



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on the Environment, Public Health and Food Safety*

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**2013/0141(COD)**

15.10.2013

## **DRAFT OPINION**

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Agriculture and Rural Development

on the proposal for a regulation of the European Parliament and of the Council  
on protective measures against pests of plants  
(COM(2013)0267 – C7-0122/2013 – 2013/0141(COD))

Rapporteur: Oreste Rossi

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## SHORT JUSTIFICATION

Plant health is a key factor for sustainable and competitive agriculture, horticulture and forestry, but also of importance for the protection of biodiversity and ecosystem services.

Europe's agriculture, forests and natural heritage are currently threatened by new and dangerous pests of plants, with a sharp increase in plant health problems in the EU witnessed over the last decade, mostly related to globalisation of trade and climate change.

Your Rapporteur thus welcomes the proposal for a Regulation on protective measures against pests of plants (COM(2013)267) which aims at stepping up prevention, surveillance and rapid action upon outbreaks of plant pests in the EU.

The Commission proposal replaces the current EU plant health regime (Council Directive 2000/29/EC) and aims at addressing the increased risks. While the current "open system" – allowing movements of plant and plant products into and within the EU under certain conditions – will be maintained, more focus is being put on high-risk trade coming from third countries and traceability of planting material on the internal market. The proposal also provides for better surveillance, early eradication of outbreaks of new pests and financial support for businesses and plant health authorities in the Member States.

Your Rapporteur endorses most of the elements mentioned, but suggests to "fine-tune" several aspects of the proposal:

- Lists of pests and measures

In its proposal, the Commission suggests a significant amount of implementing acts, some of which relate to the establishment (and future amendment) of a list of Union quarantine pests (Art. 5), priority pests (Art. 6), measures against specific Union quarantine pests (Art. 27), protected zones and protected zone quarantine pests (Art. 32) as well as quality pests (Art. 37).

Due to the importance of these provisions, your Rapporteur considers that delegated acts should be applied, providing the European Parliament with the necessary powers to scrutinize and, as appropriate, object to acts establishing, amending or supplementing these lists. The lists should, as a first step, be based on the lists contained in the existing legislation and be amended or supplemented, as necessary, later on.

- Restricted number of priority pests

The Commission suggests to restrict the maximum number of priority pests to 10% of the number of Union quarantine pests listed. Priority pests are of particular importance as they may have a most severe economic, environmental or social impact for the Union territory and are subject to enhanced preparedness and response obligations as well as enhanced EU co-financing. Your Rapporteur thus considers that the number of priority pests should not be

restricted as long as pests fulfil the conditions mentioned (Art. 6(2)).

- Information to the public

There is a serious gap in public education as to the economic, environmental and social impacts of plant pests. Consumers are often not aware of the phytosanitary risks when purchasing plants. Your Rapporteur thus suggests to launch awareness-campaigns at Member State level, in order to inform the public of the risks involved with, in particular, imports of plants from third countries. In addition, the Commission should establish and keep up to date a publicly available list of emerging plant pests in third countries which may potentially pose a risk to plant health in the EU (Art. 43a new).

- Internet trade

Recent studies show that internet trade of plants may pose a high phytosanitary risk when commodities are infested with non-native pests including quarantine pests. In particular, consignments of plants imported from third countries and purchased on the Internet are in many cases non-compliant with the phytosanitary import requirements of the EU. Raising awareness of consumers and plant traders within Europe is essential to tackle this problem. In addition to the above-mentioned information campaigns, your Rapporteur suggests to reinforce the Commission proposal by stating that internet traders may, by no means, be exempted from their obligation to register (Art. 61(3)).

- Involvement of stakeholders in the elaboration of contingency plans and simulation exercises

The degree of stakeholder involvement in the preparation of contingency plans and simulation exercises currently varies from one Member State to the other. Your Rapporteur thus suggests to provide a common framework for early involvement of professional operators in these types of activities (Art. 24 and 25).

- Financial aspects

Your Rapporteur suggests two major amendments to Article 102:

Firstly, the proposal for a Regulation on management of expenditure (COM(2013)327) shall be aligned to the proposal on the prevention and management of the introduction and spread of invasive alien species and allow for EU co-financing for costs incurred by Member States for compensation to the operators for the value of the destroyed plants covered by measures for rapid eradication at an early stage of invasion adopted pursuant to Article 15 of the Regulation on invasive alien species.

Secondly, as these kinds of early actions are essential for prevention, detection and control of priority pests, enhanced biosecurity measures carried out at farm level should also be eligible for compensation.

## AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Agriculture and Rural Development, as the committee responsible, to incorporate the following amendments in its report:

### Amendment 1

#### Proposal for a regulation

##### Recital 5

###### *Text proposed by the Commission*

(5) The need for such measures has long been recognised. They have formed the subject of international agreements and international conventions, including the International Plant Protection Convention (IPPC) of 6 December 1951 concluded at the United Nations Food and Agricultural Organisation (FAO) and its new revised text approved by the Food and Agriculture Organisation Conference in November 1997 at its 29th session. The Union is party to the IPPC.

###### *Amendment*

(5) The need for such measures has long been recognised. They have formed the subject of international agreements and international conventions, including the International Plant Protection Convention (IPPC) of 6 December 1951 concluded at the United Nations Food and Agricultural Organisation (FAO) and its new revised text approved by the Food and Agriculture Organisation Conference in November 1997 at its 29th session ***as well as the International Convention on Biological Diversity (CBD) of 29 December 1993.*** The Union is party to ***both the IPPC and the CBD.***

Or. en

###### *Justification*

*With a view to the importance of plant health for the preservation of natural ecosystems, ecosystem services and biodiversity, the International Convention on Biological Diversity should be mentioned. In particular, invasive alien species – which are also covered by this Convention – can have a considerable environmental and economic impact.*

### Amendment 2

#### Proposal for a regulation

##### Recital 9

###### *Text proposed by the Commission*

(9) In order to allow efforts for the control

###### *Amendment*

(9) In order to allow efforts for the control

of Union quarantine pests to concentrate on pests whose economic, environmental or social impact is most severe for the Union territory as a whole, a **restricted** list of such pests, hereinafter 'priority pests', should be established.

of Union quarantine pests to concentrate on pests whose economic, environmental or social impact is most severe for the Union territory as a whole, a list of such pests, hereinafter 'priority pests', should be established.

Or. en

#### *Justification*

*The number of priority pests should not be restricted. Additional efforts to prevent, eradicate and contain these pests should be made in all cases of Union quarantine pests potentially entailing most severe economic, environmental or social impacts for the Union territory (see also amendment on Article 6 deleting the maximum number of priority pests ).*

### **Amendment 3**

#### **Proposal for a regulation**

##### **Recital 15 a (new)**

*Text proposed by the Commission*

*Amendment*

***(15a) With a view to fair compensation of financial losses, the Commission should ensure, without harmonising Member States' systems, a coherent horizontal approach to collective redress in cross-border cases, where such losses are suffered by large groups of farmers or consumers affected by eradication measures in neighbouring countries and exposed to a high potential risk of being harmed by similar plant pests and invasions.***

Or. en

#### *Justification*

*Although the competence for setting up collective redress systems should remain with Member States, a coherent approach should be ensured in cross-border cases, where large groups of farmers or consumers are exposed to similar risks and suffer financial losses related to similar eradication measures in neighbouring countries.*

