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*****I**
REPORT

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))

Committee on Agriculture and Rural Development

Rapporteur: Hynek Fajmon

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

New text is indicated in ***bold italics*** in the right-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced. By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted

CONTENTS

| | Page |
|---|-------------|
| DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION..... | 5 |
| EXPLANATORY STATEMENT..... | 95 |
| OPINION OF THE COMMITTEE ON LEGAL AFFAIRS ON THE LEGAL BASIS | 99 |
| OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY | 104 |
| PROCEDURE | 178 |

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**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))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0267),
 - having regard to Article 294(2) and Article 43 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7 0122/2013),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Austrian Federal Council, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 11 December 2013¹,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0147/2014),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ L 0, 0.0.0000, p. 0..

Amendment 1

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Plant health is very important for plant production, public and private green, natural ecosystems, ecosystem services and biodiversity in the Union. Plant health is threatened by species injurious to plants and plant products, hereinafter 'pests'. To fight that threat, it is necessary to adopt measures concerning the determination of the phytosanitary risks posed by those pests and the reduction of those risks to an acceptable level.

Amendment

(4) Plant health is very important for plant production, public and private green, natural ecosystems, ecosystem services and biodiversity in the Union. Plant health is threatened by species injurious to plants and plant products, hereinafter 'pests', ***which now present a greater risk of being introduced into the Union territory owing to globalisation of trade and climate change.*** To fight that threat, it is necessary to adopt measures concerning the determination of the phytosanitary risks posed by those pests and the reduction of those risks to an acceptable level.

Amendment 2

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.

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 3

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) In order to ensure effective and timely action in case of the presence of a Union quarantine pest, notification obligations should apply to the public, professional operators and to the Member States.

Amendment

(11) In order to ensure effective and timely action in case of the presence of a Union quarantine pest, notification obligations should apply to the public, professional operators and to the Member States. ***It is essential to raise awareness of plant pests among green space workers, local authority officials, garden centres, nurseries, importers, landscape gardeners, arboriculturalists, teachers, researchers, business operators, staff of official agencies, elected representatives and ordinary citizens, and to train them in combating such pests.***

Amendment 4

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) Early detection of the presence of pests is extremely important for timely and effective eradication. Member States should therefore conduct surveys for the presence of Union quarantine pests in the areas where those pests were not known to be present. In view of the number of Union quarantine pests and the time and resources

Amendment

(16) ***Prevention, protective measures and*** early detection of the presence of pests is extremely important for timely and effective eradication. Member States should therefore conduct surveys for the presence of Union quarantine pests in the areas where those pests were not known to be present. In view of the number of Union

required to carry out those surveys, Member States should establish multi-annual survey programmes.

quarantine pests and the time and resources required to carry out those surveys, Member States should establish multi-annual survey programmes.

Amendment 5

Proposal for a regulation Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) Preventative agronomic measures and integrated pest management in line with Directive 2009/128/EC should not include systematic prophylaxis with pesticides, that is, applying biocides before the pest is even detected.

Justification

This clarifies what is an acceptable preventative agronomic measure.

Amendment 6

Proposal for a regulation Recital 17

Text proposed by the Commission

Amendment

(17) The Commission should be empowered to adopt measures in case of the suspected or confirmed presence of specific Union quarantine pests, concerning in particular their eradication and containment, and the establishment of restricted areas, surveys, contingency plans, simulation exercises and eradication plans as regards those pests.

(17) The Commission should be empowered to adopt measures in case of the suspected or confirmed presence of specific Union quarantine pests, concerning in particular their eradication and containment, and the establishment of restricted areas, surveys, contingency plans, simulation exercises and eradication plans as regards those pests. ***The Commission shall consult the Member States on the measures to be adopted.***

Justification

The Commission must inform the Member States of the measures to be adopted in a timely manner.

Amendment 7

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Under certain conditions Member States should be allowed to adopt more stringent eradication measures than required by Union legislation.

Amendment

(19) Under certain conditions Member States should be allowed to adopt more stringent eradication measures than required by Union legislation, ***as long as they are applied in a sustainable way.***

Amendment 8

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) The international trade of plants for planting with which there is limited phytosanitary experience can involve serious risks of the establishment of quarantine pests for which no measures have been adopted pursuant to this Regulation. In order to ensure swift and effective action against newly identified risks associated with plants for planting which are not subject to permanent requirements or prohibitions, but may qualify for such permanent measures, the Commission should have the possibility to adopt temporary measures ***in accordance with the precautionary principle.***

Amendment

(28) The international trade of plants for planting with which there is limited phytosanitary experience can involve serious risks of the establishment of quarantine pests for which no measures have been adopted pursuant to this Regulation. In order to ensure swift and effective action against newly identified risks associated with plants for planting which are not subject to permanent requirements or prohibitions, but may qualify for such permanent measures, the Commission should have the possibility to adopt temporary measures.

Justification

Deleted as redundant.

Amendment 9

Proposal for a regulation

Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) Distance sales 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 through distance sales are in many cases non-compliant with the phytosanitary import requirements of the Union. In order to tackle these shortcomings, raising awareness of consumers and plant traders and ensuring the traceability of distance sales established both within the Union and in third countries are essential.

Justification

It is appropriate to broaden the scope here to ensure that all “distance sellers” are included, the internet has provided the means for retailers to make their wares known to a much wider audience but they would traditionally have used mail-order, postal catalogues, etc. and it would be appropriate to include these.

Amendment 10

Proposal for a regulation

Recital 33 b (new)

Text proposed by the Commission

Amendment

(33b) Member States should take measures to raise awareness of the potential economic, environmental and social impacts of plant pests, the key principles of prevention and spread as well as the responsibility of society as a whole to ensure phytosanitary health in the Union. Furthermore, the Commission should keep a publicly available, updated list of emerging plant pests in third countries which may pose a risk to plant health in the Union territory.

Amendment 11

Proposal for a regulation Recital 41

Text proposed by the Commission

(41) Plant passports should not be required for plants, plant products and other objects intended for final users.

Amendment

(41) Plant passports should not be required for plants, plant products and other objects intended for final users, ***including home gardeners.***

Amendment 12

Proposal for a regulation Recital 43

Text proposed by the Commission

(43) Plant passports should generally be issued by the professional operator. Where professional operators do not have the resources to issue plant passports, the possibility should exist that, upon their request, plant passports are issued by the competent authorities.

Amendment

(43) Plant passports should generally be issued by the professional operator. Where professional operators do not have the resources to issue plant passports, the possibility should exist that, upon their request, plant passports are issued by the competent authorities ***of the Member States.***

Justification

Clarification of the competent authorities.

Amendment 13

Proposal for a regulation Recital 47

Text proposed by the Commission

(47) Certain operators may desire to establish a phytosanitary risk management plan, ensuring and demonstrating a high level of competence and awareness as regards phytosanitary risks as regards critical points in their professional activities and justifying special control arrangements with the competent

Amendment

(47) Certain ***authorised*** operators may desire to establish a phytosanitary risk management plan, ensuring and demonstrating a high level of competence and awareness as regards phytosanitary risks as regards critical points in their professional activities and justifying special control arrangements with the

authorities. *Union rules should be established concerning the contents of those plans.*

competent authorities.

Justification

In order to avoid confusion, the same formulation should be used here as in Article 86.

Amendment 14 **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 amending or supplementing the lists of Union quarantine pests, priority 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.

Amendment 15

Proposal for a regulation **Recital 74**

Text proposed by the Commission

Amendment

(74) Council Directive 69/464/EEC of 8 December 1969 on control of Potato Wart Disease¹⁹, Council Directive 93/85/EEC of 4 October 1993 on control of Potato Ring Rot²⁰, Council Directive 98/57/EC of 20 July 1998 on control of *Ralstonia solanacearum* (Smith) Yabuuchi et al.²¹

(74) Council Directive 69/464/EEC of 8 December 1969 on control of Potato Wart Disease¹⁹, Council Directive 93/85/EEC of 4 October 1993 on control of Potato Ring Rot²⁰, Council Directive 98/57/EC of 20 July 1998 on control of *Ralstonia solanacearum* (Smith) Yabuuchi et al.²¹

and Council Directive 2007/33/EC of 11 June 2007 on the control of potato cyst nematodes and repealing Directive 69/465/EC²² should be repealed, as new measures on the pests concerned should be adopted in accordance with the provisions of this Regulation. In view of the time and resources required to adopt those new measures, those acts should be repealed by 2021.

¹⁹ OJ No L 323, 24.12.1969, p. 1

²⁰ OJ No L 259, 18.10.1993, p. 1.

²¹ OJ No L 235, 21.8.1998, p. 1.

²² OJ No L 156, 16.6. 2007, p.12.

and Council Directive 2007/33/EC of 11 June 2007 on the control of potato cyst nematodes and repealing Directive 69/465/EC²² should be repealed, as new measures on the pests concerned should be adopted in accordance with the provisions of this Regulation. In view of the time and resources required to adopt those new measures, those acts should be repealed by **1 January** 2021.

¹⁹ OJ No L 323, 24.12.1969, p. 1

²⁰ OJ No L 259, 18.10.1993, p. 1.

²¹ OJ No L 235, 21.8.1998, p. 1.

²² OJ No L 156, 16.6. 2007, p.12.

Justification

Clarification of the date of repeal.

Amendment 16

Proposal for a regulation

Recital 75

Text proposed by the Commission

(75) Regulation (EU) No .../2013 on⁺ 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.

