

Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC

CHAPTER II

Quarantine pests

Section 2

Union quarantine pests

Article 4

Definition of Union quarantine pests

A quarantine pest is a ‘Union quarantine pest’ if the defined territory referred to in the introductory part of Article 3 is the Union territory and if it is included in the list referred to in Article 5(2).

Article 5

Prohibition of introduction, movement, holding, multiplication or release of Union quarantine pests

1 A Union quarantine pest shall not be introduced into, moved within, or held, multiplied or released in, the Union territory.

2 The Commission shall, by means of an implementing act, establish a list of pests which fulfil the conditions listed in Article 3 in respect of the Union territory (‘list of Union quarantine pests’).

The list of Union quarantine pests shall include the pests listed in Part A of Annex I to Directive 2000/29/EC and Section I of Part A of Annex II to that Directive.

Pests which are indigenous to, or established in, any part of the Union territory whether naturally or due to their introduction from outside the Union territory, shall be marked in the list of Union quarantine pests as pests known to occur in the Union territory.

Pests which are not indigenous to, or established in, any part of the Union territory shall be marked in the list of Union quarantine pests as pests not known to occur in the Union territory.

3 Where the results of an assessment show that a pest not included in the list of Union quarantine pests fulfils the conditions listed in Article 3 in respect of the Union territory, or that a pest included in the list of Union quarantine pests no longer fulfils one or more of those conditions, the Commission shall, by means of implementing acts, amend the implementing

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 2. (See end of Document for details)

act referred to in paragraph 2 of this Article accordingly by adding the pest concerned to, or removing it from, that list.

The Commission shall make that assessment available to the Member States.

The Commission may, by means of implementing acts, replace the implementing act referred to in paragraph 2 of this Article for the purpose of consolidating amendments.

4 The implementing acts referred to in paragraphs 2 and 3 shall be adopted in accordance with the examination procedure referred to in Article 107(2).

Article 6

Priority pests

- 1 Union quarantine pests are ‘priority pests’ if they fulfil all of the following conditions:
- a they fulfil, as regards the Union territory, one or more of the conditions set out in point (2) of Section 1 of Annex I;
 - b their potential economic, environmental or social impact is the most severe in respect of the Union territory as set out in Section 2 of Annex I;
 - c they are listed in accordance with paragraph 2 of this Article.

2 The Commission is empowered to adopt delegated acts in accordance with Article 105 supplementing this Regulation by establishing a list of the priority pests (‘list of priority pests’).

Where the results of an assessment show that a Union quarantine pest fulfils the conditions referred to in paragraph 1 of this Article, or that a pest no longer fulfils one or more of those conditions, the Commission is empowered to adopt delegated acts in accordance with Article 105 amending the list referred to in the first subparagraph accordingly by adding the pest concerned to, or removing it from, that list.

The Commission shall make that assessment available to the Member States without delay.

Where, in the case of a serious pest risk, imperative grounds of urgency so require, the procedure provided for in Article 106 shall apply to delegated acts adopted pursuant to this Article.

Article 7

Amendment of Section 1 of Annex I

The Commission is empowered to adopt delegated acts in accordance with Article 105 amending Section 1 of Annex I in order to adapt it to the development of scientific and technical knowledge and of relevant international standards.

Article 8

Union quarantine pests used for official testing, scientific or educational purposes, trials, varietal selections or breeding

1 By way of derogation from Article 5(1), Member States may, on application, temporarily authorise the introduction into, the movement within, and the holding and

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multiplication in, their territory of Union quarantine pests or pests subject to the measures adopted pursuant to Article 30(1) for official testing, scientific or educational purposes, trials, varietal selections, or breeding.

An authorisation shall be granted for the activity concerned only if adequate restrictions are imposed to ensure that the introduction, movement, holding, multiplication or use of the pest concerned does not result in its establishment or spread within the Union territory, taking into account the identity, biology and means of dispersal of the pest, the activity envisaged, the interaction with the environment and other relevant factors relating to the risk posed by that pest.

2 Authorisations granted pursuant to paragraph 1 shall include all of the following conditions:

- a the pest is to be kept in a location and under conditions which:
 - (i) the competent authorities consider to be appropriate; and
 - (ii) are referred to in the authorisation;
- b the activity involving the pest is to be carried out in a quarantine station or a confinement facility designated by the competent authority in accordance with Article 60 and referred to in the authorisation;
- c the activity involving the pest is to be carried out by personnel:
 - (i) whose scientific and technical competence is considered to be appropriate by the competent authority; and
 - (ii) who are referred to in the authorisation;
- d the pest is to be accompanied by the authorisation when introduced into, moved within, or held or multiplied in, the Union territory.