## Amendment 4

### Proposal for a regulation Recital 33 a (new)

*Text proposed by the Commission*

*Amendment*

***(33a) Internet trade of plants may pose a high phytosanitary risk when commodities are infested with non-native pests including quarantine pests. In particular, consignments of plants imported from third countries and purchased on the Internet are in many cases non-compliant with the phytosanitary import requirements of the EU. In order to tackle these shortcomings, raising awareness of consumers and plant traders and ensuring the traceability of internet traders established both within the EU and in third countries are essential.***

Or. en

*Justification*

*Related to amendments on awareness-raising campaigns (Recital 33b, Article 43a and 61 (registration obligation for internet traders)).*

## Amendment 5

### Proposal for a regulation Recital 33 b (new)

*Text proposed by the Commission*

*Amendment*

***(33b) In order to raise awareness of the general public, Member States should launch awareness-raising campaigns on the potential economic, environmental and social impacts of plant pests, key principles of prevention and spread as well as the responsibility of society as a whole to ensure phytosanitary health in the EU. Furthermore, the Commission***

*should keep a publicly available, updated list of emerging plant pests in third countries which may potentially pose a risk to plant health in the Union territory.*

Or. en

*Justification*

*Related to amendment on awareness-raising campaigns (Article 43a).*

**Amendment 6**

**Proposal for a regulation**  
**Recital 53 a (new)**

*Text proposed by the Commission*

*Amendment*

*(53a) In order to take into account the technical progress, scientific developments and changed circumstances in plant health, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules establishing, amending or supplementing the lists of Union quarantine pests, priority pests, setting out measures against specific Union quarantine pests, protected zones and the respective protected zone quarantine pests as well as of Union quality pests and the plants for planting concerned.*

*In case of a serious phytosanitary risk, the power to adopt acts in accordance with the urgency procedure should be delegated to the Commission in order to list Union quarantine pests as priority pests and to set out specific measures against Union quarantine pests.*

Or. en

*Justification*

*Amendment related to amendments of Articles 5, 6, 27, 32 and 37.*



## Amendment 7

### Proposal for a regulation Recital 71

*Text proposed by the Commission*

(71) In order to ensure uniform conditions for the implementation of this Regulation with respect to ***establishing a list of Union quarantine pests, establishing a list of the priority pests, setting out measures against specific Union quarantine pests, adopting measures for a limited time as regards the phytosanitary risks posed by pests provisionally qualifying as Union quarantine pests, recognising the protected zones recognised in accordance with the first subparagraph of Article 2(1)(h) of Directive 2000/29/EC and establishing a list of the respective protected zone quarantine pests, amending or revoking protected zones, amending the list of those protected zones, listing of Union quality pests and the plants for planting concerned***, listing the plants, plant products and other objects whose introduction into and movement within the Union territory is to be prohibited, and the third countries concerned, listing the plants, plant products and other objects, and the requirements for their introduction into and movement within the Union territory, setting out equivalent requirements of third countries to the requirements for movement within the Union territory of plants, plant products or other objects, setting out specific conditions or measures concerning the introduction of particular plants, plant products and other objects into frontier zones of Member States, adoption of temporary measures as regards the introduction into and movement within the Union territory of plants for planting from third countries, listing of plants, plant products and other objects, whose

*Amendment*

(71) In order to ensure uniform conditions for the implementation of this Regulation with respect to adopting measures for a limited time as regards the phytosanitary risks posed by pests provisionally qualifying as Union quarantine pests, listing the plants, plant products and other objects whose introduction into and movement within the Union territory is to be prohibited, and the third countries concerned, listing the plants, plant products and other objects, and the requirements for their introduction into and movement within the Union territory, setting out equivalent requirements of third countries to the requirements for movement within the Union territory of plants, plant products or other objects, setting out specific conditions or measures concerning the introduction of particular plants, plant products and other objects into frontier zones of Member States, adoption of temporary measures as regards the introduction into and movement within the Union territory of plants for planting from third countries, listing of plants, plant products and other objects, whose introduction into, and movement within, particular protected zones is to be prohibited, listing requirements for the introduction into, and movement within, particular protected zones of plants, plant products and other objects, listing of the plants, plant products and other objects, and the respective third countries of origin or dispatch, for which a phytosanitary certificate is to be required for their introduction into the Union territory, listing of the plants, plant products and other objects, and the respective third countries

introduction into, and movement within, particular protected zones is to be prohibited, listing requirements for the introduction into, and movement within, particular protected zones of plants, plant products and other objects, listing of the plants, plant products and other objects, and the respective third countries of origin or dispatch, for which a phytosanitary certificate is to be required for their introduction into the Union territory, listing of the plants, plant products and other objects, and the respective third countries of origin or dispatch, for which a phytosanitary certificate is to be required for their introduction into certain protected zones from those third countries, listing of the plants, plant products and other objects, for which a plant passport is to be required for their movement within the Union territory, listing of the plants, plant products and other objects, for which a plant passport is to be required for their introduction into certain protected zones, and setting out the format of the plant passport, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

of origin or dispatch, for which a phytosanitary certificate is to be required for their introduction into certain protected zones from those third countries, listing of the plants, plant products and other objects, for which a plant passport is to be required for their movement within the Union territory, listing of the plants, plant products and other objects, for which a plant passport is to be required for their introduction into certain protected zones, and setting out the format of the plant passport, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

Or. en

#### *Justification*

*Amendment related to amendments of Articles 5, 6, 27, 32 and 37.*

### **Amendment 8**

#### **Proposal for a regulation**

#### **Recital 72**

(72) The advisory procedure should be used for ***the adoption of the initial list of Union quarantine pests given that that initial list should merely contain, without any modifications, 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, for the amendment of the scientific name of a pest, where such an amendment is justified on the basis of the development of scientific knowledge, for the adoption of the initial list of protected zones and the respective protected zone quarantine pests given that that initial list should merely contain, without any modifications, the protected zones recognised in accordance with the first subparagraph of Article 2(1)(h) of Directive 2000/29/EC and the protected zone quarantine pests listed in Part B of Annex I and Part B of Annex II to Directive 2000/29/EC, for the amendment and revocation of protected zones, for the adoption of the initial list of Union quality pests given that that initial list should merely contain, without any modifications, the pests listed in certain Directives on the production and marketing of seeds and propagating material***, for the adoption of the initial list of plants, plant products and other objects whose introduction into and movement within the Union territory is to be prohibited given that that initial list should merely contain, without any modifications, the plants, plant products and other objects, and the prohibitions and the third countries concerned, as set out in Part A of Annex III to Directive 2000/29/EC, together with their Combined Nomenclature (CN) codes, for the adoption of the initial list of plants, plant products and other objects whose introduction into and movement within the Union territory is to be subject to special requirements given that that initial list