Amendment

(75) Regulation (EU) No .../2013 on⁺ 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 **essential** 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^{+I} 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⁺⁺ . Regulation (EU) No .../2013⁺ should therefore be amended.

⁺ Official Journal, 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

⁺ OJ , please insert the number and title of the 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] .

⁺⁺ ***OJ, please insert the number and title of the Regulation laying down provisions on the prevention and management of the introduction and spread of invasive alien species***

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 17

Proposal for a regulation Recital 75 a (new)

Text proposed by the Commission

Amendment

(75a) The Common Agricultural Policy includes provisions linking Union funding/support for farmers to their compliance with specific standards concerning the environment, public health, animal and plant health and animal welfare.

Amendment 18

Proposal for a regulation Recital 78 a (new)

Text proposed by the Commission

Amendment

(78a) In accordance with the principle of smart regulation, this Regulation shall be coordinated with Regulation .../2014⁺ in order to guarantee that plant health legislation applies fully and its entirety.

⁺ OJ, please insert the number and title of the Regulation laying down provisions on the prevention and management of the introduction and spread of invasive alien species

Amendment 19

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation lays down rules ***to determine*** the phytosanitary risks posed by any species, strain or biotype of pathogenic agents, animals or ***parasitic*** plants injurious to plants or plant products (hereinafter “pests”) and ***measures to reduce those risks to an acceptable level.***

1. This Regulation lays down rules ***regarding phytosanitary inspections and other official measures by the Member State authorities for the purpose of identifying*** the phytosanitary risks posed by any species, strain or biotype of pathogenic agents, animals or plants injurious to plants or plant products

(hereinafter “pests”), **including invasive alien plant species which are injurious to plants and phytosanitary measures necessary to prevent the entry of pests from other Member States or third countries.**

Justification

Certain invasive alien plant species have a significant impact on plant health and should therefore be treated as quarantine pests, particularly as regards the prohibition on their introduction to and movement within the EU. Invasive alien plant species which are injurious to plants and are regarded as non-parasitic are included in the definition of ‘pest’ in the International Plant Protection Convention (IPPC), namely: ‘any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products’.

Amendment 20

Proposal for a regulation

Article 2 – paragraph 1 – point 3

Text proposed by the Commission

(3) ‘plants for planting’ **means** plants, which **are capable of and intended for producing entire plants, and which are destined to be planted, or replanted, or remain planted;**

Amendment

(3) ‘plants for planting’ :

- plants which are **already planted and are intended to remain planted or** to be replanted **after their introduction,** or
- **plants which are not planted at the time of introduction, but are destined to be planted thereafter;**

Justification

The definition contained in Directive 2000/29/EC should be retained since it enables a distinction to be made between finished plants and intermediate products and refers to the introduction thereof.

Amendment 21

Proposal for a regulation

Article 2 – paragraph 1 – point 7 – point ea (new)

Text proposed by the Commission

Amendment

ea) breeding

Amendment 22

Proposal for a regulation

Article 2 – paragraph 1 – point 7 – point eb (new)

Text proposed by the Commission

Amendment

eb) multiplication

Amendment 23

Proposal for a regulation

Article 2 – paragraph 1 – point 7 – point ec (new)

Text proposed by the Commission

Amendment

ec) maintaining

Amendment 24

Proposal for a regulation

Article 2 – paragraph 1 – point 7 – point ed (new)

Text proposed by the Commission

Amendment

ed) providing services

Amendment 25

Proposal for a regulation

Article 2 – paragraph 1 – point 7 – point ee (new)

Text proposed by the Commission

Amendment

ee) preserving, including storing

Amendment 26

Proposal for a regulation

Article 2 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10a) 'operator' means operator as defined in Article 2(26) of Regulation (EU) No XXX/XXXX⁺;

+ OJ: please insert the number of the Regulation of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material, plant protection products and amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, Regulations (EU) No 1151/2012, [...]/2013 and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation)

Amendment 27

Proposal for a regulation

Article 2 – paragraph 1 – point 10 b (new)

Text proposed by the Commission

Amendment

(10b) "phytosanitary inspection" means official inspection of:

(a) plants or goods;

(b) measures falling within the scope of the rules referred to in Article 1(1), as well as equipment and means of transport used for these purposes;

(c) locations or areas in which such measures are carried out;

Amendment 28

Proposal for a regulation

Article 2 – paragraph 1 – point 10 c (new)

Text proposed by the Commission

Amendment

(10c) 'phytosanitary measure' means all measures intended to eliminate risks or prevent the entry of pests to the Union territory from other Member States or third countries .

Amendment 29

Proposal for a regulation

Article 2 – paragraph 1 – point 10 d (new)

Text proposed by the Commission

Amendment

(10d) 'quarantine units' mean areas designated by the competent authorities, in which plants from third countries shall be stored for a sufficient period of time until it is considered that the risk of introducing pests from third countries has been eliminated.

Amendment 30

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

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'.

A list of pests fulfilling the conditions referred to in Article 3(b), (c) and (d), in respect of the Union territory, ***is set out in Annex Ia and shall be*** referred to as 'list of Union quarantine pests'.

Justification

The list of Union quarantine pests should be contained in the basic act. Since it is essential to the new regulation, it is proposed that the list be annexed thereto.

Amendment 31

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

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

deleted

Amendment 32

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 5

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

Amendment 33

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

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 3(b), (c) and (d) in respect of the Union territory, or a pest listed in that *act* no longer fulfils one or more of those conditions. In the first case it shall add the pest concerned to the list referred to in paragraph 2, in the second case it shall delete the pest concerned from that list.

The Commission shall *be empowered to adopt delegated acts in accordance with Article 98 concerning the amendment of the list* referred to in paragraph 2, where an assessment shows that a pest not listed in that *list* fulfils the conditions referred to in Article 3(b), (c) and (d) in respect of the Union territory, or a pest listed in that *list* no longer fulfils one or more of those conditions. In the first case it shall add the pest concerned to the list referred to in paragraph 2, in the second case it shall delete the pest concerned from that list.

Amendment 34

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

The Commission shall *be empowered to adopt delegated acts in accordance with Article 98 concerning the* repeal or a replacement of the *list* referred to in paragraph 2.

Amendment 35

Proposal for a regulation

Article 5 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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

The Commission shall *be empowered to adopt delegated acts in accordance with Article 98 concerning the amendment of the scientific name of a pest included in the list referred to in paragraph 2*, where such an amendment is justified by the development of scientific knowledge.

Amendment 36

Proposal for a regulation

Article 5 – paragraph 4 – subparagraph 2

Text proposed by the Commission

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

Amendment

deleted

Amendment 37

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

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

The Commission shall be empowered to adopt delegated acts in accordance with Article 98 modifying the list of the priority pests established in Annex Ib, hereinafter: 'list of priority pests'.

Justification

The list of Union priority pests should be contained in the basic act. Since it is essential to the new regulation, it is proposed that the list be annexed thereto.

Amendment 38

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 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 **be empowered to adopt delegated acts in accordance with Article 98 modifying the list** referred to in the first subparagraph by adding the pest concerned to, or removing it from, that list.

Justification

The list should not be amended by means of an implementing act.

Amendment 39

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

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

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

Justification

Establishing the Commission's duty to act quickly.

Amendment 40

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

Justification

There shouldn't be an arbitrary limit on the number of pests which can be designated as priority pests. This could potentially exclude serious pests from being included in the list. It could also result in less serious pests being included in the list to make up the 10%. Each pest should be evaluated on its gravity and threat and not by artificial targets.

Amendment 41

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

Amendment 42

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 6

Text proposed by the Commission

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.

Amendment

Where in the case of a serious phytosanitary risk imperative grounds of urgency so require, the procedure provided for in Article 98a shall apply to delegated acts adopted pursuant to this Article.

Amendment 43

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 1 of Annex II on criteria to identify pests which qualify as a quarantine pest, as regards the identity of the pest, its presence, its capability of entry, establishment and spread, and its potential economic, social and environmental impact, taking into account the developments of technical and scientific knowledge.

Amendment

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 1 of Annex II on criteria to identify pests which qualify as a quarantine pest, as regards the identity of the pest, its presence, its capability of entry, establishment and spread, and its potential economic, social and environmental impact, taking into account the developments of technical and scientific knowledge ***and international standards.***

Justification

Developments in international standards need to be taken into consideration.

Amendment 44

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. Where anyone becomes aware of the presence of a Union quarantine pest or has reason to suspect such a presence, that

Amendment

1. Where anyone becomes aware of the presence of a Union quarantine pest or has reason to suspect such a presence, that

person shall notify, in writing, the competent authority within ten calendar days.

person shall notify ***the competent authority immediately and shall confirm notification***, in writing, ***to*** the competent authority within ten calendar days.

Justification

Ten days to confirm in writing could be extended a period to manage an outbreak, requirement to notify the competent authority without delay will increase the urgency to provide information.

Amendment 45
Proposal for a regulation
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that information is made available to the public on the potential economic, environmental and social impacts of plant pests, on the key principles of prevention and spread, as well as on the responsibility of society as a whole to ensure phytosanitary health in the Union territory.

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

Amendment 46
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.

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 47

Proposal for a regulation Article 16 – paragraph 1

Text proposed by the Commission

1. Where the presence of a Union quarantine pest is officially confirmed, the competent authority shall immediately take all necessary measures to eliminate that pest *in* the area concerned *and* to prevent its spread out of that area (hereinafter: 'to *eradicate*'). Those measures shall be adopted in accordance with Annex IV on measures and principles for the management of the risks of pests.

