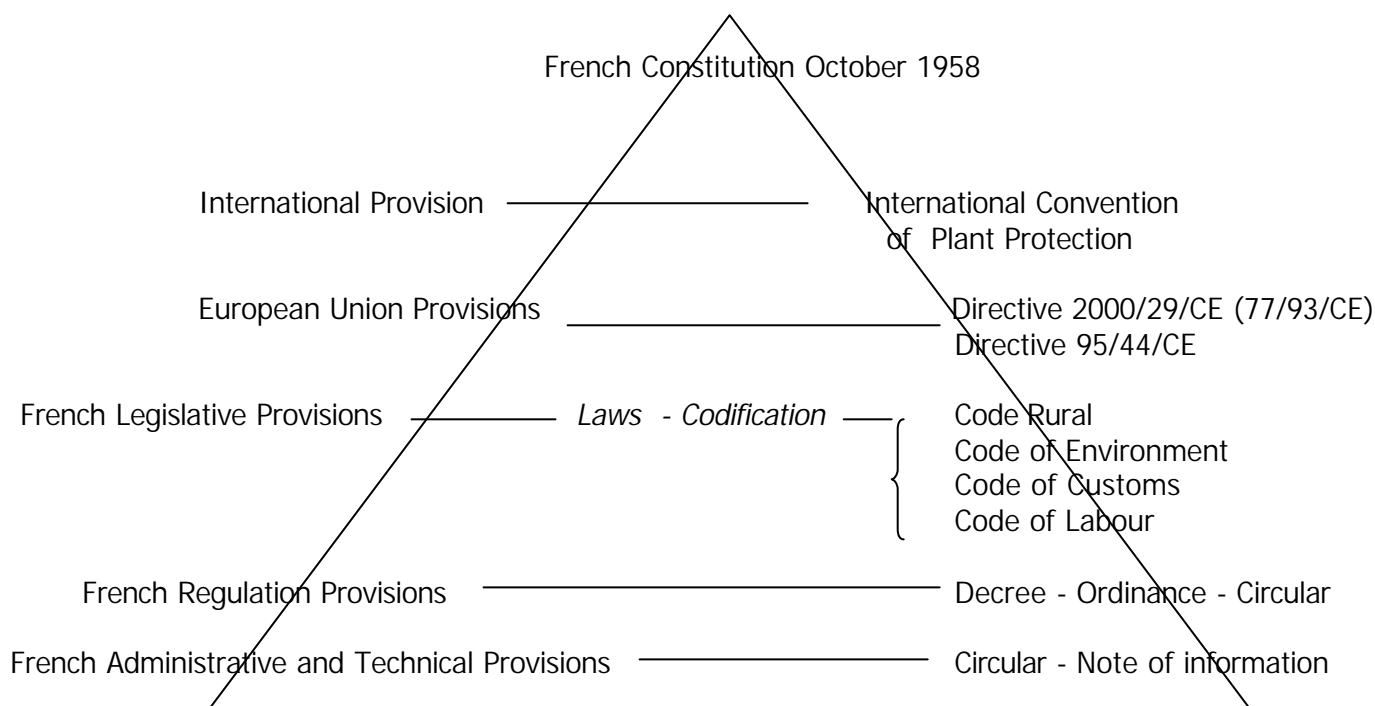


**FOREIGN EXPLORATIONS AND IMPORTATION OF LIVING MATERIAL**  
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## I. LEGISLATION AND REGULATIONS

### I.1. INTRODUCTION

The legislation of each country is organized with a hierarchical level, a general view of the French organization of the norms (Texts) is showed in figure 1.



**Figure 1. Hierarchy of the norms**

The French Constitution is at the top of the hierarchy, describing the essential values of the nation and fundamental rights for individuals and groups. The Constitution organizes the relations between the executive, legislative and justice.

### I.2. INTERNATIONAL PROVISION

*Internal Convention of Plant Protection, Rome – Italy 1951, revised November 1997.*

The main purpose of the Convention is to prevent the spread and introduction of pests of plants and plants products and to promote appropriate measures for their control.

Each contracting party shall assume :

- ✓ Creation of an official national plant protection organization (PPO)
- ✓ PPO is in charge of inspection and phytosanitary certification, establish and update lists of regulated organisms, making special provision for the importation for the purpose of scientific research
- ✓ PPO shall cooperate at International and Regional level

March 2003 - 117 countries has signed the present Convention including, the community needs to convain China and the new Republics to sign the Convention.