3 Authorisations granted pursuant to paragraph 1 shall be limited as to the quantity of the pest that can be introduced, moved, held, multiplied or used and the length of time that are adequate for the activity concerned. Authorisations shall not exceed the capacity of the designated quarantine station or confinement facility.

Authorisations shall include the restrictions necessary to adequately eliminate the risk of establishment and spread of the respective Union quarantine pest or pest subject to the measures adopted pursuant to Article 30(1).

4 The competent authority shall monitor compliance with the conditions referred to in paragraph 2 and the limitation and the restrictions referred to in paragraph 3 and take the necessary action in the event of non-compliance. Where appropriate, that action shall be the revocation of the authorisation referred to in paragraph 1.

5 The Commission is empowered to adopt delegated acts in accordance with Article 105 supplementing this Regulation by laying down detailed rules concerning:

- a the exchange of information between Member States and the Commission concerning the introduction into, movement within, and holding, multiplication and use in, the Union territory of the pests concerned;
- b the procedure and conditions for granting the authorisation referred to in paragraph 1; and
- c the monitoring of compliance and the actions to be taken in the event of non-compliance, as referred to in paragraph 4.

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 2. (See end of Document for details)

Article 9

Notification of an imminent danger

1 Where a Member State has evidence that there is an imminent danger of the entry of a Union quarantine pest into the Union territory or into a part of it where that pest is not yet present, the Member State shall immediately notify the Commission and the other Member States of that evidence in writing.

2 Paragraph 1 shall also apply to a pest that is not included in the list of Union quarantine pests, where:

- a the pest is subject to the measures adopted pursuant to Article 30(1); or
- b the Member State concerned considers that the pest may fulfil the conditions for inclusion in the list of Union quarantine pests.

3 Professional operators shall immediately notify the competent authorities of any evidence they may have concerning an imminent danger as referred to in paragraph 1 concerning Union quarantine pests or pests referred to in paragraph 2.

[^{F1}Article 10

Official confirmation by the competent authorities of the presence of a Union quarantine pest

Where a competent authority suspects, or has received evidence concerning, the presence of a Union quarantine pest, or a pest subject to measures adopted pursuant to Article 30(1), in a part of the territory of the respective Member State where that pest was previously not known to be present, or in a consignment of plants, plant products or other objects introduced into, intended to be introduced into, or moved within the Union territory, it shall immediately take any measures necessary to confirm on the basis of a diagnosis of an official laboratory as referred to in Article 37 of Regulation [^{X1}(EU) 2017/625] ('to officially confirm'), whether that pest is present or not.

Pending the official confirmation of the presence of that pest, the Member States concerned shall, where applicable, take phytosanitary measures to eliminate the risk of spread of that pest.

The suspicion or evidence referred to in the first paragraph of this Article may be based on any information received pursuant to Articles 14 and 15, or from any other source.]

Editorial Information

- X1** Substituted by [Corrigendum to Regulation \(EU\) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations \(EC\) No 999/2001, \(EC\) No 396/2005, \(EC\) No 1069/2009, \(EC\) No 1107/2009, \(EU\) No 1151/2012, \(EU\) No 652/2014, \(EU\) 2016/429 and \(EU\) 2016/2031 of the European Parliament and of the Council, Council Regulations \(EC\) No 1/2005 and \(EC\) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations \(EC\) No 854/2004 and \(EC\) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/](#)

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 2. (See end of Document for details)

EC, 96/93/EC and 97/78/ EC and Council Decision 92/438/EEC (Official Controls Regulation) (Official Journal of the European Union L 95 of 7 April 2017).

Textual Amendments

- F1** Substituted by Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (Text with EEA relevance).

Article 11

Notification of Union quarantine pests by the Member States to the Commission and the other Member States

A Member State shall notify the Commission and the other Member States where its competent authority officially confirms any of the following situations:

- (a) the presence in its territory of a Union quarantine pest not known to be present there;
- (b) the presence of a Union quarantine pest in a part of its territory where it was previously not present;
- (c) the presence in its territory of a Union quarantine pest in a consignment of plants, plant products or other objects introduced into, intended to be introduced into, or moved within, the Union territory.

[^{F1}Notifications under the first paragraph shall be made by the single authority, as referred to in Article 4(2) of Regulation [^{X1}(EU) 2017/625], of the Member State concerned and through the electronic notification system referred to in Article 103.]