(72) The advisory procedure should be used for the amendment of the scientific name of a pest, where such an amendment is justified on the basis of the development of scientific knowledge, for the adoption of the initial list of plants, plant products and other objects whose introduction into and movement within the Union territory is to be prohibited given that that initial list should merely contain, without any modifications, the plants, plant products and other objects, and the prohibitions and the third countries concerned, as set out in Part A of Annex III to Directive 2000/29/EC, together with their Combined Nomenclature (CN) codes, for the adoption of the initial list of plants, plant products and other objects whose introduction into and movement within the Union territory is to be subject to special requirements given that that initial list should merely contain, without any modifications, the plants, plant products and other objects, and the requirements and the third countries concerned, as set out in Part A of Annex IV to Directive 2000/29/EC, together with their Combined Nomenclature (CN) codes, for the adoption of the initial list of plants, plant products and other objects whose introduction into certain protected zones is to be prohibited given that that initial list should merely contain, without any modifications, the plants, plant products and other objects, and the prohibitions and the third countries concerned, as set out in Part B of Annex III to Directive 2000/29/EC, together with their Combined Nomenclature (CN) codes, for the adoption of the initial list of plants, plant products and other objects whose introduction into, and movement within, certain protected zones is to be subject to special requirements given that that initial list should merely contain, without any modifications, the plants, plant products

should merely contain, without any modifications, the plants, plant products and other objects, and the requirements and the third countries concerned, as set out in Part A of Annex IV to Directive 2000/29/EC, together with their Combined Nomenclature (CN) codes, for the adoption of the initial list of plants, plant products and other objects whose introduction into certain protected zones is to be prohibited given that that initial list should merely contain, without any modifications, the plants, plant products and other objects, and the prohibitions and the third countries concerned, as set out in Part B of Annex III to Directive 2000/29/EC, together with their Combined Nomenclature (CN) codes, for the adoption of the initial list of plants, plant products and other objects whose introduction into, and movement within, certain protected zones is to be subject to special requirements given that that initial list should merely contain, without any modifications, the plants, plant products and other objects, and the requirements, as set out in Part B of Annex IV to Directive 2000/29/EC, together with their Combined Nomenclature (CN) codes, for the adoption of the initial list of the plants, plant products and other objects, and the respective third countries of origin or dispatch, for which a phytosanitary certificate is required for their introduction into the Union territory, given that that initial list should merely contain, without any modifications, the plants, plant products and other objects listed in Point I of Part B of Annex V to Directive 2000/29/EC, for the adoption of the initial list of the plants, plant products and other objects, and the respective third countries of origin or dispatch, for which a phytosanitary certificate is required for their introduction into certain protected zones, given that that initial list should merely contain, without any modifications, the plants, plant products and other objects listed in Point II of Part B of Annex V to

and other objects, and the requirements, as set out in Part B of Annex IV to Directive 2000/29/EC, together with their Combined Nomenclature (CN) codes, for the adoption of the initial list of the plants, plant products and other objects, and the respective third countries of origin or dispatch, for which a phytosanitary certificate is required for their introduction into the Union territory, given that that initial list should merely contain, without any modifications, the plants, plant products and other objects listed in Point I of Part B of Annex V to Directive 2000/29/EC, for the adoption of the initial list of the plants, plant products and other objects, and the respective third countries of origin or dispatch, for which a phytosanitary certificate is required for their introduction into certain protected zones, given that that initial list should merely contain, without any modifications, the plants, plant products and other objects listed in Point II of Part B of Annex V to Directive 2000/29/EC, for the adoption of the initial list of the plants, plant products and other objects, for which a plant passport is required for their movement within the Union territory, given that that initial list should merely contain, without any modifications, the plants, plant products and other objects listed in Point I of Part A of Annex V to Directive 2000/29/EC, and for the adoption of the initial list of the plants, plant products and other objects, for which a plant passport is required for their introduction into certain protected zones, given that that initial list should merely contain, without any modifications, the plants, plant products and other objects listed in Point II of Part A of Annex V to Directive 2000/29/EC.

Directive 2000/29/EC, for the adoption of the initial list of the plants, plant products and other objects, for which a plant passport is required for their movement within the Union territory, given that that initial list should merely contain, without any modifications, the plants, plant products and other objects listed in Point I of Part A of Annex V to Directive 2000/29/EC, and for the adoption of the initial list of the plants, plant products and other objects, for which a plant passport is required for their introduction into certain protected zones, given that that initial list should merely contain, without any modifications, the plants, plant products and other objects listed in Point II of Part A of Annex V to Directive 2000/29/EC.

Or. en

### *Justification*

*Amendment related to amendments of Articles 5, 6, 27, 32 and 37.*

## **Amendment 9**

### **Proposal for a regulation**

#### **Recital 75**

#### *Text proposed by the Commission*

(75) Regulation (EU) No .../2013 on ..... [Office of Publications, please insert number and title of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material and, in the footnote, the reference to the Official Journal] sets out that grants for measures against pests are to concern certain pests listed in the Annexes to Directive 2000/29/EC, and certain pests not listed in those Annexes but subject to temporary Union measures

#### *Amendment*

(75) Regulation (EU) No .../2013 on ..... [Office of Publications, please insert number and title of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material and, in the footnote, the reference to the Official Journal] sets out that grants for measures against pests are to concern certain pests listed in the Annexes to Directive 2000/29/EC, and certain pests not listed in those Annexes but subject to temporary Union measures

adopted with regard to them. This Regulation establishes the category of priority pests. It is appropriate that certain measures taken by the Member States as regards priority pests are to be eligible for Union grants, including compensation paid to professional operators for the value of plants, plant products and other objects, subject to destruction pursuant to the eradication measures set out in this Regulation. Regulation (EU) No XXX/2013 should therefore be amended.

adopted with regard to them. This Regulation establishes the category of priority pests. It is appropriate that certain measures taken by the Member States as regards, *in particular*, priority pests are to be eligible for Union grants, including compensation paid to professional operators for the value of plants, plant products and other objects, subject to destruction pursuant to the eradication measures set out in this Regulation, *as well as for the implementation of enhanced biosecurity measures essential for prevention, detection and control of priority pests at farm level. In addition, measures taken by the Member States in accordance with Article 15 of Regulation (EU) No .../2013 on ..... [Office of Publications, please insert number and title of Regulation laying down provisions on the prevention and management of the introduction and spread of invasive alien species] with a view to early eradication of potentially harmful alien species at an early stage of invasion should equally be eligible for Union grants. This should also include compensation paid to professional operators for the value of plants, plant products and other objects, subject to destruction pursuant to Article 15 of Regulation (EU) No .../2013 on ..... [Office of Publications, please insert number and title of Regulation laying down provisions on the prevention and management of the introduction and spread of invasive alien species].* Regulation (EU) No XXX/2013 should therefore be amended.

Or. en

#### *Justification*

*Operators should be compensated for carrying out enhanced biosecurity measures essential for early action related to priority pests.*

*Also, in order to align the Regulation on management of expenditure to the proposal on Invasive Alien Species, published on 9 September 2013, measures taken by Member States to*

*rapidly eradicate invasions of alien species at an early stage in accordance with Article 15 of the mentioned proposal should be eligible to EU co-financing. This should include compensation of operators for the value of the destroyed plants covered by such eradication measures.*

## **Amendment 10**

### **Proposal for a regulation**

#### **Article 5 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

2. The Commission shall, **by means of an implementing act, establish** a list of pests fulfilling the conditions referred to in Article 3(b), (c) and (d) in respect of the Union territory, referred to as 'list of Union quarantine pests'.

*Amendment*

The Commission shall **be empowered to adopt acts in accordance with Article 98 concerning the establishment and amendment of** a list of pests fulfilling the conditions referred to in Article 3(b), (c) and (d) in respect of the Union territory, referred to as 'list of Union quarantine pests'.