### **I.3. EUROPEAN UNION PROVISIONS**

**I.3.1.** *Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.*

Concerns the protective measures against the introduction into the Community of organisms harmful to plants or plant products from the other Member States or third countries. Each State of the European Union has to create an official national plant protection organization (PPO). Content of the Annexes :

- Annexe I. Harmful organisms whose introduction into and spread within,  
Part A : all member States  
Part B : certain protected zones  
shall be banned.
- Annexe II. Harmful organisms whose introduction into, and spread within,  
Part A : all member States  
Part B : certain protected zones shall be banned  
if they are present on certain plants products.
- Annexe III. Plants and products and other objects the introduction of which shall be prohibited  
Part A : in all member States  
Part B : in certain protected zones
- Annexe IV. Special requirements which must be laid down by all member States for the  
introduction and movement of plants, plants products and other objects into and  
within  
Part A : all member States  
Part B : certain protected zones
- Annexe V : Plants, plant products and other objects which must be subject to a plant health  
inspection – at the place of production if originating in the Community, before being  
moved within the Community – in the country of origin or the consignor country, if  
originating outside the Community – before being permitted to enter the Community  
Part A : plants, plant products and other objects originating in the Community  
Part B : plants, plant products and other objects originating in territories,  
other those territories referred to in part A.
- Annexe VI : Plants and plant products to which special arrangements may be applied
- Annexe VII : Model certificates  
A. Model of phytosanitary certificate  
B. Model reforwarding phytosanitary certificate  
C. Explanatory certificate
- Annexe VIII : Repealed directive and its successive amendments  
Deadlines for transposition and/or implementation
- Annexe IX : Correlation table

**I.3.2.** *Commission Directive 95/44/EC of 26 July 1995 establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 2000/29/EC (77/93/EEC) may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections.*

For all activities above-named using living material described in the Annexes I to V of the Directive 2000/29/EC, Member States shall insure that for any activity for trial or scientific purpose or varietal selections, hereinafter referred to as « the activities », which would involve the use of harmful organisms, plants, plant products and other objects pursuant to article 3-5 and article 12 of the 2000/29/EC, hereinafter referred to as the « material », an application shall be submitted to the responsible official bodies prior to the introduction into, or movement within, any Member State or relevant protected zones thereof, of any such material.

The material is accompanied with a Letter of authority, the activities and the quarantine containment need to be approved, general conditions in the Annexe I. need to be satisfied.

- Annexe I. Nature and objectives of the activities  
Quarantine containments conditions  
Scientific and technical qualifications
- Annexe II. Model of the Letter of Authority for the instruction and/or movement of harmful organisms, plants, plant products and other objects for trial or scientific purposes and for work on varietal selections.
- Annexe III. Quarantine measures including testing on plants, plant products and other objects intended for release from Quarantine.  
Part A. For certains plants, plant products and other objects listed in Annexe III to Directive 2000/29/EC  
Part B. For plants, plant products and other objects listed in Annexes II and IV to Directive 2000/29/EC

## **I.4. FRENCH LEGISLATIVE AND REGULATION PROVISIONS**

### **I.4.1. French legislative provisions**

In France, all text of a law approved by the Deputies and Senators, found their place in pertinent Codes as articles after the studies of the Codification Commission,

#### **CODE OF CUSTOMS**

- Article 38 infractions to the regulations for the importation of prohibited wares. The ware is prohibited if the official declaration and/or authorization is absent if needed.

#### **CODE RURAL**

- Art. L. 251-4 It is prohibited to introduce, to be in possession, to transport pest organisms, except authorized exceptions.
- Art. L.251-12 List of plants, plant products and other objects with obligation of sanitary control is determine by decree by the minister in charge of agriculture.
- Art. L. 251-18 The inspection and controls are made by the agents of the Regional Service of Plant Protection or agents of the ministry. Control of documentation is done by the agents of the customs, and from other sections.
- Art. L.251-20 Illegal introduction, possession, transportation of pest organisms without any authorized document could be punished by a max of 2 years of imprisonment and a max of a penalty of 76 000 € (76 000 USD)

## CODE OF ENVIRONMENT

Art. L. 411-3 is prohibited the introduction of exotic organism in the environment, except special authorization from the administrative authority.

### I.4.2. REGULATION PROVISIONS

**Decree n°84-1191 of December 28 1984** relative to the organization of the exterior services of the ministry of agriculture.

