



## New phytosanitary (plant health) requirements for the export of fruit & vegetables to the European Union

*Applicable for all third countries (all countries outside the European Union)*

### SUMMARY NEW REQUIREMENTS:

- **1) From 1 September 2019:**
  - 1A) Phytosanitary certificate for several fruit & vegetables
  - 1B) Stricter EU import requirements for several fruit & vegetables
  - 1C) NPPO third country: communication to European Commission regarding pest status / treatment before 1 September 2019
- **2) From 14 December 2019:**
  - 2A) Phytosanitary certificate for all fruit & vegetables (5 exemptions)
  - 2B) Phytosanitary certificate: "Additional declaration" in full wording
  - 2C) High risk plants: import into EU territory prohibited

### 1) Changes / new requirements from 1 September 2019

Commission Implementing Directive (EU) 2019/523 of 21 March 2019 **amending Annexes I to V to Council Directive 2000/29/EC** on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.

**Effective date: 1 September 2019**

Link website (*legislation in several languages*):

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019L0523>

**Consequences for all third countries (outside European Union):**

**1A. From 1 September 2019 a phytosanitary certificate is required (and therefore subject to a plant health inspection in the country of origin) for fruits of:**

- Citrus L., *Fortunella* Swingle, *Poncirus* Raf., *Microcitrus* Swingle, *Naringi* Adans., *Swinglea* Merr. and their hybrids, *Momordica* L., and *Solanaceae*.

**What is new?:** citrus species expanded + all *Solanaceae* (current legislation: only *Solanum lycopersicum* (tomato) and *Solanum melongena* (eggplant))

- *Actinidia* Lindl., *Annona* L., *Carica papaya* L., *Cydonia* Mill., *Diospyros* L., *Fragaria* L., *Malus* L., *Mangifera* L.; *Passiflora* L., *Persea americana* Mill., *Prunus* L., *Psidium* L.; *Pyrus* L., *Ribes* L., *Rubus* L., *Syzygium* Gaertn., *Vaccinium* L., and *Vitis* L.'

**What is new?:** *Actinidia* (kiwi), *Carica papaya* (papaya), *Fragaria* (strawberry), *Persea americana* (avocado), *Rubus* (e.g. blackberry/raspberry) and *Vitis* (grape).

See (EU) 2019/523: amending Annex V / Part B / Point 3 of Council Directive 2000/29/EC:  
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019L0523>  
*(legislation in several languages)*

#### **IMPORTANT FOR SUPPLIERS/EXPORTERS IN THIRD COUNTRIES (1A):**

- Shipments (with the above products) leaving the third country from 1 September 2019 have to be accompanied by a phytosanitary certificate.
- Get in contact with your local authorities (NPPO) a.s.a.p. to make sure they can issue a phytosanitary certificate for the relevant product on time.

Is an additional declaration needed on the phytosanitary certificate? Check:

<https://www.nvwa.nl/onderwerpen/import-planten-groenten-fruit-plantaardige-producten/documenten/import/fytosanitair/nvwa-import-fytosanitair/publicaties/overzicht-bijbeschrijvingen-alle-sectoren>

(Be aware that this document is subject to change)

#### **1B. New/stricter EU import requirements - several products**

(EU) 2019/523 sets (new) protective measures against the introduction of harmful organisms for the import of several fruit & vegetable products (see the table below) from 1 September 2019.

In general most articles regarding the (new) requirements for fruit & vegetables have 4 options to be allowed to enter the European Union:

- country free from....
- area free from ....
- pest free production site + information traceability included in the certificate
- effective treatment

BUT: the specific requirements can be different for each product/harmful organism. For example *Solanaceae* (origin Australia, the Americas and New Zealand) with regard to *Bactericera cockerelli*: option (d) is not an "effective treatment" but an "insect proof site of production free from..." (based on official inspections and surveys carried out during three months prior to export + information on traceability included in the certificate).

Therefore, always check (EU) 2019/523 for the specific article with the specific requirements:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019L0523>  
*(legislation in several languages)*

Most options have to be communicated by the NPPO (national plant protection organisation) of the third country to the European Commission before 1 September 2019.

See for more information below **(1C)**.