Amendment

1. Where the presence of a Union quarantine pest is officially confirmed, the competent authority shall immediately take all necessary measures to eliminate that pest, *if possible, from* the area concerned (*hereinafter: 'to eradicate')* *or, where eradication is not possible*, to prevent its spread out of that area (hereinafter: 'to *contain*'). Those measures shall be adopted in accordance with Annex IV on measures and principles for the management of the risks of pests.

Justification

The proposal seeks to make it mandatory in future to apply eradication measures automatically, both for new and existing outbreaks. However, in the case of earlier quarantine pest outbreaks which are currently subject to containment measures in some areas, there is no way of returning to eradication measures. Furthermore, even in the case of new outbreaks, eradication is not always possible. In addition, Article 27(2) of the proposal for a regulation provides only that a move from eradication to containment measures may be decided upon by an implementing act.

Amendment 48

Proposal for a regulation Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where Member States compensate professional operators, pursuant to point (ca) of Article 19(1) of Regulation (EU)

No [...] /2013⁺, for the value of plants, plant products or other objects destroyed as part of the measures referred to in paragraph 1 and implemented in a cross-border area, they shall ensure that adequate compensation is coordinated between the Member States concerned so as to avoid, wherever possible, undue market distortion.

⁺ OJ, please insert the number and reference of the 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.

Amendment 49

Proposal for a regulation

Article 18 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Competent authorities shall **annually** carry out a survey of each restricted area as regards the development of the presence of the pest concerned.

Amendment

Competent authorities shall, **on a risk basis and with appropriate frequency**, carry out a survey of each restricted area as regards the development of the presence of the pest concerned.

Justification

A prompt, flexible and risk-based approach is needed to remove such restrictive measures once competent authorities confirm that the pest has been eliminated. Unjustified delays in lifting restricted areas should be avoided.

Amendment 50

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. Where as a result of **an annual** survey a

Amendment

2. Where as a result of **the** survey a

competent authority finds a presence of the pest concerned in the buffer zone, the Member State concerned shall immediately notify that presence to the Commission and the other Member States specifying that the pest was found present in a buffer zone.

competent authority finds a presence of the pest concerned in the buffer zone, the Member State concerned shall immediately notify that presence to the Commission and the other Member States specifying that the pest was found present in a buffer zone.

Justification

A prompt, flexible and risk-based approach introduced in Article 18(1) is needed to remove such restrictive measures once competent authorities confirm that the pest has been eliminated. Unjustified delays in lifting restricted areas should be avoided.

Amendment 51

**Proposal for a regulation
Article 18 – paragraph 4**

Text proposed by the Commission

4. Competent authorities may decide to abolish a restricted area and terminate the respective eradication measures, provided that during the surveys referred to in paragraph 1 no presence of the pest concerned has been found in that restricted area for a sufficiently long period.

Amendment

4. Competent authorities may decide to abolish a restricted area and terminate the respective eradication measures, provided that during the surveys referred to in paragraph 1 no presence of the pest concerned has been found in that restricted area for a sufficiently long period ***to verify the pest free status.***

Justification

The original wording leaves too much room for interpretation.

Amendment 52

**Proposal for a regulation
Article 20 – paragraph 1**

Text proposed by the Commission

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

Amendment

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.

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), agreed under the International Plant Protection Convention (IPPC).*

Justification

The EU is one of the signatories of the IPPC and therefore has to comply with its standards in relation to the harmonisation of plant health.

Amendment 53

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

1. Member States shall conduct surveys, over specific periods of time, checking for the presence of any Union quarantine pest, and signs or symptoms of any pest provisionally qualifying as Union quarantine pest, pursuant to Section 3 of Annex II, in all areas where that pest was not known to be present.

Amendment

1. Member States shall conduct surveys ***based on apparent risks***, over specific periods of time, checking for the presence of any Union quarantine pest, and signs or symptoms of any pest provisionally qualifying as Union quarantine pest, pursuant to Section 3 of Annex II, in all areas where that pest was not known to be present.

Justification

Member states need to focus their resources for surveys on the most important pests first.

Amendment 54 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.

Justification

As it is for the Member States to establish multi-annual survey programmes, the Commission cannot itself amend or supplement these programmes.

Amendment 55

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 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’. *Member States shall at an early stage involve all relevant stakeholders in the process drawing up and keeping up to date the contingency plan.*

Amendment 56

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 on request, **and shall inform all relevant operators.**

Amendment 57

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 **regard** to all priority pests concerned within a reasonable period of time **and with the involvement of the stakeholders concerned.**

Amendment 58

Proposal for a regulation

Article 25 – paragraph 2 – subparagraph 1

Text proposed by the Commission

As regards priority pests whose presence in one Member state could have impacts for neighbouring Member States, the simulation exercises **shall** be carried out together by the Member States concerned on the basis of their respective contingency plans.

Amendment

As regards priority pests whose presence in one Member state could have impacts for neighbouring Member States, the simulation exercises **may** be carried out together by the Member States concerned on the basis of their respective contingency plans.

Justification

This should, under the principle of subsidiarity, be left to the judgement of each Member State.

Amendment 59

Proposal for a regulation Article 25 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out the following:

Deleted

(a) the frequencies, contents and format of simulation exercises;

(b) simulation exercises covering more than one priority pest;

(c) co-operation between Member States, and of Member States with third countries;

(d) contents of the reports on simulation exercises provided for in paragraph 3.

Justification

Deleted as redundant. The Commission's agreement with the Standing Committee is sufficient.

Amendment 60

Proposal for a regulation Article 26 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Where the presence of **a** priority **pest** is officially confirmed in the territory of a Member State pursuant to Article 11(1)(a), the competent authority shall immediately adopt a plan setting out the measures for the eradication of the pest concerned, as provided for in Articles 16, 17 and 18, and a time schedule for the application of those measures. That plan is referred to as the 'eradication plan.

Where the presence of **one or more** priority **pests** is officially confirmed in the territory of a Member State pursuant to Article 11(1)(a), the competent authority, **after consulting the operators concerned**, shall immediately adopt a plan setting out the measures for the eradication of the pest(s) concerned, as provided for in Articles 16, 17 and 18, and a time schedule for the application of those measures. That plan is referred to as the 'eradication plan.

Amendment 61

Proposal for a regulation

Article 27 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

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

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 implement, specifically for each of the pest(s) concerned, one or more of the following provisions:

Amendment 62

Proposal for a regulation

Article 27 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

deleted

Amendment 63

Proposal for a regulation

Article 27 – paragraph 2

Text proposed by the Commission

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'.

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 *shall be empowered to adopt delegated acts, in accordance with Article 98*, setting 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'.

Amendment 64

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, **in accordance with Article 98**, setting out such measures.

Amendment 65

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 **delegated** 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 66

Proposal for a regulation Article 27 – paragraph 6

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

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 delegated** acts **adopted pursuant to this Article**.

Amendment 67

Proposal for a regulation Article 30

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 3 of Annex II on criteria to be fulfilled by pests, as provided for in Articles 28 and 29, as regards the criteria concerning the identity of the pest, its presence, the probability of its entry, establishment and spread, its potential economic, social and environmental impact, taking into account the developments of technical and scientific knowledge.

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 3 of Annex II on criteria to be fulfilled by pests, as provided for in Articles 28 and 29, as regards the criteria concerning the identity of the pest, its presence, the probability of its entry, establishment and spread, its potential economic, social and environmental impact, taking into account the developments of technical and scientific knowledge ***and international standards.***

Justification

International standards need to be taken into consideration.

Amendment 68

Proposal for a regulation Article 31

Text proposed by the Commission

Article 31

More stringent requirements adopted by Member States

1. Member States may apply within their territories more stringent measures than the measures adopted pursuant to Article 27(1), (2) and (3) and Article 29(1), (2) and (3), if justified by the objective of phytosanitary protection and in accordance with Section 2 of Annex IV on measures and principles for the management of the risks of pests.

Those measures shall not impose, or result in, any prohibitions or restrictions

Amendment

deleted

on the introduction into, or movement within, the Union territory of plants, plant products and other objects, other than those imposed by the provisions of Articles 40 to 54 and the provisions of Articles 67 to 96.

2. Member States shall immediately notify the Commission and the other Member States of measures adopted by them within the ambit of paragraph 1.

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

Justification

Deleted as it endangers the functioning of the EU common market and the principle of the free movement of goods.

Amendment 69

Proposal for a regulation

Article 36 – paragraph 1 – introductory part

Text proposed by the Commission

A pest shall be referred to as a ‘Union quality pest’ if it fulfils the following conditions and it is included in the list referred to in Article 37:

Amendment

A pest shall be referred to as a ‘Union quality pest’ if it fulfils **all of** the following conditions and it is included in the list referred to in Article 37:

Justification

Clarification that all criteria have to be fulfilled.

Amendment 70

Proposal for a regulation

Article 36 – paragraph 1 – point f

Text proposed by the Commission

f) feasible and effective measures are available to prevent its presence on the

Amendment

deleted

plants for planting concerned.

Justification

Quality' pests can be as serious as quarantine pests or even more so, differing from them only in their degree of presence and distribution in the European Union and not as regards the existence of effective measures to prevent their occurrence in plants. For example, there are no procedures for the prevention of the 'short internode' virus, which affects vines, that do not involve the use of healthy, (checked and certified) vine stock.

Amendment 71

Proposal for a regulation

Article 37 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

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

A list setting out the Union 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 is laid down in Annex Ic.