Editorial Information

- X1** Substituted by Corrigendum to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/ EC and Council Decision 92/438/EEC (Official Controls Regulation) (Official Journal of the European Union L 95 of 7 April 2017).

Status: Point in time view as at 31/01/2020.

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Article 12

Information on Union quarantine pests to be provided to professional operators by the competent authorities

1 Where one of the situations referred to in Article 11 is officially confirmed, the competent authority shall ensure that professional operators whose plants, plant products or other objects may be affected are informed of the presence of the Union quarantine pest without delay.

2 The Commission shall establish and keep up to date a publicly available list of all notifications it has received concerning emerging pests in third countries which may pose a risk to plant health in the Union territory.

That list may be part of the electronic system referred to in Article 103.

Article 13

Information on priority pests to be provided to the public by the competent authorities

Where one of the situations referred to in points (a) and (b) of the first paragraph of Article 11 is officially confirmed as regards a priority pest, the competent authority shall inform the public about the measures it has taken or intends to take and about any measures to be taken by relevant categories of professional operators or other persons.

Article 14

Measures to be taken immediately by professional operators

1 Where a professional operator suspects or becomes aware that a Union quarantine pest or a pest subject to measures adopted pursuant to Article 30(1) is present in plants, plant products or other objects which are under that operator's control, it shall immediately notify the competent authority thereof, in order for that competent authority to take actions in accordance with Article 10. Where appropriate, the professional operator shall also immediately take precautionary measures to prevent the establishment and spread of that pest.

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 2. (See end of Document for details)

2 The competent authority may decide that the notification referred to in paragraph 1 is not required where a specific pest is known to occur in an area. In such a case, it shall inform the professional operators concerned of that decision.

3 Where a professional operator receives an official confirmation concerning the presence of a Union quarantine pest in plants, plant products or other objects which are under that operator's control, it shall consult the competent authority regarding the action to be taken and shall proceed, as applicable, with the actions referred to in paragraphs 4 to 7.

4 The professional operator shall immediately take the necessary measures to prevent the spread of that pest. Where the competent authority has provided instructions concerning those measures, the professional operator shall act in accordance with those instructions.

5 Where so instructed by the competent authority, the professional operator shall take the necessary measures to eliminate the pest from the plants, plant products or other objects concerned and from that operator's premises, land, soil, water or other infested elements which are under its control.

6 Unless otherwise instructed by the competent authority, the professional operator shall, without delay, withdraw from the market the plants, plant products and other objects which are under that operator's control and in which the pest could be present.

Where those plants, plant products or other objects have left the control of the professional operator, the professional operator shall, unless otherwise instructed by the competent authority, immediately:

- a inform the persons in the trade chain to whom those plants, plant products and other objects have been supplied of the presence of the pest;
- b provide those persons with guidelines on the necessary measures to be taken during shipment of the respective plants, plant products and other objects to reduce the risk of spread or escape of the pests concerned; and
- c recall those plants, plant products or other objects.

7 Where paragraph 1, 3, 4, 5 or 6 of this Article applies, the professional operator shall, on request, provide to the competent authority all information which is relevant for the members of the public. Without prejudice to Article 13, if action is necessary with regard to the plants, plant products or other objects in which the respective pest may be present, the competent authority shall inform the public as soon as possible of that fact.

Article 15

Measures to be taken by persons other than professional operators

1 Where any person other than a professional operator becomes aware of the presence of a Union quarantine pest or has reason to suspect such a presence, that person shall immediately notify the competent authority. Where that notification is not made in writing, the competent authority shall officially record it. If so requested by the competent authority, that person shall provide that authority with the information which is in its possession concerning that presence.

2 The competent authority may decide that the notification referred to in paragraph 1 is not required where a specific pest is known to be present in an area.

3 The person who made the notification referred to in paragraph 1 shall consult the competent authority on the action to be taken and shall, in accordance with the instructions of the competent authority, take the measures necessary to prevent the spread of that pest and to

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eliminate it from the plants, plant products or other objects concerned and, where applicable, from that person's premises.

Article 16

Derogations to notification obligations

The notification obligations referred to in Articles 14 and 15 shall not apply where:

- (a) a Union quarantine pest is found to be present in the infested zone of a demarcated area established for the containment of that pest, as referred to in Article 18(2);
- (b) a Union quarantine pest is found to be present in the infested zone of a demarcated area and subject to eradication measures requiring eight years or more, during the period of those first eight years.

Article 17

Eradication of Union quarantine pests

1 Where one of the situations referred to in points (a) and (b) of the first paragraph of Article 11 is officially confirmed, the competent authority shall immediately take all necessary phytosanitary measures to eradicate the relevant Union quarantine pest from the area concerned. Those measures shall be taken in accordance with Annex II.

