risk assessment. All questions were answered during the webinar or later in writing.

1.11. So far, two dossiers have been received and transmitted to EFSA. The European Union encourages WTO Members to prepare the dossiers very carefully and submit complete dossiers as soon as possible to allow EFSA to initiate the relevant risk assessment promptly.

1.12. Any measure with the potential to affect international trade will be duly notified to the WTO/SPS Committee.

1.13. More information about the Plant Health Law and the development of the complementing regulatory measures is available on the European Commission website:
https://ec.europa.eu/food/plant/plant_health_biosecurity/legislation/new_eu_rules_en.

² G/SPS/GEN/1671 EFSA webinar: how to prepare dossiers to support demands for import of high risk plants.