Amendment 72

Proposal for a regulation

Article 37 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

That list shall include the pests, and the respective plants for planting, as set out in the following acts:

deleted

a) Section II of Part A of Annex II of Directive 2000/29/EC;

b) points (3) and (6) of Annex I to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed and point (3) of Annex II thereto²⁴;

c) the Annex of Commission Directive 93/48/EEC of 23 June 1993 setting out the schedule indicating the conditions to be met by fruit plant propagating material

and fruit plants intended for fruit production, pursuant to Council Directive 92/34/EEC²⁵;

d) the Annex of Commission Directive 93/49/EEC of 23 June 1993 setting out the schedule indicating the conditions to be met by ornamental plant propagating material and ornamental plants pursuant to Council Directive 91/682/EEC²⁶;

e) point (b) of Annex II to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed²⁷;

f) point (6) of Annex I to Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes and point B of Annex II thereto²⁸;

g) point (4) of Annex I to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants and point (5) of Annex II thereto²⁹.

²⁴ OJ L 25, 11.7.1966, p. 2309/66.

²⁵ OJ L 250, 7.10.1993, p. 1.

²⁶ OJ L 250, 7.10.1993, p. 9.

²⁷ OJ L 193, 20.7.2002, p. 33.

²⁸ OJ L 193, 20.7.2002, p. 60.

²⁹ OJ L 193, 20.7.2002, p. 74.

Justification

The list of quality pests of the Union should be contained in the basic act. Since it is essential to the new regulation, it is proposed that the list be annexed thereto.

Amendment 73

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 *deleted*

referred to in Article 99(2).

Amendment 74

Proposal for a regulation

Article 37 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. The Commission shall ***amend the implementing act referred to in paragraph 2***, where an assessment shows that a pest not listed in that ***Annex*** 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.

Amendment

3. The Commission shall ***be empowered to adopt delegated acts in accordance with Article 98 concerning the amendment of Annex Ic***, where an assessment shows that a pest not listed in that ***Annex*** fulfils the conditions referred to in Article 36, a pest listed in that ***Annex*** 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. ***Prior to adopting such delegated acts, the Commission shall consult stakeholders .***

Justification

It is important that the Commission has a broad base of information when establishing the said list.

Amendment 75

Proposal for a regulation

Article 37 – paragraph 3 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Justification

Establishing the Commission's duty to act quickly.

Amendment 76

Proposal for a regulation

Article 37 – paragraph 6

Text proposed by the Commission

Amendment

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.

deleted

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.

Amendment 77

Proposal for a regulation Article 38

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 4 of Annex II on criteria to identify pests which qualify as a Union quality pest, as regards the criteria concerning the identity of the pest, its relevance, the probability of its spread, its potential economic, social and environmental impact, taking account of the developments of technical and scientific knowledge.

The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 4 of Annex II on criteria to identify pests which qualify as a Union quality pest, as regards the criteria concerning the identity of the pest, its relevance, the probability of its spread, its potential economic, social and environmental impact, taking account of the developments of technical and scientific knowledge **and international standards**.

Justification

Developments in international standards need to be taken into consideration.

Amendment 78

Proposal for a regulation Article 40 – title

Text proposed by the Commission

Prohibition of introduction of plants, plant products and other objects ***into the Union territory***

Amendment

Criteria for to the entry into the Union of plants, plant products and other objects

Justification

This amendment proposes a new preventive and comprehensive – and hence more effective – strategy for import controls, and provides for a transition period to take account of the time needed to put this strategy in place.

Amendment 79

Proposal for a regulation Article 40 – paragraph 1

Text proposed by the Commission

1. The Commission shall adopt an implementing act, containing 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.

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

In the list established by that implementing act, the plants, plant products and other objects shall be identified by their respective code in accordance with the classification in the Combined Nomenclature as laid down in Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical

Amendment

1. After ...*, the Member States shall authorise the entry into the Union of consignments of plants, plant products and other relevant objects from third countries only if they originate in a country that features on the list provided for in Article 40a in respect of species of plants, plant products and other relevant objects, or in an area of such a country, except where they are covered by a derogation or by additional provisions adopted pursuant to Articles 45 and 46.

*nomenclature and on the Common Customs Tariff*³⁰ (hereinafter: 'CN code').

³⁰ JO L 256 du 7.9.1987, p. 1.

** OJ, please insert the date: three years from the date of publication of this Regulation.*

Justification

This amendment proposes a new preventive and comprehensive – and hence more effective – strategy for import controls, and provides for a transition period to take account of the time needed to put this strategy in place.

Amendment 80

Proposal for a regulation Article 40 – paragraph 2

Text proposed by the Commission

2. In case a plant, plant product or other object, originating in or being dispatched from a third country, poses a phytosanitary risk of an unacceptable level by its likelihood to host a Union quarantine pest, and that risk cannot be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures and principles for the management of the risks of pests, the Commission shall amend, as appropriate, the implementing act referred to in paragraph 1, to include in it that plant, plant product or other object and the third countries, concerned.

In case a plant, plant product or other object included in that implementing act does not pose a phytosanitary risk of an unacceptable level, or it poses such a risk but that risk can be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures to manage the risks and pathways of quarantine pests, the Commission shall

Amendment

2. The provisions of Annexes III, IV-A (Section I), IV-B and V-B to Directive 2000/29/EC shall continue to apply for three years from the date of publication of this Regulation. The content of Annexes III, IV-A (Section I) may be amended by means of implementing acts adopted in accordance with the examination procedure referred to in Article 99(3). On the third anniversary of the publication of this Regulation, this article shall be repealed and paragraph 1 of Article 1 shall come into force.

amend that implementing act, as appropriate.

The acceptability of the level of that phytosanitary risk shall be assessed in accordance with the principles set out in Section 2 of Annex IV on principles for the management of the risks of pests.

Where appropriate, the acceptability of that level of phytosanitary risk shall be assessed with regards to one or more specific third countries.

Those amendments shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation.

On duly justified imperative grounds of urgency to address a serious phytosanitary risk, the Commission shall adopt those amendments by immediately applicable implementing acts, in accordance with the procedure referred to in Article 99(4).

Justification

This amendment proposes a new preventive and comprehensive – and hence more effective – strategy for import controls, and provides for a transition period to take account of the time needed to put this strategy in place.

Amendment 81

Proposal for a regulation Article 40 – paragraph 3

Text proposed by the Commission

Amendment

3. A plant, plant product or other object listed in the implementing act provided for in paragraph 1 shall not be introduced into the Union territory from the third country, concerned by that listing. *deleted*

Justification

This amendment proposes a new preventive and comprehensive – and hence more effective – strategy for import controls, and provides for a transition period to take account of the time

needed to put this strategy in place.

Amendment 82

Proposal for a regulation Article 40 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States where plants, plant products or other objects have been introduced into the Union territory in violation of paragraph 3.

deleted

The third country from which the plants, plant products or other objects were introduced into the Union territory shall be notified.

Justification

This amendment proposes a new preventive and comprehensive – and hence more effective – strategy for import controls, and provides for a transition period to take account of the time needed to put this strategy in place.

Amendment 83

Proposal for a regulation Article 40 a (new)

Text proposed by the Commission

Amendment

Article 40a

Lists of third countries from which entry of plants, plant products and other objects into the Union is permitted

By ...*the Commission shall, by means of implementing acts, draw up the list of third countries from which entry of certain species and categories of plants, plant products and other objects into the Union shall be permitted under paragraph 1 of Article 40. This list shall be drawn up

as follows:

(a) countries wishing to export plants, plant products and other objects to the European Union shall submit a request to the Commission;

(b) on receipt of such requests, the Commission shall make arrangements for an appraisal to be made of such plants, plant products and other objects with reference to:

(i) Annexes III, IV-A (Section I), IV-B and V-B of Directive 2009/29/EC;

(ii) past trade patterns;

(iii) notifications of interception of harmful organisms sent to the Commission by Member States;

(iv) the conclusions of audits conducted by the Commission in the third country concerned, and to that country's cooperation with the Commission following those audits;

(v) any other technical and scientific information supplied by international organisations coming under the IPPC, a regional plant protection organisation such as the European and Mediterranean Plant Protection Organisation (EPPO) or an official laboratory coming under the authority of the Union or a Member State;

(c) should it consider this necessary, the Commission may require a third country to provide additional assurances in respect of some or all of the plants, plant products and other objects it wishes to export to the Union; such assurances may take the form of a file containing some or all of the following items:

(i) the plant health legislation in force in the third country and the rules on the entry into that country of plants, plant products and other objects from other third countries;

(ii) assurances provided by the competent

authority of the third country concerning the efficient implementation and control of the legislation referred to in point (i);

(iii) the organisation, structure, resources and legal powers of the competent authority in the third country;

(iv) the plant health certification procedures in the third country;

(v) the plant health status of the third country, or zones thereof, with regard to listed harmful organisms and emerging harmful organisms and any aspects of the plant health situation in the third country, or a zone thereof, which may pose a risk to the plant health status of the Union;

(vi) the guarantees which the competent authority of the third country can provide regarding compliance or equivalence with the relevant plant health requirements applicable in the Union;

(d) should it consider this necessary, the Commission may ask for a phytosanitary risk analysis to be conducted on certain plants, plants products and other objects, and may also ask for a specific audit to be carried out in the third country;

(e) in the light of points (a), (b), (c) and (d) of this paragraph, at the end of the three-year period the Commission shall determine in respect of each third country concerned:

(i) which plants, plant products and other objects pose a negligible risk of introduction of quarantine pests or other harmful organisms;

(ii) which plants, plant products and other objects pose an acceptable risk of introduction of quarantine pests or other harmful organisms, which can be controlled by means of phytosanitary measures;

(iii) which plants, plant products and other objects pose an unacceptable risk of introduction of quarantine pests or other

harmful organisms.