That obligation to eradicate shall not apply where an implementing act concerning that pest, adopted pursuant to Article 28(2), provides otherwise.

2 The competent authority shall without delay investigate the source of the presence of the Union quarantine pest concerned, in particular where that presence may be related to movements of plants, plant products or other objects, and the possibility that the pest concerned has been spread to further plants, plant products or other objects by those movements.

3 Where the measures referred to in paragraph 1 concern the introduction into, or movement within, the Union territory of plants, plant products and other objects, the Member State concerned shall immediately notify those measures to the Commission and the other Member States.

4 The measures referred to in paragraph 1 and the investigations referred to in paragraph 2 shall be taken irrespective of whether the pest is present on public or private premises.

Article 18

Establishment of demarcated areas

1 Where one of the situations referred to in points (a) and (b) of the first paragraph of Article 11 is officially confirmed, the competent authority shall immediately establish one or more areas where the eradication measures referred to in Article 17(1) are to be taken ('demarcated area').

The demarcated area shall consist of an infested zone and a buffer zone.

- 2 The infested zone shall, as applicable, contain:
 - a all plants known to be infested by the pest concerned;

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- b all plants showing signs or symptoms indicating possible infestation by that pest;
- c all other plants liable to have been or become contaminated or infested by that pest, including plants liable to be infested due to their susceptibility to that pest and their close proximity to infested plants or common source of production, if known, with infested plants, or plants grown from them;
- d land, soil, water courses or other elements infested, or liable to be infested, by the pest concerned.

3 The buffer zone shall be adjacent to the infested zone and shall surround it.

Its extent shall be appropriate in view of the risk of the pest concerned spreading out of the infested zone naturally or by human activities in the infested zone and its surroundings, and shall be decided in accordance with the principles set out in Section 2 of Annex II.

However, where any risk of the pest spreading out of the infested zone is eliminated or reduced to an acceptable level through natural or artificial barriers, no buffer zone shall be required to be established.

4 By way of derogation from paragraph 1, where upon initial examination the competent authority concludes, in view of the nature of the pest, the plant, plant product or other object concerned and the site where it was found, that the pest concerned can be eliminated immediately, the competent authority may decide not to establish a demarcated area.

In that case, it shall carry out a survey to determine whether any further plants or plant products have been infested. On the basis of that survey, the competent authority shall determine whether there is a need to establish a demarcated area.

5 Where, in accordance with paragraphs 2 and 3, a demarcated area is to extend into the territory of another Member State, the Member State where the pest concerned was found to be present shall immediately contact the Member State into whose territory the demarcated area is to extend in order to allow that Member State to take all appropriate actions, as referred to in paragraphs 1 to 4.

6 Member States shall notify the Commission and the other Member States, by 30 April of each year, of the number and locations of the demarcated areas established, the pests concerned, and the respective measures taken during the preceding calendar year.

This paragraph shall apply without prejudice to any obligation to notify demarcated areas laid down in the implementing acts referred to in Article 104.

Article 19

Surveys and modifications of demarcated areas and lifting of restrictions

1 Competent authorities shall at least annually, at appropriate times, carry out a survey of each demarcated area as regards the development of the presence of the pest concerned.

Those surveys shall be carried out in accordance with Article 22(2).

2 Where, whether or not as a result of a survey as referred to in paragraph 1, a competent authority finds a presence of the pest concerned in the buffer zone, the Member State concerned shall immediately notify the Commission and the other Member States thereof.

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3 Competent authorities shall modify the boundaries of infested zones, buffer zones and demarcated areas, where appropriate, in view of the results of the surveys referred to in paragraph 1.

4 Competent authorities may abolish a demarcated area and terminate the respective eradication measures where the pest-free status of that area has been verified. This will be the case where the following two conditions are fulfilled:

- a the survey referred to in paragraph 1 shows that the area has been found to be free from the pest concerned; and
- b the pest concerned has not been found to be present in that demarcated area for a sufficiently long period.

5 When deciding on the modifications referred to in paragraph 3 or the abolition of the demarcated area referred to in paragraph 4, the competent authority concerned shall take into account at least the following factors:

- a the biology of the pest and the vector concerned;
- b the presence of host plants;
- c the ecoclimatic conditions; and
- d the likelihood of the eradication measures having been successful.

6 By way of derogation from paragraph 1 of this Article, annual surveys shall not be required to be carried out in the infested zone of demarcated areas established for:

- a pests subject to eradication measures requiring eight years or more;
- b pests subject to the containment measures referred to in Article 28(2).