Or. en

*Justification*

*Article 5/2 and 3 provide for the establishment of a list of pests qualifying as Union quarantine pests, to be amended or supplemented further on. The notion of “Union quarantine pest” is – as “protected zone quarantine pests” regulated in Article 32 - central for the whole Regulation as a significant number of measures laid down in the Regulation concern these pests. Consequently, the establishment and amendment of the list of quarantine pests should be made via delegated acts. A simple change of the scientific name of a pest should, however, be made by implementing acts.*

## **Amendment 11**

### **Proposal for a regulation**

#### **Article 5 – paragraph 2 – subparagraph 5**

*Text proposed by the Commission*

**That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2).**

*Amendment*

**deleted**

Or. en

## Amendment 12

### Proposal for a regulation

#### Article 5 – paragraph 3 – subparagraph 3

*Text proposed by the Commission*

*The implementing acts amending the implementing act referred to in paragraph 2 shall be adopted in accordance with the examination procedure referred to in Article 99(3). The same procedure shall apply to a repeal or a replacement of the implementing act referred to in paragraph 2.*

*Amendment*

*deleted*

Or. en

## Amendment 13

### Proposal for a regulation

#### Article 5 – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

4. *The Commission shall amend the implementing act referred to in paragraph 2 by amending the scientific name of a pest, where such an amendment is justified by the development of scientific knowledge.*

*Amendment*

4. *Where justified by the development of scientific knowledge, the Commission shall adopt implementing acts amending the scientific name of a pest included in the list referred to in paragraph 2.*

Or. en

## Amendment 14

### Proposal for a regulation

#### Article 6 – paragraph 2 – subparagraph 1



*Text proposed by the Commission*

*Amendment*

2. The Commission shall, **by means of an implementing act, establish and amend** a list of the priority pests, hereinafter: 'list of priority pests'.

2. The Commission shall **be empowered to adopt acts in accordance with Article 98 concerning the establishment and amendment of** a list of the priority pests, hereinafter: 'list of priority pests'.

Or. en

*Justification*

*Article 6/2 provides for the establishment of a list of pests which could potentially have most severe economic, environmental or social impact for the Union territory. The establishment and amendment of the list of priority pests should be made via delegated acts.*

## **Amendment 15**

### **Proposal for a regulation**

#### **Article 6 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

Where the results of an assessment show that a Union quarantine pest fulfils the conditions referred to in paragraph 1, or a pest no longer fulfils one or more of those conditions, the Commission shall amend **the implementing act** referred to in the first subparagraph by adding the pest concerned to, or removing it from, that list.

Where the results of **regular and risk-based** assessments show that a Union quarantine pest fulfils the conditions referred to in paragraph 1, or a pest no longer fulfils one or more of those conditions, the Commission shall amend **the list** referred to in the first subparagraph by adding the pest concerned to, or removing it from, that list.

Or. en

*Justification*

*Regular, risk-based assessments should be carried out in order to update the list of priority pests as appropriate.*

## **Amendment 16**

### **Proposal for a regulation**

#### **Article 6 – paragraph 2 – subparagraph 4**

*Text proposed by the Commission*

*Amendment*

***The number of priority pests shall not exceed 10% of the number of the Union quarantine pests listed pursuant to Article 5(2) and (3). Where the number of priority pests has exceeded 10% of the number of the Union quarantine pests listed pursuant to Article 5(2) and (3), the Commission shall amend the implementing act referred to in the first subparagraph by accordingly adjusting the number of pests in that list, on the basis of their potential economic, environmental or social impact as set out in Section 2 of Annex II.***

***deleted***

Or. en

*Justification*

*There should not be a limit to the number of priority pests. All Union quarantine pests potentially entailing most severe economic, environmental or social impacts for the Union territory should be listed as priority pests.*

#### **Amendment 17**

##### **Proposal for a regulation**

##### **Article 6 – paragraph 2 – subparagraph 5**

*Text proposed by the Commission*

*Amendment*

***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).***

***deleted***

Or. en

#### **Amendment 18**

##### **Proposal for a regulation**

##### **Article 6 – paragraph 2 – subparagraph 6**

*Text proposed by the Commission*

*Amendment*

***On duly justified imperative grounds of urgency relating to a serious phytosanitary risk, the Commission shall adopt immediately applicable implementing acts, in accordance with the procedure referred to in Article 99(4), listing Union quarantine pests as priority pests.***

***Where in the case of a serious phytosanitary risk imperative grounds of urgency so require, Union quarantine pests shall be listed as priority pests in accordance with the procedure provided for in Article 98a.***

Or. en

## **Amendment 19**

### **Proposal for a regulation Article 14 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. In case of an imminent danger as set out in paragraph 1 and 2, Member States and professional operators shall take all necessary measures, as appropriate to the risk involved, to prevent the entry of such pests in the Union territory.***

Or. en

### *Justification*

*In case of an imminent danger of the entry of a Union quarantine pest into the Union territory, Member States and operators should, as appropriate to the risk involved and in addition to informing the Commission, the other Member States and the competent authority, take immediate action to prevent this entry.*

## **Amendment 20**

### **Proposal for a regulation Article 20**

*Text proposed by the Commission*

*Amendment*

The Commission shall be empowered to

The Commission shall be empowered to

adopt delegated acts in accordance with Article 98, amending Section 1 of Annex IV on measures to manage the risks of quarantine pests, as regards the measures targeting prevention and elimination of infestation of cultivated and wild plants, measures targeting consignments of plants, plant products and other objects, measures targeting other pathways for quarantine pests, and amending Section 2 of that Annex on principles for the management of the risks of pests, as regards principles for the management of the risks of pests, taking into account the developments of technical and scientific knowledge.

adopt delegated acts in accordance with Article 98, amending Section 1 of Annex IV on measures to manage the risks of quarantine pests, as regards the measures targeting prevention and elimination of infestation of cultivated and wild plants, measures targeting consignments of plants, plant products and other objects, measures targeting other pathways for quarantine pests, and amending Section 2 of that Annex on principles for the management of the risks of pests, as regards principles for the management of the risks of pests, taking into account the developments of technical and scientific knowledge *as well as International Standards for Phytosanitary Measures (ISPMs), developed by the International Plant Protection Convention (IPPC).*

Or. en

#### *Justification*

*As party to the IPPC, the EU should, i.a., respect the international standards developed by this Convention.*

### **Amendment 21**

#### **Proposal for a regulation Article 22 – paragraph 3**

##### *Text proposed by the Commission*

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, **amending** or **supplementing** the elements to be covered by the multi-annual survey programmes, as set out in paragraph 1.

##### *Amendment*

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, **requiring Member States to amend** or **supplement** the elements to be covered by the multi-annual survey programmes, as set out in paragraph 1.

Or. en

#### *Justification*

*As it is for the Member States to establish multi-annual survey programmes, the Commission*

*cannot itself amend or supplement these programmes.*

## **Amendment 22**

### **Proposal for a regulation Article 24 – paragraph 1**

#### *Text proposed by the Commission*

1. Each Member State shall draw up and keep up to date, for each priority pest which is capable of entering into and establishing in its territory, or a part thereof, a separate plan containing information concerning the decision making processes, procedures and protocols to be followed, and resources to be made available, in case of a confirmed or suspected presence of the pest concerned, hereinafter ‘the contingency plan’.

#### *Amendment*

1. Each Member State shall, ***after consultation of the professional operators concerned***, draw up and keep up to date, for each priority pest which is capable of entering into and establishing in its territory, or a part thereof, a separate plan containing information concerning the decision making processes, procedures and protocols to be followed, and resources to be made available, in case of a confirmed or suspected presence of the pest concerned, hereinafter ‘the contingency plan’.

Or. en

#### *Justification*

*The degree of stakeholder involvement in the preparation of contingency plans and simulation exercises currently varies from one Member State to the other. It is therefore important to provide a common framework for early involvement of professional operators in these types of activities.*

## **Amendment 23**

### **Proposal for a regulation Article 24 – paragraph 4**

#### *Text proposed by the Commission*

4. Member States shall communicate their contingency plans to the Commission and to the other Member States on request.

#### *Amendment*

4. Member States shall communicate their contingency plans to the Commission and, to the other Member ***States and to professional operators*** on request.