**Decree n°84-1192 of December 28 1984** relative to the organization and attributions of the Regional Direction of Agriculture and Forestry (DRAF). In terms of plant protection the direction is in charge to control the application of the regulations and phytosanitary protection,

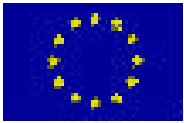
**Decree n°93-1259 of November 10 1993** relative to protection measures against pest organisms to plants, plant products, and other objects. The minister in charge of the agriculture and the minister in charge of the customs settled by Decree the list of pest organisms prohibited in the territory or protected zones, the list of plants, plant products and other objects prohibited in the territory or protected zones.

**Ordinance of November 22 2002** relative to sanitary requirements of plants, plant products, and other objects. Concerns the measures of protection against pest organisms to plants, plant products, and other objects. Enclosed in the Annexes are :

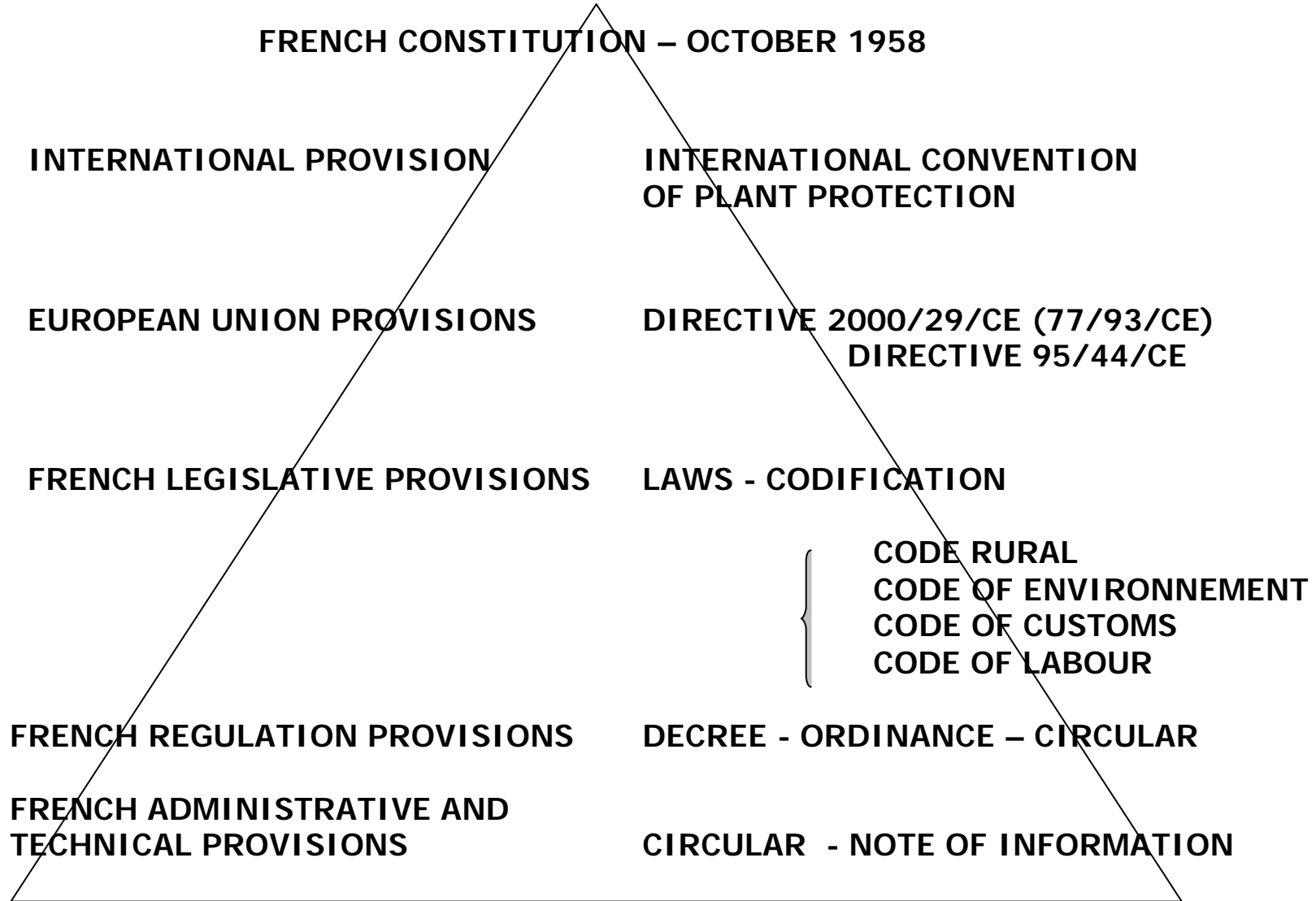
- ✓ the list of harmful organisms whose introduction into all member States and certain protected zones shall be banned,
- ✓ the list of harmful organisms whose introduction and spread within into certain protected zones shall be banned
- ✓ the list of harmful organisms whose introduction and spread within into all member States and certain protected zones shall be banned, if they are present on certain plants products.
- ✓ The list of plants and products and other objects whom the introduction of which shall be prohibited, in all member States and in certain protected zones.
- ✓ Special requirements which must be laid down by all members States for the introduction and movement of plants, plants products and other objects into and within all member States and certain protected zones.
- ✓ Plants, plant products and other objects which must be subject to a plant health inspection – at the place of production if originating in the Community, before being moved within the Community – in the country of origine or the consignor country, if originating outside the Community – before being permitted to enter the Community.
- ✓ Plants and plant products to which special arrangements may be applied.

