

Message 001

Communication from the Commission - TRIS/(2026) 0502

Directive (EU) 2015/1535

Notification: 2026/0079/LU

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahtuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20260502.EN

1. MSG 001 IND 2026 0079 LU EN 18-02-2026 LU NOTIF

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4. 2026/0079/LU - S60E - Fauna and flora

5. Draft law on protective measures against plant pests and on official controls and other official activities in the field of plant health

6. Protective measures against plant pests and official controls and other official activities in the field of plant health

7.

8. The primary objective of this draft law is to implement, in Luxembourg, the necessary framework and measures laid down in Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against plant pests.

Regulation (EU) 2016/2031 introduces a framework for the investigation and detection of offences and lays down preventive and corrective measures, as well as administrative measures and criminal penalties in the event of non-compliance.

In addition, the purpose of this draft law is also to adopt the supplementary provisions required by Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities that serve to ensure compliance with food and feed law, and with rules on animal health and welfare, plant health and plant protection products.

Regulation (EU) 2017/625 provides a set of harmonised rules to prevent, eliminate or reduce the health risk levels for humans, animals and plants that may arise in the 'agri-food chain'.

Regulation (EU) 2017/625 also requires the designation of the competent authorities responsible for the correct enforcement of the legislation, the establishment of a system of effective, dissuasive and proportionate administrative measures and criminal penalties, applicable in the event of non-compliance with the requirements of European legislation. Moreover, Member States are required to provide for the possibility of levying fees to ensure the financing of official controls on plants, plant products and other objects.

Accordingly, this draft law defines, inter alia, the competences relating to official controls, the competent entities responsible for those official controls, determines the inspection powers of officials and introduces new fees intended to finance the official controls.

This draft law is also harmonised with the provisions of other sectoral draft laws relating to official controls on foodstuffs, animal feed, transmissible animal diseases and plant protection products.

9. The primary objective of this draft law is to implement, in Luxembourg, the necessary framework and measures laid down in Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against plant pests.

Regulation (EU) 2016/2031 introduces a framework for the investigation and detection of offences and lays down preventive and corrective measures, as well as administrative measures and criminal penalties in the event of non-compliance.

In fact, quarantine pests must be subject to official surveillance and control measures.

Once such a pest has become established in a new region, it is very difficult, if not virtually impossible to fight it effectively, so the main measures are preventive in nature and aim to prevent the introduction of such pests or, as the case may be, to confine them to the smallest area possible.

The transport and introduction of pests by humans therefore play a particular role in their spread. For this reason, controls must be strengthened at the points of import. In Luxembourg, the airport serves as a gateway to the entire European Union. In fact, the majority of incoming goods are then transported to other Member States, and it is the responsibility of the first point of entry into the European Union to ensure that the goods do not contain any pests.

In addition, the purpose of this draft law is also to adopt the supplementary provisions required by Regulation

(EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities that serve to ensure compliance with food and feed law, and with rules on animal health and welfare, plant health and plant protection products.

Regulation (EU) 2017/625 provides a set of harmonised rules to prevent, eliminate or reduce the health risk levels for humans, animals and plants that may arise in the 'agri-food chain'.

It also proposes a more harmonised and coherent approach to official controls as well as enforcement measures along the agri-food chain and further strengthens the principle of controls to assess risks.

Regulation (EU) 2017/625 requires the designation of the competent authorities responsible for the correct enforcement of the legislation, the establishment of an effective control system, the establishment of a system of effective, dissuasive and proportionate administrative measures and criminal penalties, applicable in the event of non-compliance with the requirements of European legislation. Moreover, Member States are required to provide for the possibility of levying fees to ensure the financing of official controls on plants, plant products and other objects.

Accordingly, this draft law defines, inter alia, the competences relating to official controls, the competent entities responsible for those official controls, determines the inspection powers of officials and introduces new fees intended to finance the official controls.

Finally, this draft law seeks to repeal the Law of 14 July 1971 on the protection of plants and plant products against pests.

10. References to the basic texts:

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects:

The draft is a sanitary or phytosanitary measure

European Commission

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