**OJ, please insert the date:three years after the date of publication of this Regulation.*

Justification

This amendment sets out arrangements for introducing a new preventive and comprehensive, and thus more effective, strategy for import controls. It sets out a method for reassessing the phytosanitary risk arising from all type of plants imported, with reference to the third country of origin, and provides for the drawing up of a 'positive' list setting out the plants whose import may be permitted. This is a pragmatic way of taking account of current knowledge.

Amendment 84

Proposal for a regulation Article 40 b (new)

Text proposed by the Commission

Amendment

Article 40b

Information to be included in the lists of third countries

The list provided for in Article 40a shall comprise two sections, in which the plants, plant products and other objects shall be specified using the codes set out in Commission Regulation (EU) No 1006/2011. If, for a given code, only some of the plants are concerned, the scientific name of each of those plants shall be specified. If some of the plants, plant products and other objects coming under a given code are not concerned, this shall be indicated by specifying their scientific names.

1. In the first section the Commission shall list for each third country the plants, plant products and other objects which pose a negligible phytosanitary risk and may be brought in to the territory of the Union without them being required to be presented at the point of entry into the Union for the purposes of official controls in accordance with Article 45 of

Regulation (EU) No [...]⁺ . The list shall indicate any plants, plant products and other objects which may be brought into the Union only from a specific zone in the third country.

2. In the second section the Commission shall list for each third country the plants, plant products and other objects which pose an acceptable phytosanitary risk but may be brought in to the territory of the Union only after they have been presented at the point of entry into the Union for the purposes of official controls in accordance with Article 45 of Regulation (EU) No [...]⁺ . The list shall indicate any plants, plant products and other objects which may be brought into the Union only from a specific zone in the third country. The list shall also specify any special requirements and state whether compliance with those requirements must be certified by means of additional declarations included in the plant health certificate.

⁺OJ please insert the reference for the Regulation of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material, plant protection products and amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, Regulations (EU) No 1151/2012, [...]⁺/2013 and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation)

Justification

This amendment sets out arrangements for introducing a new preventive and comprehensive, and thus more effective, strategy for import controls, based on a 'positive' list setting out the plants which may be imported. The amendment details the contents of that list.

Amendment 85

Proposal for a regulation Article 40 c (new)

Text proposed by the Commission

Amendment

Article 40c

Suspension and withdrawal from the list of third countries and other changes to the list

1. The Commission shall, by means of implementing acts, suspend or withdraw from the list provided for in Article 40a some of all of the plants, plant products and other objects from a third country, or a zone thereof, for any of the following reasons:

(a) the number of notifications of interception of harmful organisms sent to the Commission by Member States has significantly increased;

(b) the plant health situation in the third country, or a zone thereof, is such that a suspension or withdrawal from that list is necessary to protect the plant health status of the Union;

(c) in spite of a request from the Commission to the third country for up-to-date information on the plant health situation and other matters referred to in Article 40a, the third country has not provided such information;

(d) an audit conducted by the Commission on the Union's behalf has found there to be a need for such a suspension or withdrawal, or the third country has failed to cooperate satisfactorily with the Commission following that audit;

(e) the third country has refused to agree to a Commission audit being carried out on behalf of the Union on its territory.

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

On duly substantiated imperative grounds of urgency relating to a serious risk of a quarantine pest referred to in Article 5 being introduced into the Union, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 99(4).

2. The Commission may, by means of implementing acts, reinsert some or all of the plants, plant products and other objects from a third country, or a zone thereof, that have been suspended or withdrawn from the list provided for in Article 40a for any of the following reasons:

(a) the reason referred to in paragraph 1 point (a) of this article, provided that the number of notifications of interception of quarantine pests sent to the Commission by Member States has fallen significantly over a period of more than one year;

(b) the reason referred to in paragraph 1 point (b) of this article, provided that the third country provides appropriate guarantees that the plant health situation that gave rise to that suspension or withdrawal from the list has been resolved or no longer represents a threat to plant health in the Union;

(c) the reason referred to in paragraph 1 point(c) of this article, provided that the third country supplies the Commission with the necessary information;

(d) the reasons referred to in paragraph 1 point (d) and (e) of this article, provided that:

(i) the third country has agreed to an audit as referred to in paragraph 1 point (e) or a fresh audit as referred in paragraph 1 point (d) being conducted by the Commission on the Union's behalf

on its territory; and

(ii) the findings of that audit show that the relevant species and categories of plants, plant products and other objects from that third country, or from zones thereof, may be re-entered on the list provided for in Article 40a.

In respect of the reason referred to in paragraph 1 point (d), no fresh audits shall be conducted for a period of one year following the suspension or withdrawal from the list provided for in Article 40a.

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

3. The Commission may, by means of implementing acts, add plants, plant products and other objects to the list provided for in Article 40a if, in response to a request from a third country and following an appraisal as provided for in Article 40a, the phytosanitary risk is deemed negligible or acceptable.

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

4. The Commission may, by means of implementing acts, make changes to the categorisation of and requirements for certain plants, plant products and other objects included in the list provided for in Article 40a, on the basis of new information.

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

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 98 concerning rules amending and supplementing the criteria for suspension and withdrawal of a third country, or zones thereof, from the list provided for in Article 40a that are laid down in

paragraph 1 of this article.

Justification

This amendment sets out arrangements for introducing a new preventive and comprehensive, and thus more effective, strategy for import controls, based on a 'positive' list setting out the plants which may be imported. It sets out arrangements for updating and amending the list, as part of a pragmatic approach to dealing with imports into the EU of plant products from third countries.

Amendment 86

Proposal for a regulation

Article 43 – paragraph 1 – first subparagraph

Text proposed by the Commission

1. Member States and international transport operators shall make information available to passengers concerning the prohibitions, set out pursuant to Article 40(3), the requirements, set out pursuant to Articles 41(1) and 42(2), and the exemptions, set out pursuant to Article 70(2), as regards the introduction of plants, plant products and other objects into the Union territory.

Amendment

1. **The Commission**, Member States and international transport operators shall make information available to passengers concerning the prohibitions, set out pursuant to Article 40(3), the requirements, set out pursuant to Articles 41(1) and 42(2), and the exemptions, set out pursuant to Article 70(2), as regards the introduction of plants, plant products and other objects into the Union territory.

Justification

The Commission must also ensure that information is made available.

Amendment 87

Proposal for a regulation

Article 43 – paragraph 1 – subparagraph 2

Text proposed by the Commission

That information **shall** be provided in the form of posters or brochures, which, where appropriate, shall be made available through the internet.

Amendment

That information **may** be provided in the form of posters or brochures, which, where appropriate, shall be made available through the internet.

Amendment 88

Proposal for a regulation Article 43 – paragraph 3

Text proposed by the Commission

3. Member States shall **annually** submit to the Commission a report summarising the information provided pursuant to this Article.

Amendment

3. Member States shall **biennially** submit to the Commission a report summarising the information provided pursuant to this Article.

Justification

A biennial report is sufficient and would reduce the administrative burden on the Member States.

Amendment 89

Proposal for a regulation Article 44 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) they are grown or produced in areas of third countries in the vicinity of their border with Member States (hereinafter: ‘third country frontier zones’);

Amendment

(a) they are grown or produced in areas of third countries in the vicinity of their **land** border with Member States (hereinafter: ‘third country frontier zones’);

Amendment 90

Proposal for a regulation Article 45 – title

Text proposed by the Commission

Exception from prohibitions and requirements for phytosanitary transit

Amendment

Requirements for phytosanitary transit

Amendment 91

Proposal for a regulation Article 45 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) they are packed and moved in such a way that there is no risk of spreading of Union quarantine pests during their introduction into, and passing through, the Union territory;

Amendment

(b) they are packed and moved in such a way that there is no risk of spreading of Union quarantine pests during their introduction into, and passing through, the Union territory, ***using an officially-approved phytosanitary seal that serves to guarantee the original packaging and means of transport (sealed lorry) and prevents the shipment being split up, hence providing official assurance of risk-free phytosanitary transit through the Union;***

Justification

It would be difficult, on the basis of the article proposed by the Commission, to control any potential entry of prohibited goods. The requisite changes are therefore being suggested to ensure full and effective control and prevent the entry of prohibited goods.

Amendment 92

Proposal for a regulation

Article 45 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

(c) they are introduced into, passed through and, without delay, moved out of the Union territory under official control by the competent authorities concerned.

Amendment

(c) they are introduced into, passed through and, without delay, moved out of the Union territory under official control by the competent authorities concerned ***and under the supervision of customs officers. The competent authority of the Member State where those plants, plant products or other objects are introduced into, or for the first time moved within, the Union territory shall inform the competent authorities of all other Member States through which those plants, plant products or other objects are to be moved prior to being moved out of the Union territory.***

Justification

It would be difficult, on the basis of the article proposed by the Commission, to control any potential entry of prohibited goods. The requisite changes are therefore being suggested to ensure full and effective control and prevent the entry of prohibited goods.

Amendment 93

Proposal for a regulation

Article 45 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Plants, plant products and other objects that are in phytosanitary transit through Union territory from one third country to another are required to satisfy the plant health requirements under Article 40 without prejudice to other applicable plant health rules.

Justification

It would be difficult, on the basis of the article proposed by the Commission, to control any potential entry of prohibited goods. The requisite changes are therefore being suggested to ensure full and effective control and prevent the entry of prohibited goods.