**Decree n°97-857 of September 12 1997** establishing the conditions to satisfied for the introduction or the circulation of certain harmful organisms, plants, plant products and other objects for trial or scientific purposes and for work on varietal selections.

**Ordinance of June 10 1998** establishing the conditions relative to the introduction and the circulation for scientific purposes of certain harmful organisms, plants, plant products and other objects. The activities need to be run under an agreement and all material needs be join by a Letter of Authority (Lettre Officielle d'Autorisation).



**FRENCH CONSTITUTION – OCTOBER 1958**



**Figure 1. HIERARCHY OF THE NORMS – D. COUTINOT, 2003 (EBCL-USDA-ARS)**

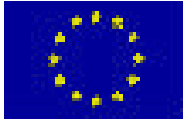
**FOREIGN EXPLORATIONS - INTRODUCTION OF LIVING ORGANISMS IN FRANCE**



## INTERNATIONAL PROVISION

International Convention  
of Plant Protection

- ✓ National Plant Protection Organisation
- ✓ List of regulated organisms
- ✓ Provisions for the importation for scientific purposes



## EU PROVISIONS

Directive 2000/29/CE

- ✓ National Plant Protection Organisation
- ✓ List of regulated organisms for all member States and certain protected areas

Directive 95/44/CE Conditions under which regulated organisms may be introduced for scientific purposes

- ✓ Letter of Authority
- ✓ General conditions
- ✓ Agreement for the quarantine activities



## FRENCH PROVISIONS

Decree 93-1259 November 10, 1993  
Ordinance November 22, 2002

- ✓ Sanitary requirements
- ✓ Protection measures against pest organisms
- ✓ List of harmful organisms for all member States and certain protected zones.

Decree 97-857 September 12, 1997  
Ordinance June 10, 1998

- ✓ Conditions relative to introduction and circulation of harmful organisms for scientific purposes
- ✓ Agreement for the quarantine activities
- ✓ Letter of Authority

Figure 2. SCHEME OF PROVISIONS – D. COUTINOT, 2003 (EBCL-USDA-ARS)



## EBCL PROTOCOL

Introduction of regulated Living organisms

Introduction of non regulated organisms \*

- ✓ 1. Quarantine for pathogens
- ✓ 2. Quarantine for arthropods and plants
  
- ✓ Agreement for the quarantine activities
  
- ✓ Letters of Authority for regulated organisms
  - SOIL SAMPLES
  - BEMISIA TABACI
  - CERAMBYCIDAE
  - FRUIT FLIES
  - ANOPLOPHORA GLABRIPENNIS
  - ANOPLOPHORA CHINENSIS

- ✓ Systematic declaration of the intention of introduction of non regulated organisms to Regional Plant Protection Service
  
- ✓ 35 declarations valid for Insect, Weed & biomolecular projects for 2003

\* Plants collected outside the European Union may circulate only with a phytosanitary certificate delivered by an official organization, the plants need to be free and be declared free of regulated organisms, after official inspections.

Figure 3. PROTOCOL IN USE AT EBCL-USDA-ARS, Montpellier, France – D. COUTINOT, 2003 (EBCL-USDA-ARS)