7 The Commission is empowered to adopt delegated acts in accordance with Article 105 supplementing this Regulation by further specifying the pests referred to in point (a) of paragraph 6 of this Article and in point (b) of Article 16 and conditions for the application of those derogations.

Article 20

Reports on measures taken in accordance with Articles 17, 18 and 19

1 Where measures are taken by a Member State in an area adjacent to the border with another Member State, a report on the measures taken in accordance with Articles 17, 18 and 19 shall be submitted to that other Member State.

2 Where so requested by the Commission or by any other Member State, a Member State shall submit a report on specific measures taken in accordance with Articles 17, 18 and 19.

Article 21

Amendment of Annex II

The Commission is empowered to adopt delegated acts in accordance with Article 105 amending Annex II in order to adapt it to the development of scientific and technical knowledge and of relevant international standards.

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 2. (See end of Document for details)

Article 22

Surveys on Union quarantine pests and pests provisionally qualifying as Union quarantine pests

1 Member States shall carry out risk-based surveys, over specific periods of time, checking at least for:

- a the presence of any Union quarantine pest; and
- b signs or symptoms of any pest subject to the measures referred to in Article 29 or to measures adopted pursuant to Article 30(1).

Those surveys shall take place in all areas where the pest concerned was not known to be present.

Those surveys shall not be required to be carried out for pests for which it is unequivocally concluded that they cannot become established or spread in the Member State concerned due to its ecoclimatic conditions or to the absence of the host species.

2 The design of the surveys referred to in paragraph 1 shall be based on the risk that the pest occurs in the area covered by each survey. They shall consist, at least, of visual examinations by the competent authority and, where appropriate, the collection of samples and performance of tests. Those surveys shall be carried out in all appropriate locations and shall include, where appropriate, premises, vehicles, machinery and packaging used by professional operators and other persons. They shall be based on sound scientific and technical principles and shall be carried out at appropriate times with regard to the possibility to detect the pest concerned.

Those surveys shall take account of scientific and technical evidence, and any other appropriate information, concerning the presence of the pests concerned.

3 Member States shall report to the Commission and the other Member States, by 30 April of each year, the results of the surveys referred to in paragraph 1 which were carried out in the preceding calendar year. Those reports shall include information on where the surveys were conducted, the timing of the surveys, the pests and the plants, plant products or other objects concerned, the number of inspections and samples taken, and the finding of each pest concerned.

The Commission may, by means of implementing acts, set out the format of those reports, as well as instructions on how to fill it in. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 107(2).

Article 23

Multiannual survey programmes and collection of information

1 Member States shall establish multiannual survey programmes setting out the content of the surveys to be carried out pursuant to Article 22. Those programmes shall provide for the collection and recording of the scientific and technical evidence and other information referred to in the second subparagraph of Article 22(2).

The multiannual survey programmes shall include the following elements in conformity with Article 22(2):

- a the specific objective of each survey;

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- b the scope of each survey as regards the area concerned and the time scale covered, as well as the pests, plants and commodities targeted;
- c the survey methodology and quality management including a description of the procedures for visual examination, sampling and testing and their technical justification;
- d the timing, frequency and numbers of scheduled visual examinations, samples and tests; and
- e the methods of recording and reporting the information collected.

The multiannual survey programmes shall be for a period of five to seven years.

2 Member States shall, on request, notify their multiannual survey programmes upon their establishment to the Commission and the other Member States.

3 The Commission may adopt implementing acts establishing the format of the multiannual survey programmes and the practical arrangements for the application of the elements set out in paragraph 1 to specific pest risks.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 107(2).

Article 24

Surveys of priority pests

1 For each priority pest, Member States shall carry out a survey annually, as set out in Article 22(1) and (2). Those surveys shall include a sufficiently high number of visual examinations, sampling and testing, as appropriate for each priority pest, to ensure, as far as it is possible given the respective biology of each priority pest and the ecoclimatic conditions, with a high degree of confidence, the timely detection of those pests.

The surveys shall not be required to be carried out for pests for which it is unequivocally concluded that they cannot become established or spread in the Member State concerned due to its ecoclimatic conditions or to the absence of the host species.

2 Member States shall report to the Commission and the other Member States by 30 April of each year the results of the surveys referred to in paragraph 1 which were carried out in the preceding calendar year.

Article 25

Contingency plans for priority pests

1 Each Member State shall draw up and keep up to date for each priority pest which is capable of entering into and becoming established in its territory, or a part thereof, a separate plan containing information concerning the decision-making processes, procedures and protocols to be followed, and the minimum resources to be made available and the procedures to make available further resources in the event of an officially confirmed or suspected presence of that pest ('the contingency plan').