Amendment 94

Proposal for a regulation

Article 45 – paragraph 1 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

In accordance with subparagraph 1a, where those plants, plant products or other objects are introduced into, or for the first time moved within, the Union territory, the competent authority of the Member State concerned must perform the documentary check on that introduction and shall be responsible for the sealing of goods pursuant to point b of the first subparagraph.

Justification

It would be difficult, on the basis of the article proposed by the Commission, to control any potential entry of prohibited goods. The requisite changes are therefore being suggested to ensure full and effective control and prevent the entry of prohibited goods.

Amendment 95

Proposal for a regulation

Article 45 – paragraph 1 – subparagraph 1 c (new)

Text proposed by the Commission

Amendment

Similarly, the competent authority of the Member State where the goods in transit are moved out of Union territory shall inform the competent authorities of the Member State into which they were introduced, and the Member State(s) through which they have been moved, of the fact that the goods have been moved out of Union territory.

Justification

It would be difficult, on the basis of the article proposed by the Commission, to control any potential entry of prohibited goods. The requisite changes are therefore being suggested to ensure full and effective control and prevent the entry of prohibited goods.

Amendment 96

Proposal for a regulation

Article 45 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The competent authority of the Member State where those plants, plant products or other objects are introduced into, or for the first time moved within, the Union territory shall inform the competent authorities of all other Member States through which those plants, plant products or other objects are to be moved prior to being moved out of the Union territory.

deleted

Justification

Text moved to elsewhere in the article in the amendments made by the same authors.

Amendment 97

Proposal for a regulation

Article 46 – paragraph 7 – subparagraph 4

Text proposed by the Commission

Member States shall **annually** submit to the Commission a report summarising the relevant information on the authorisations granted pursuant to paragraph 1 and the results of the monitoring referred to in paragraph 5.

Amendment

Member States shall **biennially** submit to the Commission a report summarising the relevant information on the authorisations granted pursuant to paragraph 1 and the results of the monitoring referred to in paragraph 5.

Justification

A biennial report is sufficient and would reduce the administrative burden on the Member States.

Amendment 98

Proposal for a regulation

Article 47 a (new)

Text proposed by the Commission

Amendment

Article 47 a

By ...*, the Commission shall present a report to the European Parliament and the Council, including a cost-benefit analysis, on the enforcement and effectiveness of measures relating to imports into the Union territory, and if appropriate present a legislative proposal.

**** OJ: please insert the date: five years after the date of entry into force of this Regulation.***

Amendment 99

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 **and international standards**.

Justification

Developments in international standards need to be taken into consideration.

Amendment 100

Proposal for a regulation Article 58 – paragraph 1

Text proposed by the Commission

1. The competent authority shall organise audits or inspections of the quarantine stations, at least **one per year**, to verify whether those stations meet the conditions referred to in Article 56(2) and Article 57.

Amendment

1. The competent authority shall organise audits or inspections of the quarantine stations, at least **once every two years**, to verify whether those stations meet the conditions referred to in Article 56(2) and Article 57.

Justification

Once every two years is sufficient and would reduce the administrative burden on the Member States.

Amendment 101

Proposal for a regulation Article 59 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall be encouraged to draft a guidance document to harmonise rules of procedures across Member States and avoid undue delays for the release of plants, plant products and other objects from quarantine stations. That guidance document shall, in particular, give clear indications of when restrictions may be necessary and what risk mitigation measures may be taken.

Justification

More effective and standardised procedures at border control posts should aim to ensure that any restrictions are completed in a timely manner and with minimum restrictions to trade. Clearer guidance is needed for operators involved in new trade, to indicate where restrictions may be necessary, how to mitigate the risk and avoid undue delays.

Amendment 102

Proposal for a regulation

Article 61 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) it supplies exclusively small, as appropriate to the plants, plant products and other objects concerned, quantities of plants, plant products and other objects to final users, ***by other means than sales through distance contracts;***

(a) it supplies exclusively small, as appropriate to the plants, plant products and other objects concerned, quantities of plants, plant products and other objects to final users;

Justification

Exemption of distance sales is not appropriate. Seed savers sell small amounts also by distance, they mail them to people who want to conserve them. If administrative burden is attached to this activity, seed savers may reduce their sales, because most of them have no paid staff to do grow and multiply and distribute small amounts of seeds and plants of hundreds of different varieties.

Amendment 103

Proposal for a regulation

Article 61 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out one or more of the following:

deleted

(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;

(b) particular requirements for the registration of certain categories of professional operators;

(c) the maximum figure for small quantities of particular plants, plant products or other objects as referred to in point (a) of the first subparagraph.

Justification

Deleted as redundant. The Commission's agreement with the Standing Committee is sufficient.

Amendment 104

Proposal for a regulation

Article 62 – paragraph 3

Text proposed by the Commission

Amendment

3. The competent authorities shall register a professional operator where the application for registration contains the elements of paragraph 2.

3. The competent authorities shall register a professional operator ***without delay*** where the application for registration contains the elements of paragraph 2.

Justification

Establishing the Commission's duty to act quickly.

Amendment 105

Proposal for a regulation Article 66 a (new)

Text proposed by the Commission

Amendment

Article 66a

Good plant protection practice

1. A professional operator which supplies or is supplied with plants, plant products or other objects that are subject to prohibitions, requirements or conditions pursuant to Articles 40(1), 41(1) and (2), 44(1) and (3), 45(1), 46(1) and (3), 47(1), 49(1) and (2), 50(1) and (2), 52, 53 or 54 shall follow good plant protection practice in order to prevent the occurrence and spread of pests. The good plant protection practice referred to in paragraph 1 shall consist, in particular, of:

(a) identifying and monitoring critical points in the production process or in the movement of the plants, plant products and other objects which may affect their phytosanitary quality;

(b) ensuring that the competent authorities have access to the facilities, as well as to surveillance data and all related documents;

(c) taking measures, where necessary, to ensure that the phytosanitary quality of the plants, plant products and other objects is maintained;

Justification

The specific phytosanitary risk control obligations introduced in Articles 84 to 86 for businesses authorised to issue their own European plant passports should provide for genuine accountability on the part of these operators. However, the more general requirements concerning good plant protection practice should apply to all professionals, beyond the simple traceability obligation currently provided for in Articles 65 and 66 of the draft regulation.

Amendment 106

Proposal for a regulation Article 67 – paragraph 2

Text proposed by the Commission

2. Where applicable, the phytosanitary certificate shall specify under the heading ‘Additional Declaration’, and in accordance with the implementing acts adopted pursuant to Articles 41(1) and (2) and 50(1) and (2), which specific requirement is fulfilled, where there is a choice between several options. This specification shall include a reference to the relevant option provided in those acts.

Amendment

2. Where applicable, the phytosanitary certificate shall specify under the heading ‘Additional Declaration’, and in accordance with the implementing acts adopted pursuant to Articles 41(1) and (2) and 50(1) and (2), which specific requirement is fulfilled, where there is a choice between several options. This specification shall include ***the text of, or*** a reference to the relevant option provided in those acts.

Amendment 107

Proposal for a regulation Article 67 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) Plant health certificates may also be used in accordance with the provisions of Regulation (EC) No 338/97^{31b} or (EC) 865/2006^{31c}.

^{31b} OJ L 61, 3.3.1997, p.1

^{31c} OJ L 166, 19.6.2006, p.1

Justification

It is necessary to ensure that plant health certificates can, as before, still be used for trade in protected species of flora (CITES).

Amendment 108

Proposal for a regulation Article 73 a (new)

Text proposed by the Commission

Amendment

Article 73 a

The Commission shall, not later than ...*, submit a report to the European Parliament and the Council to present the experience gained from the extension of the plant passport system to all movement of plants, plant products and other objects within the Union territory including a clear costs benefits analysis for the operators, accompanied if appropriate, by a legislative proposal.

****OJ: Please insert the date five years after the entry into force of this Regulation.***

Amendment 109

Proposal for a regulation

Article 74 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall, not later than ...*, submit a report to the European Parliament and the Council to present the experience gained from the extension of the plant passport system to all movement of plants, plant products and other objects within the Union territory with a clear analysis of costs and benefits for the operators.

**** OJ: Please insert the date five years after the entry into force of this Regulation.***

Justification

There is a general concerns about how far the plant passport should be extended to include the movement of certain plants for planting, their plant products and other objects within the European Union. The clear benefits to operators of this extension must be proven and any additional costs must be considered, otherwise this may only place addition financial and legislative burdens on the farming industry.

Amendment 110

Proposal for a regulation Article 76 – paragraph 1

Text proposed by the Commission

No plant passport shall be required for the movement of small, as appropriate to the plants, plant products and other objects concerned, quantities of plants, plant products or other objects to a final user.

Amendment

No plant passport shall be required for the movement of small, as appropriate to the plants, plant products and other objects concerned, quantities of plants, plant products or other objects to a final user, ***including home gardeners.***

Amendment 111

Proposal for a regulation Article 82 – paragraph 4

Text proposed by the Commission

4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out detailed measures concerning visual examination, sampling and testing, and the frequency and timing of the examinations, referred to in paragraphs 1, 2 and 3, with regard to specific plants, plant products and other objects, on the basis of the particular phytosanitary risks they may present. Those examinations shall, where appropriate, concern certain plants for planting belonging to the categories referred to in Article 12(1) of Regulation (EU) No .../... (Office of Publications, please insert number of Regulation on the production and making available on the market of plant reproductive material), and, where appropriate, shall be carried out for any of the elements, as appropriate, set out in Part D of Annex II to that Regulation.

deleted

Amendment

Where the Commission adopts such a delegated act for specific plants for planting, and those plants for planting are subject to certification schemes pursuant

to Article 20(1) of Regulation (EU) No .../... [Office of Publications, please insert number of Regulation on the production and making available on the market of plant reproductive material], the respective examinations shall be combined in a single certification scheme.