## Amendment 24

### Proposal for a regulation

#### Article 25 – paragraph 1 – subparagraph 2

##### *Text proposed by the Commission*

Those exercises shall take place with regards to all priority pests concerned within a reasonable period of time.

##### *Amendment*

Those exercises shall take place with regards to all priority pests concerned within a reasonable period of time **and with the involvement of the professional operators concerned.**

Or. en

##### *Justification*

*In order to ensure successful implementation of contingency plans to control and eradicate plant pests, all professional operators concerned should be involved in simulation exercises.*

## Amendment 25

### Proposal for a regulation

#### Article 27 – paragraph 1 – subparagraph 1

##### *Text proposed by the Commission*

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 pest(s) concerned, one or more of the following provisions:

##### *Amendment*

1. The Commission **shall be empowered to adopt delegated** acts **in accordance with Article 98 setting** out measures against specific Union quarantine pests. Those measures shall **determine the application**, specifically for each of the pest(s) concerned, **of** one or more of the following provisions:

Or. en

##### *Justification*

*Article 27/1 provides for the determination of Union measures for specific Union quarantine pests, thereby clearly supplementing this Article in substance. Consequently, the measures against specific Union quarantine pests should be set out by delegated acts. Where in case of*

*a serious phytosanitary risk EU measures have to be taken regarding specific Union quarantine pests, the urgency procedure provided for in Article 98a shall apply.*

## **Amendment 26**

### **Proposal for a regulation**

#### **Article 27 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).***

***deleted***

Or. en

## **Amendment 27**

### **Proposal for a regulation**

#### **Article 27 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Where, as regards a restricted area, the Commission concludes, on the basis of the surveys referred to in Article 18 or other evidence, that the eradication of the Union quarantine pest concerned is not possible, the Commission ***may*** adopt ***implementing*** acts, as referred to in paragraph 1, which set out measures with the single purpose of prevention of the spread of those pests out of the areas concerned. Such prevention is referred to as 'containment'.

2. Where, as regards a restricted area, the Commission concludes, on the basis of the surveys referred to in Article 18 or other evidence, that the eradication of the Union quarantine pest concerned is not possible, the Commission ***shall be empowered to*** adopt ***delegated*** acts, as referred to in paragraph 1, which set out measures with the single purpose of prevention of the spread of those pests out of the areas concerned. Such prevention is referred to as 'containment'.

Or. en

## Amendment 28

### Proposal for a regulation Article 27 – paragraph 3

*Text proposed by the Commission*

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

*Amendment*

3. In case the Commission concludes that prevention measures in locations outside restricted areas are necessary to protect the part of the Union territory where the Union quarantine pest concerned is not present, the Commission ***shall be empowered*** to adopt ***delegated*** acts, as referred to in paragraph 1, setting out such measures.

Or. en

## Amendment 29

### Proposal for a regulation Article 27 – paragraph 4

*Text proposed by the Commission*

4. The ***measures*** referred to in paragraphs 1, 2 and 3 shall be taken in accordance with Annex IV on measures and principles for the management of the risks of pests, taking into account the specific risks of the Union quarantine pests concerned and the need to ***implement*** the necessary risk mitigation measures in a harmonised manner at Union level.

*Amendment*

4. The ***delegated acts*** referred to in paragraphs 1, 2 and 3 shall be taken in accordance with Annex IV on measures and principles for the management of the risks of pests, taking into account the specific risks of the Union quarantine pests concerned and the need to ***address*** the necessary risk mitigation measures in a harmonised manner at Union level.

Or. en

## Amendment 30

### Proposal for a regulation Article 27 – paragraph 5



*Text proposed by the Commission*

5. *The* implementing acts *referred to in paragraph 1* may provide that the measures, referred to in points (a) to (j) of paragraph 1, taken by the Member States are to be repealed or amended. Until a measure has been adopted by the Commission, the Member State may maintain the measures that it has employed.

*Amendment*

5. The **Commission** may, **by means of** implementing acts, provide that the measures, referred to in points (a) to (j) of paragraph 1, taken by the Member States are to be repealed or amended **if they are no longer compatible with measures contained in delegated acts adopted in accordance with paragraph 1 to 3 of this Article**. Until a measure has been adopted by the Commission, the Member State may maintain the measures that it has employed.

Or. en

### **Amendment 31**

#### **Proposal for a regulation**

#### **Article 27 – paragraph 5 – subparagraph 1 a (new)**

*Text proposed by the Commission*

6. *On duly justified imperative grounds of urgency to address* a serious phytosanitary risk, *the Commission* shall *adopt immediately applicable implementing* acts,

*Amendment*

***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).***

Or. en

### **Amendment 32**

#### **Proposal for a regulation**

#### **Article 27 – paragraph 6**

*Text proposed by the Commission*

6. *Where in the case of* a serious phytosanitary risk *imperative grounds of urgency so require, the procedure provided for in Article 98(a)* shall apply to

*Amendment*

6. ***Where in the case of*** a serious phytosanitary risk ***imperative grounds of urgency so require, the procedure provided for in Article 98(a)*** shall apply to

*in accordance with the procedure referred to in Article 99(4).*

*delegated acts adopted pursuant to this Article.*

Or. en

### **Amendment 33**

#### **Proposal for a regulation Article 32 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

3. The Commission shall, ***by means of an implementing act, establish*** a list of protected zones and the respective protected zone quarantine pests. That list shall include the protected zones recognised in accordance with the first subparagraph of Article 2(1)(h) of Directive 2000/29/EC and the respective pests, listed in Part B of Annex I and Part B of Annex II to Directive 2000/29/EC. ***That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2).***

*Amendment*

3. The Commission shall, ***be empowered to adopt acts in accordance with Article 98 concerning the establishment and amendment of*** a list of protected zones and the respective protected zone quarantine pests. That list shall include the protected zones recognised in accordance with the first subparagraph of Article 2(1)(h) of Directive 2000/29/EC and the respective pests, listed in Part B of Annex I and Part B of Annex II to Directive 2000/29/EC.

Or. en

*Justification*

*Similarly to Articles 5 (Union quarantine pests), 6 (priority pests) and 37 (quality pests), the list of protected zones and the respective protected zone quarantine pests should be established (and later on amended, if necessary) via delegated acts. The notion of “protected zone quarantine pests” is – as “Union quarantine pests” regulated in Article 5 - central for the whole Regulation as a significant number of measures laid down in the Regulation concern these pests.*

### **Amendment 34**

#### **Proposal for a regulation Article 32 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

The Commission may recognise additional protected zones, by amending *the implementing act* referred to in the first subparagraph, where the conditions provided for in paragraph 1 are fulfilled. ***Such an amendment shall be adopted in accordance with the examination procedure referred to in Article 99(3). The same procedure shall apply to a repeal or replacement of the implementing act referred to in the first subparagraph.***

*Amendment*

The Commission may recognise additional protected zones ***and amend or revoke protected zones***, by amending the *list* referred to in the first subparagraph, where the conditions provided for in paragraph 1 ***or in Article 35*** are fulfilled.