Member States shall, at an appropriate stage, consult all relevant stakeholders in the process of drawing up and keeping up to date the contingency plans.

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 2. (See end of Document for details)

No contingency plans shall be required to be drawn up for pests for which it is unequivocally concluded that they cannot become established or spread in the Member State concerned due to its ecoclimatic conditions or to the absence of the host species.

2 Each contingency plan shall include the following:

- [^{F1}a the roles and responsibilities of the bodies involved in the execution of the plan, in case of a confirmed or suspected presence of the priority pest concerned, as well as the chain of command and procedures for the co-ordination of actions to be taken by competent authorities, other public authorities, as referred to in Article 4(2) of Regulation [^{X1}(EU) 2017/625], delegated bodies or natural persons involved, as referred to in Article 28(1) of that Regulation, laboratories and professional operators, including the co-ordination with neighbouring Member States and neighbouring third countries, where appropriate;]
- b access of competent authorities to premises of professional operators, other relevant operators and natural persons;
- c access of competent authorities, where necessary, to laboratories, equipment, personnel, external expertise and resources necessary for the rapid and effective eradication or, where appropriate, containment of the priority pest concerned;
- d measures to be taken concerning the provision of information to the Commission, the other Member States, the professional operators concerned and the public as regards the presence of the priority pest concerned and the measures taken against it in the event that the presence of the pest concerned is officially confirmed or suspected;
- e arrangements for recording findings of the presence of the priority pest concerned;
- f the available assessments as set out in Article 6(2) and any assessment of the Member State as regards the risk of the priority pest concerned for its territory;
- g the risk management measures to be taken as regards the priority pest concerned, in accordance with Section 1 of Annex II, and the procedures to be followed;
- h principles for the geographical demarcation of demarcated areas;
- i protocols describing the methods of visual examinations, sampling and laboratory testing; and
- j principles concerning the training of personnel of the competent authorities and, where appropriate, the bodies, public authorities, laboratories, professional operators and other persons referred to in point (a).

Where appropriate, the items referred to in points (d) to (j) of the first subparagraph shall take the form of instruction manuals.

3 Contingency plans may be combined for multiple priority pests with similar biology and range of host species. In those cases, the contingency plan shall consist of a general part common to all priority pests covered by it and of specific parts for each priority pest concerned.

4 Within four years from the date of establishment of the list of priority pests, Member States shall establish a contingency plan for the priority pests included in that list.

Within one year from the date of the inclusion of any further pest concerned in the list of priority pests, Member States shall establish a contingency plan for that priority pest.

Member States shall regularly review and, where appropriate, update their contingency plans.

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 2. (See end of Document for details)

5 Member States shall, on request, communicate their contingency plans to the Commission and to the other Member States, and shall inform all relevant professional operators through publication on the internet.

Editorial Information

X1 Substituted by [Corrigendum to Regulation \(EU\) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations \(EC\) No 999/2001, \(EC\) No 396/2005, \(EC\) No 1069/2009, \(EC\) No 1107/2009, \(EU\) No 1151/2012, \(EU\) No 652/2014, \(EU\) 2016/429 and \(EU\) 2016/2031 of the European Parliament and of the Council, Council Regulations \(EC\) No 1/2005 and \(EC\) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations \(EC\) No 854/2004 and \(EC\) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC \(Official Controls Regulation\) \(Official Journal of the European Union L 95 of 7 April 2017\).](#)

Textual Amendments

F1 Substituted by [Regulation \(EU\) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations \(EC\) No 999/2001, \(EC\) No 396/2005, \(EC\) No 1069/2009, \(EC\) No 1107/2009, \(EU\) No 1151/2012, \(EU\) No 652/2014, \(EU\) 2016/429 and \(EU\) 2016/2031 of the European Parliament and of the Council, Council Regulations \(EC\) No 1/2005 and \(EC\) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations \(EC\) No 854/2004 and \(EC\) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC \(Official Controls Regulation\) \(Text with EEA relevance\).](#)

Article 26

Simulation exercises for priority pests

1 Member States shall carry out simulation exercises concerning the implementation of the contingency plans at intervals set according to the biology of the priority pest or pests concerned and the risk posed by that pest or those pests.

Those exercises shall take place with regard to all priority pests concerned within a reasonable period of time and with the involvement of the relevant stakeholders.

Those exercises shall not be required where the Member State concerned has recently taken measures for the eradication of the pest or pests concerned.