When adopting those delegated acts, the Commission shall take into account the technical and scientific knowledge and developments.

Justification

Deleted as redundant. The Commission's agreement with the Standing Committee is sufficient.

Amendment 112 **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 .../...⁺ [concerning the introduction of the respective plant, plant product or other object have been completed satisfactorily.

⁺OJ: Please insert the reference for the Regulation of the European Parliament and of the Council on official controls and other official activities performed to ensure

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 .../...⁺ 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.***

⁺OJ: Please insert the reference for the Regulation of the European Parliament and of the Council on official controls and other official activities performed to ensure

the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material, plant protection products and amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, Regulations (EU) No 1151/2012, [...] /2013 and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation)

the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material, plant protection products and amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, Regulations (EU) No 1151/2012, [...] /2013 and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation)

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 113

Proposal for a regulation

Article 95 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Commission shall consult the Advisory Group on the food chain and animal and plant health established under the Commission Decision 2004/613/EC¹. This advisory group shall provide inputs during the preparation of implementing and delegated acts.

¹ Commission Decision of 6 August 2004 concerning the creation of an advisory group on the food chain and animal and plant health (OJ L 275, 25.8.2004, p. 17).

Justification

The European Commission shall consult the Plant Health Advisory Committee when working on the preparation of implementing and delegated acts. This would ensure open dialogue and cement the involvement of relevant EU stakeholders when defining more detailed rules of the legislation.

Amendment 114

Proposal for a regulation Article 96 – paragraph 3

Text proposed by the Commission

3. The pre-export certificate shall be issued, on request of the professional operator, by the Member State in which the plants, plant products or other objects were grown, produced or processed, while those plants, plant products or other objects are on the premises of the professional operator concerned.

Amendment

3. The pre-export certificate shall be issued, on request of the professional operator, by the Member State, ***or authorised professional operator as defined in Article 84***, in which the plants, plant products or other objects were grown, produced or processed, while those plants, plant products or other objects are on the premises of the professional operator concerned.

Justification

The technical competences required for the issuance of plant passports under official supervision are the same as the competences required for issuance of pre-export certificates. This Regulation should therefore treat these activities in the same way for reasons of consistency and cost reduction.

Amendment 115

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

Text proposed by the Commission

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

Amendment

The Commission shall establish an electronic system for the submission of notifications by the Member States ***and for informing professional operators if appropriate***.

Amendment 116

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 *.

* OJ: the date of 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 **five years** from...* **The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension.**

* OJ: Please insert the the date of entry into force of this Regulation.

Justification

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

Amendment 117

**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.

Justification

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

Amendment 118

Proposal for a regulation

Article 98 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Four years after *, the Commission shall present a report to the European Parliament and Council concerning the use of the power to adopt delegated acts provided for in paragraph 2.

**** OJ: Please insert the the date of entry into force of this Regulation.***

Amendment 119

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.

Justification

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

Amendment 120

Proposal for a regulation Article 100 – paragraph 1

Text proposed by the Commission

The Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

Amendment

The Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate ***to the extent of the financial loss and phytosanitary damage incurred throughout the Union's territory***, and dissuasive.

Amendment 121

Proposal for a regulation Article 102 – paragraph 1 – point 2 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 [...] /2014 of the European Parliament and of the Council *,

****Regulation (EU) No [...] /2014 of the European Parliament and of the Council from ... on the prevention and management of the introduction and spread of invasive alien species (OJ L ..., ..., ...).***

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 122

Proposal for a regulation

Article 102 – paragraph 1 – point 3 – point - a

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 [...] /2014**

**OJ, please insert the the number of Regulation (EU) No [...] /2014 of the European Parliament and the Council on the prevention and management of the introduction and spread of invasive alien species..*

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 123

Proposal for a regulation

Article 102 – paragraph 1 – point 4 – point a
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) No [...] /2014 of the European Parliament and of the Council on protective measures against pests of plants 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 [...] / [...] ***

**Regulation (EU) No ... /2014 of the European Parliament and of the Council from ... on protective measures against pests of plants (OJ L, ..., ...).*

***OJ, please insert the number of Regulation (EU) No [...] /2014 of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species.*

Justification

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

Amendment 124
Proposal for a regulation
Article 102 – paragraph 1 – point 4 – point a
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.

**OJ, please insert the number of Regulation (EU) No .../2014 of the European Parliament and of the Council from ...on protective measures against pests of plants.*

Justification

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

Amendment 125

Proposal for a regulation

Article 102 – paragraph 1 – point 4 - point c

Regulation (EU) [...] /2013

Article 19 – paragraph 1 – subparagraph 1a (new)

Text proposed by the Commission

(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.'

Amendment

(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.'

Justification

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

Amendment 126

Proposal for a regulation

Annex I a (new)

Annex Ia

List of Union quarantine pests referred to in Article 5

HARMFUL ORGANISMS NOT KNOWN TO OCCUR IN ANY PART OF THE COMMUNITY AND RELEVANT FOR THE ENTIRE COMMUNITY

a) Insects, mites and nematodes, at all stages of their development

Acleris spp. (non-European)

Aculops fuchsiae Keifer

Agrilus planipennis Fairmaire

Aleurochantus spp.

Amauromyza maculosa (Malloch)

Anomala orientalis Waterhouse

Anoplophora chinensis (Thomson)

Anoplophora glabripennis (Motschulsky)

Anoplophora malasiaca (Forster)

Anthonomus bisignifer (Schenkling)

Anthonomus signatus (Say)

Aonidella citrina Coquillet

Aphelenchoïdes besseyi Christie

Arrhenodes minutus Drury

Aschistonyx eppoi Inouye

Bemisia tabaci Genn. (non-European populations) vectors of viruses such as:

a) *Bean golden mosaic virus*

b) *Cowpea mild mottle virus*

c) *Lettuce infectious yellows virus*

d) *Pepper mild tigré virus*

e) *Squash leaf curl virus*

f) *Euphorbia mosaic virus*

g) *Florida tomato virus*

Bursaphelenchus xylophilus (Steiner et Buher) Nickle et al.

Carposina niponensis Walsingham

Cicadellidae (non-European) known to be vectors of Pierce's disease (caused by *Xylella fastidiosa*), such as:

(a) *Carneocephala fulgida* Nottingham

(b) *Draeculacephala minerva* Bali

(c) *Graphocephala atropunctata* (Signoret)

Choristoneura spp. (non-European)

Conotrachelus nenuphar (Herbst)

Dendrolimus sibiricus Tschetverikov

Diabrotica barberi Smith & Lawrence

Diabrotica undecimpunctata howardi Barber

Diabrotica undecimpunctata undecimpunctata Mannerheim

Diabrotica virgifera zea Krysan & Smith

Diaphorina citri Kuway

Enarmonia packardi (Zeller)

Enarmonia prunivora Walsh

Eotetranychus lewisi McGregor

Grapholita inopinata Heinrich

Heliothis zea (Boddie)

Hirschmanniella spp., other than *Hirschmanniella gracilis* (de Man) Luc et Goodey

Hishomonus phycitis

Leucaspis japonica Ckll.

Liriomyza sativae Blanchard

Listronotus bonariensis (Kuschel)

Longidorus diadecturus Eveleigh et Allen

Margarodes, non-European species, such as: a) *Margarodes vitis* (Phillipi)

Margarodes vredendalensis de Klerk c)

Margarodes prieskeansis Jakubski
Monochamus spp. (non-European)
Myndus crudus Van Duzee
Nacobbus aberrans (Thorne) Thorne et Allen
Naupactus leucoloma Boheman
Numonia pirivorella (Matsumura)
Oligonychus perditus Pritchard et Baker
Pissodes spp. (non-European)
Premnotrypes spp. (non-European)
Pseudopityophthorus minutissimus (Zimmermann)
Pseudopityophthorus pruinosis (Eichhoff)
Radopholus citrophilus Huettel Dickson et Kaplan
Rhynchophorus palmarum (L.)
Scaphoideus luteolus (Van Duzee)
Scirtothrips aurantii Faure
Scirtothrips dorsalis Hood
Scirtothrips citri (Moultex)
Scolytidae spp. (non-European)
Scrobipalopsis solanivora Povolny
Spodoptera eridania (Cramer)
Spodoptera frugiperda (Smith)
Spodoptera litura (Fabricus)
Tachypterellus quadrigibbus Say
Taxoptera citricida Kirk.
Thaumatotibia leucotreta
Thrips palmi Karny
Tephritidae (non-European) such as:
(a) *Anastrepha fraterculus* (Wiedemann)
(b) *Anastrepha ludens* (Loew)
(c) *Anastrepha obliqua* Macquart