PRODUCT	COUNTRY OF ORIGIN	ARTICLE* / HARMFUL ORGANISM
<b>FRUIT</b>		
Citrus, Fortunella Swingle, Poncirus + hybrides	All countries (outside EU)	- 16.5 <i>Tephritidae (non-European)</i>
Citrus (other than Citrus limon and Citrus aurantiifolia)	African continent, Cape Verde, Saint Helena, Madagascar, La Reunion, Mauritius and Israel	- 16.6 <i>Thaumatotibia leucotreta</i> **
Malus (apple)	All countries (outside EU)	- 16.7 <i>Enarmonia prunivora, Grapholita inopinata, Rhagoletis pomonella</i> - 16.8 <i>Guignardia piricola</i> - 16.9 <i>Tachypterellus quadrigibbus</i>
	Canada, Mexico, USA	- 16.10 <i>Grapholita packardi</i>
Pyrus (pear)	All countries (outside EU)	- 16.8 <i>Guignardia piricola</i> - 16.9 <i>Tachypterellus quadrigibbus</i>
	Canada, Mexico, USA	- 16.10 <i>Grapholita packardi</i>
Mangifera (mango)	All countries (outside EU)	- 16.5 <i>Tephritidae (non-European)</i>
(All) Prunus (e.g. peach, nectarine, cherry, plum ...)	All countries (outside EU)	- 16.5 <i>Tephritidae (non-European)</i>
Prunus persica (peach & nectarine)	African continent, Cape Verde, Saint Helena, Madagascar, La Reunion, Mauritius and Israel	- 16.6 <i>Thaumatotibia leucotreta</i> **
Punica granatum (pomegranate)	African continent, Cape Verde, Saint Helena, Madagascar, La Reunion, Mauritius and Israel	- 16.6 <i>Thaumatotibia leucotreta</i> **
Vaccinium (blueberry)	Canada, Mexico, USA	- 16.10 <i>Grapholita packardi</i>
<b>VEGETABLES</b>		
Capsicum	African continent, Cape Verde, Saint Helena, Madagascar, La Reunion, Mauritius and Israel	- 16.6 <i>Thaumatotibia leucotreta</i> **
Capsicum annuum L.	All countries (outside EU)	- 25.7.3 <i>Neoleucinodes elegantalis</i>
Solanum aethiopicum L. ("bitter tomato")	All countries (outside EU)	- 25.7.3 <i>Neoleucinodes elegantalis</i>
Solanum lycopersicum L. (tomato)	All countries (outside EU)	- 25.7.3 <i>Neoleucinodes elegantalis</i>
Solanum melongena L. (eggplant)	All countries (outside EU)	- 25.7.3 <i>Neoleucinodes elegantalis</i>
(All) Solanaceae	Australia, the Americas and New Zealand	- 25.7.4 <i>Bactericera cockerelli</i>

\* (EU) 2019/523

\*\* If a third country wants to export under option (d), "another effective treatment to ensure freedom from *Thaumatotibia leucotreta*", then the treatment method together with documentary evidence of its effectiveness (*this part is new!*) must be communicated in advance (before 1 September 2019) in writing by the NPPO of the third country to the Commission.

#### **IMPORTANT FOR SUPPLIERS/EXPORTERS IN THIRD COUNTRIES (1B/1C):**

- Contact your local authorities (NPPO) a.s.a.p. about the status of the harmful organism in your country/area and to discuss which option (a, b, c or d) could be complied with from 1 September 2019.
- Most options (in general option a, b and d) must be communicated in advance (before 1 September 2019) in writing by the NPPO of the third country to the European Commission. Contact your local authorities (NPPO) a.s.a.p. to make sure they are aware of this requirement and will comply before 1 September 2019 (see for more information below: 1C).
- Keep in mind that some options take quite some "preparation". For example to establish a pest free production site (option c) the requirement might be that official inspections should be carried out at least monthly during the three months prior to harvesting or export. (So if you want to export from 1 September 2019, the official inspections should have started at the latest on 1 June 2019. If the inspections have started at a later date, you will have to wait at least three months before you can export from this pest free production site).
- Option (d), "an effective treatment to ensure freedom from ...", also includes the possibility of a systems approach. It will take effort and time from both industry and government in the third country to set up (and/or describe) a systems approach! So get in contact with the local authorities a.s.a.p. It has to be communicated to the European Commission before 1 September 2019. (*See for more information about the systems approach below*).
- False Codling moth: If a third country wants to export under option 16.6(d) ("another effective treatment to ensure freedom from *Thaumatotibia leucotreta*"), then the treatment method together with documentary evidence of its effectiveness (*this part is new*) must be communicated in advance (before 1 September 2019) in writing by the NPPO of the third country concerned to the European Commission.  
The Commission has confirmed that countries concerned which have previously submitted a dossier will need to forward a new one where the description of the treatment method (e.g. a systems approach) and the evidence of its effectiveness are both described.  
Import of the concerned products (see the table above) will no longer be allowed from 1 September 2019, unless new information is received!
- Make sure the correct additional declaration is mentioned on the phytosanitary certificate: <https://www.nvwa.nl/onderwerpen/import-planten-groenten-fruit-plantaardige-producten/documenten/import/fytosanitair/nvwa-import-fytosanitair/publicaties/overzicht-bijbeschrijvingen-alle-sectoren> (Be aware that this document is subject to change)

#### **Additional information regarding "Effective treatment" (option d):**

The European Commission has not dictated or described what this "effective treatment" should be and has accepted that an effective treatment could also include a systems approach to ensure "freedom from".