2 Simulation exercises concerning priority pests whose presence in one Member State could have an impact on neighbouring Member States may be carried out together by those Member States on the basis of their respective contingency plans.

Where appropriate, Member States may carry out those simulation exercises with neighbouring third countries.

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 2. (See end of Document for details)

3 Member States shall, on request, make available a report on the results of each simulation exercise to the Commission and to the other Member States.

Article 27

Action plans for priority pests

1 Where the presence of a priority pest is officially confirmed in the territory of a Member State pursuant to Article 10, the competent authority shall immediately adopt a plan (the ‘action plan’) setting out the measures for the eradication of that pest, as provided for in Articles 17, 18 and 19, or its containment, as provided for in Article 28(2), as well as a time schedule for the application of those measures.

The action plan shall include a description of the design and organisation of the surveys to be carried out and set out the number of visual examinations, samples to be taken and laboratory tests to be carried out, as well as the methodology to be applied for the examination, sampling and testing.

The action plan shall be based on the relevant contingency plan and shall be immediately communicated by the competent authority to the professional operators concerned.

2 Each Member State shall, on request, notify the Commission and the other Member States of the action plans it has adopted.

Article 28

Union measures for specific Union quarantine pests

1 The Commission may, by means of implementing acts, set out measures against specific Union quarantine pests. Those measures shall implement, specifically for each of the pests concerned, one or more of the following provisions:

- a Article 10 concerning measures to be taken in the event of suspicion and official confirmation by competent authorities of the presence of that Union quarantine pest;
- b Article 14 concerning measures to be taken immediately by professional operators;
- c Article 15 concerning measures to be taken by persons other than professional operators;
- d Article 17 concerning eradication of Union quarantine pests;
- e Article 18 concerning establishment of demarcated areas;
- f Article 19 concerning surveys and modifications of demarcated areas and lifting of restrictions;
- g Article 22 concerning surveys on Union quarantine pests and pests provisionally qualifying as Union quarantine pests;
- h Article 24 concerning surveys for priority pests, as regards the number of visual examinations, samples and tests for particular priority pests;
- i Article 25 concerning contingency plans for priority pests;
- j Article 26 concerning simulation exercises for priority pests;
- k Article 27 concerning action plans for priority pests.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 107(2).

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 2. (See end of Document for details)

2 By way of derogation from Article 17, where it is concluded, on the basis of the surveys referred to in Article 19 or other evidence, that the eradication of the Union quarantine pest concerned in a demarcated area is not possible, the Commission shall adopt implementing acts referred to in paragraph 1 of this Article which set out measures with the purpose of containment.

For the purpose of reaching that conclusion, the Commission shall, without delay, take the necessary actions following the submission of the relevant evidence by the Member State concerned or any other source.

3 Where the Commission concludes that prevention measures in areas outside demarcated areas are necessary to protect the part of the Union territory where the Union quarantine pest concerned is not present, it may adopt implementing acts referred to in paragraph 1 setting out such measures.

4 The measures referred to in paragraphs 1, 2 and 3 shall be taken in accordance with Annex II, taking into account the specific risks of the Union quarantine pests concerned, the specific ecoclimatic conditions and risks as regards the Member States concerned and the need to implement the necessary risk-mitigation measures in a harmonised manner at Union level.

5 Until a measure has been adopted by the Commission, the Member State may maintain any measures that it has taken.

6 On duly justified imperative grounds of urgency to address a serious pest risk, the Commission shall adopt immediately applicable implementing acts, in accordance with the procedure referred to in Article 107(3). Those acts shall be adopted in accordance with Annex II, taking into account the specific risks of the Union quarantine pests concerned, the specific ecoclimatic conditions and risks as regards the Member States concerned and the need to implement the necessary risk-mitigation measures in a harmonised manner at Union level.

7 Member States shall notify, through the electronic notification system referred to in Article 103, the Commission and other Member States of any cases of non-compliance with the measures adopted pursuant to this Article which create a risk of spread of Union quarantine pests.

Article 29

Measures by Member States concerning pests not listed as Union quarantine pests

1 Where the presence of a pest that is not included in the list of Union quarantine pests is officially confirmed in the territory of a Member State, and the Member State considers that that pest may fulfil the conditions for inclusion in the list of Union quarantine pests, it shall immediately assess whether the pest fulfils the criteria set out in Subsection 1 of Section 3 of Annex I. If it concludes that those criteria are fulfilled, it shall immediately take eradication measures in accordance with Annex II. Articles 17 to 20 shall apply.

