

## EU legislation: Organisms harmful to plants

### Introduction



In the European Union (EU), legislation is laid down in order to prevent that harmful organisms are introduced and spread within the EU, via the trade in flowers, plants and fresh fruits and vegetables mainly. The requirements included in this legislation are called phytosanitary measures.

The former Directive 77/93/EEC is withdrawn and replaced by **Directive 2000/29/EC** and its amendments on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread in within the Community.

🔗 Please note that as of March 1, 2005 there are phytosanitary requirements in force for **wood packaging material imported into the EU**. This document has not yet been updated to include these requirements.

Use the following link to read more about requirements for all wood packaging material, including materials used as packaging material for the import goods into the EU.

[Requirements for wood packaging materials imported into the EU](#)

🔗 For more information on recent amendments in Directive 2000/29/EC, download the Newsletter of 21 February 2005: "March 2005: New EU import requirements for wood packaging materials in force!"

### Outline of the legislation

The essence of the legislation is that the Member States have to ban the introduction into their territory of:

- harmful organisms,
- plants and plant products where they are contaminated by the relevant harmful organisms,
- introduction into relevant protected zones of certain harmful organisms and certain plants and plant products.

Harmful organisms can, for instance, relate to certain insects, mites and nematodes, bacteria, fungi and viruses and virus-like organisms.

As you can see in the table on the next page, the Annexes of the Directive provide information on the harmful organisms which are banned, the harmful organisms which are banned if they are present on certain plants or plant products. And the plants and plant products that are not allowed to be marketed if they originate from a specific area, or if they are contaminated with specific organisms.

This legislation is relevant for those who wish to place the following products on the EU market:

**Products for which the Plant Health Control legislation is relevant Plants:**

Plants	<p><b>Plants: living plants and specified living parts thereof, including seeds.</b></p> <p><b>This category includes:</b></p> <ul style="list-style-type: none"> <li><b>a. Fruit (in the botanical sense, other than that preserved by deep freezing)</b></li> <li><b>b. Vegetables, other than those preserved by deep freezing</b></li> <li><b>c. Tubers, corms, bulbs, rhizomes</b></li> <li><b>d. Cut flowers</b></li> <li><b>e. Branches with foliage</b></li> <li><b>f. Plant tissue cultures</b></li> <li><b>g. live pollen,</b></li> <li><b>h. bud-wood, cuttings, scions,</b></li> <li><b>i. any other part of plants, which may be specified in accordance with the procedure referred to in Article 18(2) of the Directive.</b></li> </ul>
Seeds	Seeds in the botanical sense, other than those not intended for planting.
Plant products	Products of plant origin, unprocessed or having undergone simple preparation in so far as these are not plants

**Please note:**

The Annexes are particularly relevant to exporters of fresh produce including plants and flowers, since they specified what is not allowed to be imported to the EU, what is only allowed to be imported under specific conditions and

- If you export products on Annex II which are contaminated with the relevant harmful organisms your products are not allowed on the market.
- Moreover, if you are an exporter of products on Annex III, and your produce originates from any of the countries listed, you are not allowed to export your product to the EU at all.
- Annex IV specifies which products are only allowed to be imported under specific conditions. These conditions are also specified in the Annex.
- Annex V lists plants, plant products and other objects which must be subject to a plant health inspection in the country of origin, before being permitted to enter the Community.

If your product is on Annex III and you are growing this product in one of the countries specified, please note that in specific cases exceptions can be made. Provided that there is no risk of harmful organisms spreading, the Member State you are planning to export is allowed to make an exception in individual specified cases, under specific conditions. It is probably necessary to apply for a derogation like this.

When plants and plant products are imported in the community from third countries (non-EU Member States) and when these plants and plant products are listed in Annex V of the Directive, this implies that all batches will be checked on contamination with the harmful organisms. If the batch is contaminated, steps will be taken.

All plant products, including products other than those plant and plant products mentioned in the Directive are checked on their quality when they are being imported. If during such an inspection or any other inspection harmful organisms listed in Annexes of the Directive are found, steps will be taken as well.

It is therefore important to be aware of the fact that certain harmful organisms that might be present on your produce are banned from introduction in the European Union and that certain product groups will always be inspected on these organisms.

*Overview of the content of the Annexes*

<b>Annex I</b>	<b>Part A: harmful organisms whose introduction into, and spread within, all member states shall be banned</b>
	Part B: Harmful organisms whose introduction into and whose spread within, certain protected zones shall be banned
Annex II	Part A: Harmful organisms whose introduction into, and spread within all member states shall be banned IF they are present on certain plants or plant products
	Part B: Harmful organisms whose introduction into, and whose spread within certain protected zones shall be banned if they are present on certain plants or plant products.
Annex III	Part A: Plants, plant products and other objects the introduction of which shall be prohibited in all member states, if they originate from the countries outlined in the Annex.
	Part B: Plants, plant products and other objects the introduction of which shall be prohibited in certain protected zones.
Annex IV	Special requirements which shall be laid down by all member states for the introduction and movement of plants plant products and other objects into and within certain protected zones.
Annex V	Plants, plant products and other objects that must be subject to a plant health inspection (if originating from outside the community, in the country of origin or the consignor country) before being permitted to enter the community.
Annex VI	Plants and plant products to which special arrangements may be applied, these are: <ul style="list-style-type: none"> <li>1. Cereals and their derivatives.</li> <li>2. Dried leguminous plants.</li> <li>3. Manioc tubers and their derivatives.</li> <li>4. Residues from the production of vegetable oils.</li> </ul>
Annex VII	Model certificates