The treatment data have to be indicated on the phytosanitary certificates accompanying compliant consignments. This can be indicated by referring to the application of a systems approach.

Relevant information regarding "systems approach":

**ISPM 14: The use of integrated measures in a systems approach for pest risk management:**

<https://www.ippc.int/en/publications/607/> (available in several languages)

*Systems approaches provide, where appropriate, an equivalent alternative to procedures such as treatments or replace more restrictive measures like prohibition.*

*Systems approaches, which integrate measures for pest risk management in a defined manner, could provide an alternative to single measures to meet the appropriate level of phytosanitary protection of an importing country. They can also be developed in situations where no single measure is available. A systems approach requires the integration of different measures, at least two of which act independently, with a cumulative effect.*

*Measures used in a systems approach may be applied pre- and/or post-harvest wherever national plant protection organizations (NPPOs) have the ability to oversee and ensure compliance with phytosanitary procedures. Thus a systems approach may include measures applied in the place of production, during the post-harvest period, at the packing house, or during shipment and distribution of the commodity.*

*Cultural practices, crop treatment, post-harvest disinfestation, inspection and other procedures may be integrated in a systems approach. Risk management measures designed to prevent contamination or reinfestation are generally included in a systems approach (e.g. maintaining the integrity of lots, requiring pest-proof packaging, screening packing areas, etc.). Likewise, procedures such as pest surveillance, trapping and sampling can also be components of a systems approach.*

### **1C. Communication to the European Commission before 1 September 2019**

According to the new legislation ((EU) 2019/523) third countries will have the obligation to communicate information regarding the specific import requirements. For most options (in general option a, b and d) the third country has the obligation to communicate in advance (before 1 September 2019) in writing by the NPPO of the third country to the European Commission.

In case there has been no communication (for example regarding "country free" (a) or "effective treatment (d)), import under these options is not possible from 1 September 2019.

In most cases the only remaining option will then be option c (pest free production site, for which no communication in advance is required).

Communication on a later date, for example on 1 November 2019, means that there will be no import allowed under the specific option during the period 1 September - 1 November 2019.

The European Commission gives an overview of third countries who have communicated / submitted official information to the EU on the following website:

[https://ec.europa.eu/food/plant/plant\\_health\\_biosecurity/legislation\\_en](https://ec.europa.eu/food/plant/plant_health_biosecurity/legislation_en)

(at the end of the page: "see official information submitted by non-EU countries").

Status 19 June 2019: the Commission has only received (sufficient) information from South Korea and Serbia.

## 2) New EU plant health rules from 14 December 2019

In October 2016, the European Parliament and the Council adopted Regulation (EU) 2016/2031 on protective measures against plant pests ("Plant Health Law"). On 13 December 2016, the Regulation entered into force and will be applicable from 14 December 2019.

Link website (*legislation in several languages*):

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R2031>

### Consequences for all third countries (outside EU):

#### 2A. Phytosanitary certificate required for all F&V

From 14 December 2019, all fruits and vegetables will need to be accompanied by a phytosanitary certificate to enter into the EU, unless they are listed in Commission Implementing Regulation (EU) 2018/2019 as exempted from this general requirement (not requiring to be accompanied by a phytosanitary certificate). Currently, only the following fruits are exempted from the obligation to carry a phytosanitary certificate from 14 December 2019:

CN Code	Description	
ex 0804 30 00	<i>Ananas comosus (L.) Merril</i>	Pineapples
ex 0801 12 00, ex 0801 19 00	<i>Cocos nucifera L.</i>	Coconuts
ex 0810 60 00	<i>Durio zibethinus Murray</i>	Durians
ex 0803 10 10, ex 0803 90 10	<i>Musa L.</i>	Bananas
ex 0804 10 00	<i>Phoenix datylifera L.</i>	Dates

(EU) 2018/2019 (*legislation in several languages*):

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R2019>

(see Annex II)

#### 2B. Phytosanitary certificate: "Additional Declaration" in full wording

Based on **article 71(2)** of the new Plant Health Law (EU) 2016/2031 from 14 December 2019 the full wording of the relevant requirement should be mentioned under "Additional Declaration" on the phytosanitary certificate. It won't be enough to mention the specific article.