Or. en

**Amendment 35**

**Proposal for a regulation**

**Article 32 – paragraph 3 – subparagraph 3**

*Text proposed by the Commission*

***Where Article 35 applies, an implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2).***

*Amendment*

***deleted***

Or. en

**Amendment 36**

**Proposal for a regulation**

**Article 37 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

2. The Commission shall, ***by means of an implementing act, establish*** a list setting out the Union quality pests and the specific plants for planting, as referred to in Article

*Amendment*

2. The Commission shall, ***be empowered to adopt acts in accordance with Article 98 concerning the establishment and amendment of*** a list setting out the Union

36(d), where appropriate with the categories referred to in paragraph 4 and thresholds referred to in paragraph 5.

quality pests and the specific plants for planting, as referred to in Article 36(d), where appropriate with the categories referred to in paragraph 4 and thresholds referred to in paragraph 5.

Or. en

#### *Justification*

*Similarly to Articles 5 (Union quarantine pests), 6 (priority pests) and 32 (protected zone quarantine pests), a list of quality pests – a new category of diseases regarding plants for planting in the plant health regime - should be established (and later on amended, if necessary) via delegated acts. A simple change of the scientific name of a pest should, however, be made by implementing acts.*

### **Amendment 37**

#### **Proposal for a regulation**

#### **Article 37 – paragraph 2 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

*That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2).*

*deleted*

Or. en

### **Amendment 38**

#### **Proposal for a regulation**

#### **Article 37 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

3. The Commission shall amend the ***implementing act*** referred to in paragraph 2, where an assessment shows that a pest not listed in that act fulfils the conditions referred to in Article 36, a pest listed in that implementing act no longer fulfils one or more of those conditions or where

3. The Commission shall amend the ***list*** referred to in paragraph 2, where an assessment shows that a pest not listed in that act fulfils the conditions referred to in Article 36, a pest listed in that implementing act no longer fulfils one or more of those conditions or where

amendments to that list are necessary, as regards categories referred to in paragraph 4 or thresholds referred to in paragraph 5.

amendments to that list are necessary, as regards categories referred to in paragraph 4 or thresholds referred to in paragraph 5.

Or. en

#### **Amendment 39**

##### **Proposal for a regulation**

##### **Article 37 – paragraph 6 – subparagraph 1**

*Text proposed by the Commission*

**6. For amendments to the implementing act referred to in paragraph 2 which are necessary to adapt that implementing act in view of changes to the scientific name of a pest, the advisory procedure referred to in Article 99(2) shall apply.**

*Amendment*

**6. Where justified by the development of scientific knowledge, the Commission shall adopt implementing acts amending the scientific name of a pest included in the list referred to in paragraph 2.**

Or. en

#### **Amendment 40**

##### **Proposal for a regulation**

##### **Article 37 – paragraph 6 – subparagraph 1 a (new)**

*Text proposed by the Commission*

**Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 99(2).**

*Amendment*

Or. en

#### **Amendment 41**

##### **Proposal for a regulation**

##### **Article 37 – paragraph 6 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

***All other amendments to the implementing act referred to in paragraph 2 shall be adopted in accordance with the examination procedure referred to in Article 99(3). The same procedure shall apply to a repeal or a replacement of the implementing act referred to in paragraph 2.***

***deleted***

Or. en

## **Amendment 42**

### **Proposal for a regulation Article 43 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 43a***

##### ***Awareness-raising campaigns***

***1. Member States shall, at regular intervals and as a minimum every two years, launch awareness-raising campaigns, informing the public about plant pests, their potential economic, environmental and social impacts, key principles of prevention and spread as well as the responsibility of society as a whole to ensure phytosanitary health in the EU. In particular, detailed information shall be provided as to the disease risk related to imported plants, plant products or other objects, their geographical origins and the chemical treatments applied to them.***

***Member States shall every four years submit to the Commission a report on the awareness-raising campaigns launched.***

***2. The Commission shall establish and keep up to date a publicly available list of***

***emerging plant pests in third countries  
which may potentially pose a risk to plant  
health in the Union territory.***

Or. en

*Justification*

*There is a serious gap in public education as to the economic, environmental and social impacts of plant pests. Consumers are often not aware of the phytosanitary risks when purchasing plants, plant products or other objects. Raising the awareness of the general public on the risks involved with, in particular, imports of plants from third countries is thus essential to efficient prevention of plant diseases. In order to prevent the entry of emerging plant pests from third countries into the EU at an early stage, the Commission should keep a public, updated list of such pests.*

**Amendment 43**

**Proposal for a regulation  
Article 48**

*Text proposed by the Commission*

The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending Annex III on elements to identify plants for planting which pose phytosanitary risks for the Union territory, as regards the characteristics and origin of those plants for planting, to adapt to the developments of technical and scientific knowledge.

*Amendment*

The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending Annex III on elements to identify plants for planting which pose phytosanitary risks for the Union territory, as regards the characteristics and origin of those plants for planting, to adapt to the developments of technical and scientific knowledge ***as well as new or amended International Standards for Phytosanitary Measures (ISPMs) developed by the International Plant Protection Convention (IPPC).***

Or. en

*Justification*

*As party to the IPPC, the EU should, i.a., respect the international standards developed by this Convention.*

## Amendment 44

### Proposal for a regulation

#### Article 61 – paragraph 3 – subparagraph 2 – point a

*Text proposed by the Commission*

(a) further categories of professional operators to be exempted from the application of paragraph 1, where that registration would constitute a disproportionate administrative burden for them compared to the phytosanitary risk of their professional activities;

*Amendment*

(a) further categories of professional operators to be exempted from the application of paragraph 1, where that registration would constitute a disproportionate administrative burden for them compared to the phytosanitary risk of their professional activities. ***Operators carrying out sales through distance contracts shall, by no means, be exempted from the application of paragraph 1;***

Or. en

*Justification*

*Recent studies show that internet trade of plants may pose a high phytosanitary risk when commodities are infested with non-native pests including quarantine pests. In particular, consignments of plants imported from third countries and purchased on the Internet are in many cases non-compliant with the phytosanitary import requirements of the EU. It is thus crucial to ensure the traceability of internet traders established both within the EU and third countries.*

## Amendment 45

### Proposal for a regulation

#### Article 70 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

That exemption shall not apply to plants for planting, ***other than*** seeds.

*Amendment*

That exemption shall not apply to plants for planting, ***including*** seeds.

Or. en

*Justification*

*Plants for planting, including seeds, to be introduced into the Union territory from third countries should not be exempted from the requirement for a phytosanitary certificate as they*



*may, even when being introduced in small quantities, pose a phytosanitary risk.*

## **Amendment 46**

### **Proposal for a regulation Article 89 – paragraph 1**

#### *Text proposed by the Commission*

1. By way of derogation from Article 82, where a plant, plant product or other object, introduced into the Union territory from a third country, which for movement within the Union territory requires a plant passport pursuant to the implementing acts referred to in Article 74(1) and 75(1), such a passport shall be issued where the checks pursuant to Article 47(1) of Regulation (EU) No .../.... [Office of Publications, please insert number of Regulation on Official Controls] concerning the introduction of the respective plant, plant product or other object have been completed satisfactorily.