Where it is concluded, on the basis of the surveys referred to in Article 19 or other evidence, that the eradication of a pest in a demarcated area is not possible, Article 28(2) shall apply *mutatis mutandis*.

Where the presence of a pest fulfilling the criteria referred to in the first subparagraph is officially confirmed in a consignment of plants, plant products or other objects introduced into, or moved within, the territory of a Member State, that Member State shall take the necessary measures to prevent the entry of that pest into, and its establishment and spread in, the Union territory.

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 2. (See end of Document for details)

Where a Member State suspects the presence in its territory of a pest fulfilling the criteria referred to in the first subparagraph, Article 10 shall apply *mutatis mutandis*.

Pending the official confirmation of the presence of that pest, the Member State shall, where appropriate, take phytosanitary measures to mitigate the risk of it spreading.

2 After taking the measures referred to in paragraph 1, the Member State shall assess whether the pest concerned fulfils the criteria for quarantine pests set out in Section 1 of Annex I.

3 The Member State concerned shall notify the Commission and the other Member States of the presence of the pest referred to in paragraph 1. It shall also inform the Commission and the other Member States of the assessment referred to in that paragraph, the measures taken and the evidence justifying those measures.

It shall notify the Commission of the results of the assessment referred to in paragraph 2 within two years of the official confirmation of the presence of that pest.

Notifications of the presence of that pest shall be submitted through the electronic notification system referred to in Article 103.

Article 30

Union measures concerning pests not listed as Union quarantine pests

1 Where the Commission receives a notification as referred to in the first subparagraph of Article 29(3), or has other evidence concerning the presence in, or imminent danger of entry into, or spread within, the Union territory of a pest which is not included in the list of Union quarantine pests and it considers that that pest may fulfil the conditions for inclusion in that list, it shall immediately assess whether, as regards the Union territory, that pest fulfils the criteria set out in Subsection 2 of Section 3 of Annex I.

Where the Commission concludes that those criteria are fulfilled, it shall immediately, by means of implementing acts, adopt measures for a limited time as regards the risks posed by that pest. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 107(2).

Those measures shall, where appropriate, implement, specifically for each of the pests concerned, one or more of the provisions referred to in points (a) to (g) of the first subparagraph of Article 28(1).

2 After adopting the measures referred to in paragraph 1, the Commission shall assess whether the pest concerned fulfils, as regards the Union territory, the criteria for quarantine pests set out in Section 1 of Annex I.

3 Where it is concluded, on the basis of surveys referred to in Articles 19 and 22 or other evidence, that the eradication of the pest concerned in a demarcated area is not possible, the implementing acts referred to in the second subparagraph of paragraph 1 of this Article may set out measures with the purpose of containment.

4 Where it is concluded that prevention measures in areas outside demarcated areas are necessary to protect the part of the Union territory where the pest concerned is not present, the implementing acts referred to in paragraph 1 may set out such measures.

5 The measures referred to in paragraphs 1, 3 and 4 shall be adopted in accordance with Annex II, taking into account the specific risks of the pests concerned and the need to implement the necessary risk-mitigation measures in a harmonised manner at Union level.

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 2. (See end of Document for details)

6 Until measures have been adopted by the Commission, the Member State concerned may maintain the measures that it has taken pursuant to Article 29.

7 On duly justified imperative grounds of urgency to address a serious pest risk, the Commission shall adopt immediately applicable implementing acts, in accordance with the procedure referred to in Article 107(3). Those acts shall be adopted in accordance with Annex II, taking into account the specific risks of the pests concerned and the need to implement the necessary risk-mitigation measures in a harmonised manner at Union level.

8 Member States shall notify, through the electronic notification system referred to in Article 103, the Commission and other Member States of any cases of non-compliance with the measures adopted pursuant to this Article which create a risk of spread of the pests referred to in paragraph 1 of this Article.

Article 31

More stringent requirements adopted by Member States

1 Member States may apply within their territories more stringent measures than those adopted pursuant to Article 28(1), (2) and (3) and Article 30(1), (3) and (4), if justified by the objective of phytosanitary protection and in accordance with the principles set out in Section 2 of Annex II.

Those more stringent measures shall not impose, or result in, any prohibitions or restrictions on the introduction into, or movement within and through, the Union territory of plants, plant products and other objects, other than those imposed by Articles 40 to 58 and 71 to 102.

2 Member States shall immediately notify the Commission and the other Member States of measures taken by them in accordance with paragraph 1.

Member States shall, on request, submit to the Commission and the other Member States an annual report on the measures taken in accordance with paragraph 1.

Status:

Point in time view as at 31/01/2020.

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 2.