*"The phytosanitary certificate shall specify under the heading 'Additional Declaration' which specific requirement is fulfilled, whenever the respective implementing act, adopted pursuant to Article 28(1) and (2), Article 30(1) and (3), Article 37(2), Article 41(2) and (3) and Article 54(2) and (3), allows for several different options for such requirements. That specification shall include the full wording of the relevant requirement".*

Link website (*legislation in several languages*):

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R2031>

(see Article 71(2))

## 2C. High risk plants: import into EU territory prohibited

The Plant Health Law increases the prevention against the introduction of new pests via imports from third countries. Commission Implementing Regulation (EU) 2018/2019 establishes the list of "high risk plants". The import of these products into the EU territory will be provisionally prohibited from 14 December 2019 until a full risk assessment has been carried out.

(EU) 2018/2019 (legislation in several languages):

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R2019>

(see Annex I for the list of high risk plants)

In order to be exempted from the provisionally prohibition, a third country should submit an application and technical dossier to the European Commission. The rules concerning the procedure to be followed in order to carry out the risk assessment of high risk plants are detailed in Commission Implementing Regulation (EU) 2018/2018:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018R2018>

Status 19 June 2019: Peru has informed the Commission that they will submit a dossier for *Ullucus tuberosus* (see below: import prohibited from 14 December 2019).

### Any fruit & vegetables prohibited from 14 December 2019?

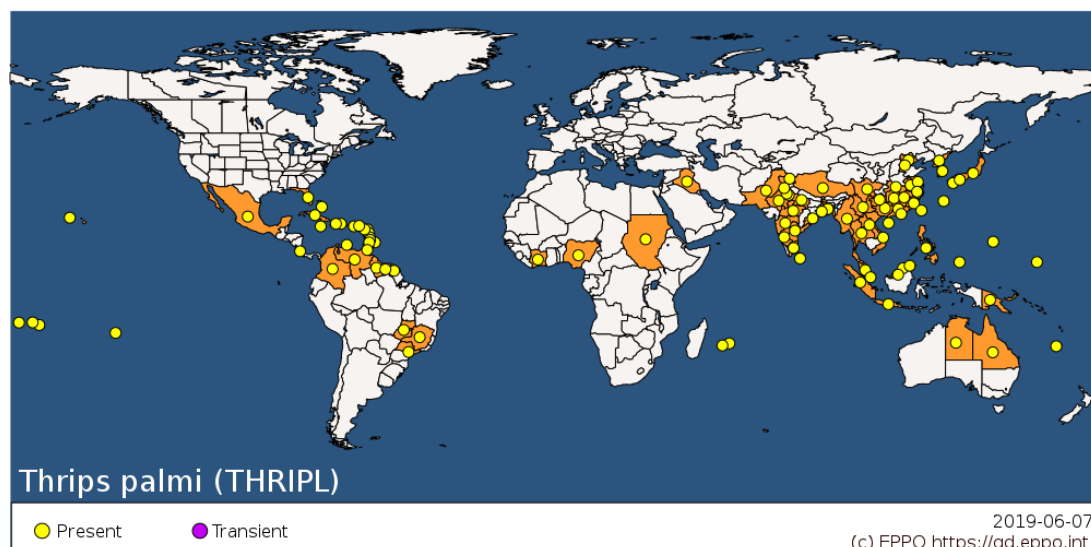
The list of "high risk plants" consists mostly of (ornamental) plants / plants for planting.

Currently the following F&V products are included on the list with high risk plants, therefore import of these products into the EU is prohibited from 14 December 2019:

CN Code	Description	Country?
ex 0601 10 90 ex 0601 20 90 ex 0714 90 20	<i>Ullucus tuberosus</i> Loz.	All third countries (outside EU)
Ex 0709 99 90	<i>Momordica</i> L.	Third countries or areas of third countries where <i>Thrips palmi</i> Karny is known to occur* and where effective mitigation measures for that pest are lacking.

\* An indication for countries where *Thrips palmi* is known to occur:

<https://gd.eppo.int/taxon/THRIPL/distribution>



#### IMPORTANT FOR SUPPLIERS/EXPORTERS IN THIRD COUNTRIES (2A/2B/2C):

- Shipments of all fruit and vegetables (except the 5 exemptions mentioned above) leaving the third country from 14 December 2019 have to be accompanied by a phytosanitary certificate.
- From 14 December 2019 the full wording of the relevant requirement should be mentioned under "Additional Declaration" on the phytosanitary certificate. It won't be enough to mention the specific article.
- Get in contact with your local authorities (NPPO) a.s.a.p. to make sure they can issue a phytosanitary certificate for the relevant product on time and to check if their systems are able to state the additional declarations in full wording.
- The import of *Ullucus tuberosus* and *Momordica* is (provisionally) prohibited from 14 December 2019 (*Momordica* not for all countries, see above). In order to be exempted from the provisionally prohibition, a third country should submit an application and technical dossier to the European Commission.

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*Fresh Produce Centre represents the interests of businesses involved in the sale and marketing of fruit and vegetables and is a source of knowledge and inspiration. Its members account for over 80% of total sales of fruit and vegetables in the Netherlands,*