#### *Amendment*

1. By way of derogation from Article 82, where a plant, plant product or other object, introduced into the Union territory from a third country, which for movement within the Union territory requires a plant passport pursuant to the implementing acts referred to in Article 74(1) and 75(1), such a passport shall be issued where the checks pursuant to Article 47(1) of Regulation (EU) No .../.... [Office of Publications, please insert number of Regulation on Official Controls] concerning the introduction of the respective plant, plant product or other object have been completed satisfactorily ***and have come to the result that the plants, plant products or other objects concerned fulfil the substantive requirements for issuance of a plant passport according to Article 80 and, where appropriate, Article 81.***

Or. en

#### *Justification*

*In order to avoid loopholes when plants, plant products or other objects are imported from a third country and subsequently move within the EU, phytosanitary certificates may only be replaced by plant passports if the border checks have been completed satisfactorily and show that the commodities in question fulfil the requirements for issuing a plant passport (such as freedom from quarantine pests, compliance with specific import requirements etc.)*

## **Amendment 47**

### **Proposal for a regulation Article 97 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

1. The Commission shall establish an electronic system for the submission of notifications by the Member States.

*Amendment*

1. The Commission shall establish an electronic system for the submission of notifications by the Member States ***and for communication and consultation with professional operators.***

Or. en

*Justification*

*Involving operators in the electronic notification system is essential to ensure early action and prevention of pests in the Union territory.*

**Amendment 48**

**Proposal for a regulation  
Article 98 – paragraph 2**

*Text proposed by the Commission*

2. The delegation of power referred to in Articles 1(2), 7(1) and (2), 8(6), 11(3), 20, 22(3), 25(4), 30, 32(4), 34(1), 38, 44(2), 45(3), 46(6), 48, 61(3), 67(4), 71(4), 76, 78(4), 82(4), 84(2), 86(3), 91(2), 92(1) and (3), 93(1), 94(4), 95(5) and 96(5) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from the entry into force of this Regulation.

*Amendment*

2. The delegation of power referred to in Articles 1(2), ***5(2), 6(2)***, 7(1) and (2), 8(6), 11(3), 20, 22(3), 25(4), ***27***, 30, 32(4), 34(1), ***37(2)***, 38, 44(2), 45(3), 46(6), 48, 61(3), 67(4), 71(4), 76, 78(4), 82(4), 84(2), 86(3), 91(2), 92(1) and (3), 93(1), 94(4), 95(5) and 96(5) shall be conferred on the Commission for a period of ***5 years*** from the entry into force of this Regulation. ***Unless the European Parliament and the Council have an objection, this period will be renewed for another 5 years after the lapsing of the first period.***

Or. en

*Justification*

*Related to amendments of Articles 5, 6, 27, 32 and 37.*

## Amendment 49

### Proposal for a regulation Article 98 – paragraph 3

#### *Text proposed by the Commission*

3. The delegation of power referred to in Articles 1(2), 7(1) and (2), 8(6), 11(3), 20, 22(3), 25(4), 30, 32(4), 34(1), 38, 44(2), 45(3), 46(6), 48, 61(3), 67(4), 71(4), 76, 78(4), 82(4), 84(2), 86(3), 91(2), 92(1) and (3), 93(1), 94(4), 95(5) and 96(5) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

#### *Amendment*

3. The delegation of power referred to in Articles 1(2), **5(2)**, **6(2)**, 7(1) and (2), 8(6), 11(3), 20, 22(3), 25(4), **27**, 30, 32(4), 34(1), **37(2)**, 38, 44(2), 45(3), 46(6), 48, 61(3), 67(4), 71(4), 76, 78(4), 82(4), 84(2), 86(3), 91(2), 92(1) and (3), 93(1), 94(4), 95(5) and 96(5) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

#### *Justification*

*Related to amendments of Articles 5, 6, 27, 32 and 37.*

## Amendment 50

### Proposal for a regulation Article 98 – paragraph 5

#### *Text proposed by the Commission*

5. A delegated act adopted pursuant to Articles 1(2), 7(1) and (2), 8(6), 11(3), 20, 22(3), 25(4), 30, 32(4), 34(1), 38, 44(2), 45(3), 46(6), 48, 61(3), 67(4), 71(4), 76, 78(4), 82(4), 84(2), 86(3), 91(2), 92(1) and (3), 93(1), 94(4), 95(5) and 96(5) shall enter into force only if no objection has been expressed either by the European

#### *Amendment*

5. A delegated act adopted pursuant to Articles 1(2), **5(2)**, **6(2)**, 7(1) and (2), 8(6), 11(3), 20, 22(3), 25(4), **27**, 30, 32(4), 34(1), **37(2)**, 38, 44(2), 45(3), 46(6), 48, 61(3), 67(4), 71(4), 76, 78(4), 82(4), 84(2), 86(3), 91(2), 92(1) and (3), 93(1), 94(4), 95(5) and 96(5) shall enter into force only if no objection has been expressed either

Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Or. en

*Justification*

*Related to amendments of Articles 5, 6, 27, 32 and 37.*

**Amendment 51**

**Proposal for a regulation**  
**Article 98 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. After 4 years from the entry into force of this Regulation, the Commission shall present a report to the European Parliament and Council concerning the use of the delegation of power provided for in paragraph 2.***

Or. en

**Amendment 52**

**Proposal for a regulation**  
**Article 98 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 98a***  
***Urgency procedure***

*Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.*

*Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 98(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or by the Council.*

Or. en

#### *Justification*

*In case of urgency, delegated acts shall enter into force immediately after adoption. This might, for example, be necessary where in case of a serious phytosanitary risk a specific Union quarantine pest has to be listed as priority pest (Art. 6(2)).*

#### **Amendment 53**

##### **Proposal for a regulation**

##### **Article 102 – paragraph 2 – point a**

Regulation (EU) [...]/2013

Article 17 – paragraph 1 – point a

##### *Text proposed by the Commission*

**'(a) measures to eradicate a pest from an infested area, taken by the competent authorities pursuant to Article 16(1), 27(1) or 29(1) of Regulation (EU) No [...]/[...] of the European Parliament and of the Council [on protective measures against pests of plants]\*;**

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**\* OJ L ..., ....., p. ...' [Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [...]/2013 laying**

##### *Amendment*

**'(a) measures to eradicate a pest from an infested area, taken by the competent authorities pursuant to Article 16(1), 27(1) or 29(1) of Regulation (EU) No [...]/[...]\*;**

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**\* OJ L ..., ....., p. ...' [Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [...]/2013 on**

*down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material]*

*protective measures against plant pests].*

Or. en

*Justification*

*The reference to the proposal on management of expenditure is not correct. Instead, reference shall be made to the Regulation on protective measures against plant pests which regulates the mentioned eradication, containment and prevention measures in Art. 5, 6, 16, 27 and 29. See justification of amendment to Article 102/2(a).*

**Amendment 54**

**Proposal for a regulation**

**Article 102 – paragraph 2 – point c a (new)**

Regulation (EU) [...]/2013

Article 17 – paragraph 1 – point c a (new)

*Text proposed by the Commission*

*Amendment*

*(ca) measures to rapidly eradicate invasions of alien species at an early stage, taken by the Member States pursuant to Article 15 of Regulation (EU) No [...]/[...]\*\*,*

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*\*\*OJ L ..., ....., p. ...' [Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [...]/2013 on the prevention and management of the introduction and spread of invasive alien species].*

Or. en

*Justification*

*In order to align the Regulation on management of expenditure to the proposal on Invasive Alien Species, published on 9 September 2013, measures taken by Member States to rapidly eradicate invasions of alien species at an early stage in accordance with Article 15 of the mentioned proposal should be eligible to EU co-financing. See justification of amendment to*

Article 102/2(a).

## Amendment 55

### Proposal for a regulation

#### Article 102 – paragraph 3 – point a – footnote 1

Regulation (EU) [...] /2013

Article 18 – paragraph 1 – point a

*Text proposed by the Commission*

**\* OJ L ..., ....., p. ...' [Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [...] /2013 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material].**

*Amendment*

**\* OJ L ..., ....., p. ...' [Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [...] /2013 on protective measures against plant pests].**

Or. en

*Justification*

*See justification of amendment to Article 102/2(a).*

## Amendment 56

### Proposal for a regulation

#### Article 102 – paragraph 3 – point a – subpoint c a (new)

Regulation (EU) [...] /2013

Article 18 – paragraph 1 – point c a (new)

*Text proposed by the Commission*

*Amendment*

**(ca) they concern live specimens of species, subspecies or lower taxon of plants, fungi or micro-organisms that, if introduced into the Union territory, may have a negative impact on plant health, and which are covered by early eradication measures adopted pursuant to Article 15 of Regulation (EU) No [...] / [...]\*\***

**\*\* OJ L ..., ....., p. ...' [Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [...]/2013 on the prevention and management of the introduction and spread of invasive alien species].**

Or. en

### *Justification*

*The Regulation on management of expenditure should be aligned to the proposal on Invasive Alien Species. Measures taken by Member States to eradicate invasions of alien species at an early stage should under certain conditions be eligible to EU co-financing. Also, the costs eligible for co-financing should include compensation of operators for the value of the destroyed plants covered by eradication measures at an early stage of invasion.*

### **Amendment 57**

#### **Proposal for a regulation**

#### **Article 102 – paragraph 3 – point b**

Regulation (EU) [...]/2013

Article 18 – paragraph 2

#### *Text proposed by the Commission*

(b) The second paragraph is replaced by the following:

**'For measures fulfilling the condition laid down in point (c) of the first paragraph, the grant shall not cover costs incurred after the expiry of the measure adopted by the Commission pursuant to Article 29(1) of Regulation (EU) No [...]/[...]\*.**

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**\* OJ L ..., ....., p. ...' [Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [...]/2013 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant**

#### *Amendment*

(b) The second paragraph is replaced by the following:

**'For measures fulfilling the condition laid down in point (c) of the first paragraph, the grant shall not cover costs incurred after the expiry of the measure adopted by the Commission pursuant to Article 29(1) of Regulation (EU) No [...]/[...]\*.**

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**\* OJ L ..., ....., p. ...' [Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [...]/2013 on protective measures against plant pests].**



*reproductive material*].

Or. en

*Justification*

*The reference needs to be corrected (see other amendments).*

**Amendment 58**

**Proposal for a regulation**

**Article 102 – paragraph 4 – point a – subpoint ca**

Regulation (EU) [...] /2013

Article 19 – paragraph 1 – point c a

*Text proposed by the Commission*

*Amendment*

'(ca) costs incurred by Member States for compensation to the operators referred to in Article 2(7)(a), (b) and (c) of Regulation (EU) [...] / [...] \* for the value of the destroyed plants, plant products or other objects subject to the measures referred to in Article 16 of that Regulation, as regards priority pests, listed pursuant to Article 6(2) of that Regulation;

'(ca) costs incurred by Member States for compensation to the operators referred to in Article 2(7)(a), (b) and (c) of Regulation (EU) [...] / [...] \* for the value of the destroyed plants, plant products or other objects *and other losses* subject to the measures referred to in Article 16 of that Regulation, as regards priority pests, listed pursuant to Article 6(2) of that Regulation;

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\* OJ L ..., ....., p. ...' [Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [...] /2013 *laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material*].

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\* OJ L ..., ....., p. ...' [Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [...] /2013 *on protective measures against plant pests*].

Or. en

*Justification*

*The reference needs to be corrected (see other amendments).*

## Amendment 59

### Proposal for a regulation

Article 102 – paragraph 4 – point a – subpoint c b (new)

Regulation (EU) [...] /2013

Article 19 – paragraph 1 – point c b (new)

*Text proposed by the Commission*

*Amendment*

*(cb) costs incurred by Member States for compensation to the operators referred to in Article 2(7)(a), (b) and (c) of Regulation (EU) [...] / [...] \* for the value of the destroyed plants, plant products or other objects covered by measures for rapid eradication at an early stage of invasion adopted pursuant to Article 15 of Regulation (EU) No [...] / [...] \*\*.*

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*\* OJ L ..., ....., p. ...' [Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [...] /2013 on protective measures against plant pests].*

*\*\* OJ L ..., ....., p. ...' [Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [...] /2013 on the prevention and management of the introduction and spread of invasive alien species].*

Or. en

*Justification*

*The reference needs to be corrected (see other amendments).*

## Amendment 60

### Proposal for a regulation

Article 102 – paragraph 4 – point a – subpoint c c (new)

Regulation (EU) [...] /2013

Article 19 – paragraph 1 – point c c (new)

*Text proposed by the Commission*

*Amendment*

*(cc) costs of compensation to operators referred to in Article 2(7)(a), (b) and (c) of Regulation (EU) [...]/\* for the implementation of enhanced biosecurity measures essential to protect the Union territory against priority pests.*

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*\* OJ L ..., ....., p. ...' [Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [...] /2013 on protective measures against plant pests].*

Or. en

*Justification*

*Operators should be compensated for carrying out enhanced biosecurity measures which are essential for early action related to priority pests.*

## **Amendment 61**

### **Proposal for a regulation**

**Article 102 – paragraph 4 – point c**

Regulation (EU) [...] /2013

Article 19 – paragraph 1 – point c

*Text proposed by the Commission*

*Amendment*

(c) The following second subparagraph is added:

**'For the purposes of point (ca) of the first subparagraph, the compensation shall not exceed the market value of the plants, plant products or other objects immediately before they were destroyed and the salvage value, if any, shall be deducted from the compensation.'**

(c) The following second subparagraph is added:

**'For the purposes of point (ca), (cb) and (cc) of the first subparagraph, the compensation shall not exceed the market value of the plants, plant products or other objects immediately before they were destroyed and the salvage value, if any, shall be deducted from the compensation.'**

Or. en

*Justification*

*Operators should be compensated for carrying out enhanced biosecurity measures which are essential for early action related to priority pests.*

**Amendment 62**

**Proposal for a regulation**

**Article 102 – paragraph 5 – point a – footnote 1**

Regulation (EU) [...] /2013

Article 19 – paragraph 1 – point c

*Text proposed by the Commission*

**\* OJ L ..., ....., p. ...' [Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [...] /2013 *laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material*]**

*Amendment*

**\* OJ L ..., ....., p. ...' [Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [...] /2013 *on protective measures against plant pests*].**

Or. en

*Justification*

*The reference needs to be corrected (see other amendments).*

**Amendment 63**

**Proposal for a regulation**

**Article 102 – paragraph 5 – point b – footnote 1**

Regulation (EU) [...] /2013

Article 19 – paragraph 1 – point c

*Text proposed by the Commission*

**\* OJ L ..., ....., p. ...' [Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [...] /2013 *laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant***

*Amendment*

**\* OJ L ..., ....., p. ...' [Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [...] /2013 *on protective measures against plant pests*].**

*reproductive material]*

Or. en

*Justification*

*The reference needs to be corrected (see other amendments).*

**Amendment 64**

**Proposal for a regulation**

**Annex II – section I – paragraph 4 – point q**

*Text proposed by the Commission*

*Amendment*

(q) effects on food security;

(q) effects on food security *or food safety*;

Or. en

**Amendment 65**

**Proposal for a regulation**

**Annex II – section II – paragraph 1 – point b – point iii a (new)**

*Text proposed by the Commission*

*Amendment*

*(iii a) a loss in the diversity of crops in the Union territory.*

Or. en

*Justification*

*Union quarantine pests should qualify as priority pests if their entry, establishment or spread entailed a loss in the diversity of crops in the EU.*