(d) *Anastrepha suspensa* (Loew)
 (e) *Dacus ciliatus* Loew
 (f) *Dacus cucurbitae* Coquillet
 (g) *Dacus dorsalis* Hendel
 (h) *Dacus tryoni* (Froggatt)
 (i) *Dacus tsunconis* Miyake
 (j) *Dacus zonatus* Saund.
 (k) *Epochra canadensis* (Loew)
 (l) *Pardalaspis cyanescens* Bezzi
 (m) *Pardalaspis quinaria* Bezzi
 (n) *Pterandrus rosa* (Karsch)
 (o) *Rhacochlaena japonica* Ito
 (p) *Rhagoletis cingulata* (Loew)
 (q) *Rhagoletis completa* Cresson
 (r) *Rhagoletis fausta* (Osten-Sacken)
 (s) *Rhagoletis indifferens* Curran
 (t) *Rhagoletis mendax* Curran
 (u) *Rhagoletis pomonella* Walsh
 (v) *Rhagoletis ribicola* Doane
 (w) *Rhagoletis suavis* (Loew)
Trioza erytrae Del Guercio
Unaspis citri Comstock
Xiphinema americanum Cobb *sensu lato*
 (non-European populations)
Xiphinema californicum Lamberti et
 Bleve-Zacheo
 (b) *Bacteria*
Citrus greening bacterium
Citrus variegated chlorosis
Erwinia stewartii (Smith) Dye
Xanthomonas campestris (all strains
 pathogenic to Citrus)
Xanthomonas campestris pv. *oryzae*
 (Ishiyama) Dye and pv. *oryzicola* (Fang,
 et al.) Dye

Xylella fastidiosa (Well et Raju)
(c) Fungi
Alternaria alternata (Fr.) Keissler (non-European pathogenic isolates)
Anisogramma anomala (Peck) E. Müller
Apiosporina morbosa (Schwein.) v. Arx
Atropellis spp.
Ceratocystis fagacearum (Bretz) Hunt
Ceratocystis virescens (Davidson) Moreau.
Cercoseptoria pini-densifloae (Hori et Nambu) Deighton
Cercospora angolensis Carv. et Mendes
Ciborinia camelliae Kohn
Chrysomyxa arctostaphyli Dietel
Cronartium spp. (non-European)
Diaporthe vaccinii Shaer
Endocronartium spp. (non-European)
Elsinoe spp. Bitanc. et Jenk. Mendes
Fusarium oxysporum f. sp. *albedinis* (Kilian et Maire) Gordon
Guignardia citricarpa Kiely (all strains pathogenic to Citrus)
Guignardia laricina (Saw.) Yamamoto et Ito
Guignardia piricola (Nosa) Yamamoto
Gymnosporangium spp. (non-European)
Inonotus weiril (Murril) Kotlaba et Pouzar
Melampsora farlowii (Arthur) Davis
Monilinia fructicola (Winter) Honey
Mycosphaerella larici-leptolepis Ito et al.
Mycosphaerella populorum G. E. Thompson
Phoma andina Turkensteen
Phyllosticta solitaria Ell. et Ev.

Puccinia pittieriana Hennings

Septoria lycopersici Speg. var. *malagutii*
Ciccarone et Boerema

Scirrhia acicola (Dearn.) Siggers

Stegophora ulmea (Schweinitz: Fries)
Sydow & Sydow

Thecaphora solani Barrus

Tilletia indica Mitra

Trechispora brinkmannii (Bresad.)
Rogers

Venturia nashicola Tanaka et Yamamoto

(d) *Viruses and virus-like organisms*

Elm phlöm necrosis mycoplasm

Potato viruses and virus-like organisms,
such as:

(a) *Andean potato latent virus*

(b) *Andean potato mottle virus*

(c) *Arracacha virus B, oca strain*

(d) *Potato black ringspot virus*

(e) *Potato spindle tuber viroid*

(f) *Potato virus T*

(g) *Non-European isolates of potato*
viruses A, M, S, V, X, and Y (including
Y o, Y n and Y e) and Potato leafroll virus

Tobacco ringspot virus

Tomato ringspot virus

Viruses and virus-like organisms of
Cydonia Mill., Fragaria L., Malus Mill.,
Prunus L., Pyrus L., Ribes L., Rubus L.
and Vitis L., such as:

(a) *Blueberry leaf mottle virus*

(b) *Cherry rasp leaf virus (American)*

(c) *Peach mosaic virus (American)*

(d) *Peach phony rickettsia*

(e) *Peach rosette mosaic virus*

(f) *Peach rosette mycoplasm*

- (g) Peach X-disease mycoplasm*
- (h) Peach yellows mycoplasm*
- (i) Plum line pattern virus (American)*
- (j) Raspberry leaf curl virus (American)*
- (k) Strawberry latent C virus*
- (l) Strawberry vein banding virus*
- (m) Strawberry witches' broom mycoplasm*

(n) Non-European viruses and virus-like organisms of Cydonia Mill., Fragaria L., Malus Mill., Prunus L., Pyrus L., Ribes L., Rubus L. and Vitis L.

Viruses transmitted by Bemisia tabaci Genn., such as:

- (a) Bean golden mosaic virus*
- (b) Cowpea mild mottle virus*
- (c) Lettuce infectious yellows virus*
- (d) Pepper mild tigré virus*
- (e) Squash leaf curl virus*
- (f) Euphorbia mosaic virus*
- (g) Florida tomato virus*

Beet curly top virus (non-European isolates)

Black raspberry latent virus

Blight and blight-like

Cadang-Cadang viroid

Cherry leafroll virus

Chrysanthemum stem necrosis virus

Citrus mosaic virus

Citrus tristeza virus (non-European isolates)

Leprosis

Little cherry pathogen (non-European isolates)

Naturally spreading psorosis

Palm lethal yellowing mycoplasm

Prunus necrotic ringspot virus

Satsuma dwarf virus

Tatter leaf virus

Witches' broom (MLO)

e) Parasitic plants

Arceuthobium spp. (non-European)

**HARMFUL ORGANISMS KNOWN TO
OCCUR IN THE COMMUNITY AND
RELEVANT FOR THE ENTIRE
COMMUNITY**

*(a) Insects, mites and nematodes, at all
stages of their development*

Diabrotica virgifera virgifera Le Conte

Globodera pallida (Stone) Behrens

*Globodera rostochiensis (Wollenweber)
Behrens*

*Meloidogyne chitwoodi Golden et al. (all
populations)*

Meloidogyne fallax Karssen

Opogona sacchari (Bojer)

Popillia japonica Newman

Rhizoecus hibisci Kawai & Takagi

Spodoptera littoralis (Boisduval)

(b) Bacteria

*Clavibacter michiganensi (Smith) Davis et
al. ssp. sepedonicus (Spieckermann et
Kotthoff) Davis et al.*

*Pseudomonas solanacearum (Smith)
Smith*

(c) Fungi

Melampsora medusae Thümen

*Synchytrium endobioticum (Schilfersky)
Percival*

(d) Viruses and virus-like organisms

Apple proliferation mycoplasma

Apricot chlorotic leafroll mycoplasma

Pear decline mycoplasma

(e) Other

Pomacea spp.

Justification

Contains 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.

Amendment 127

Proposal for a regulation Annex I b (new)

Text proposed by the Commission

Amendment

ANNEX Ib

***List of Union priority pests referred to in
Article 6(2)***

***(a) Insects, mites and nematodes, at all
stages of their development***

Anoplophora chinensis (Thomson)

Anoplophora glabripennis (Motschulsky)

***Bursaphelenchus xylophilus (Steiner et
Buher) Nickle et al.***

***Cicadellidae (non-European species)
known to carry Pierce's disease (caused
by Xylella fastidiosa), such as:***

(a) Carneocephala fulgida Nottingham

(b) Draeculacephala minerva Ball

***(c) Graphocephala atropunctata
(Signoret)***

Diaphorina citri Kuway

Paysandisia archon

Pistosia dactyliferae

Rhynchophorus ferrugineus

Thaumatotibia leucotreta

Trioza erytrae Del Guercio

(b) Bacteria

Citrus greening bacterium

Pseudomonas solanacearum (Smith)
Smith

Pseudomonas syringae

Xanthomonas campestris (all strains
pathogenic to Citrus)

Xanthomonas campestris pv. *oryzae*
(Ishiyama) Dye and pv. *oryzicola* (Fang.
et al.) Dye

Xylella fastidiosa (Well et Raju)

(c) *Fungi*

Elsinoe spp. *Bitanc. et Jenk. Mendes*
gibberella circinata

Guignardia citricarpa Kiely (all strains
pathogenic to Citrus)

Hypoxyton mammatum

Phytophthora ramorum

Trechispora brinkmannii (Bresad.)
Rogers

Venturia nashicola Tanaka et Yamamoto

(d) *Virus and virus-like organisms*

Potato viruses and virus-like organisms
such as:

(a) *Andean potato latent virus*

(b) *Andean potato mottle virus*

(c) *Arracacha virus B, oca strain*

(d) *Potato black ringspot virus*

(e) *Potato spindle tuber viroid*

(f) *Potato virus T*

(g) *Non-European isolates of potato*
viruses A, M, S, V, X, and Y (including Y
o, Y n and Y e) and Potato leafroll virus

Grapevine flavescence dorée MLO

(e) *other*

Pomacea spp.

Justification

*L'UE doit encourager les Etats Membres à mettre en place des stratégies globales de lutte contre les ravageurs des palmiers (notamment *Rhynchophorus ferrugineus*, *Paysandisia archon*, *Pistosia dactyliferae*) et les coordonner. Ces ravageurs doivent faire partie de la liste des organismes de priorité.*

Amendment 128

Proposal for a regulation Annex I c (new)

Text proposed by the Commission

Amendment

Annex Ic

***List of quality pests referred to in Article
36***

INSECTS

Acanthoscelides obtectus Sag.

Pelargonium flower break carmovirus

Aceria essigi.

Aculops fockeui.

Agromyzidae

Aleurodidae, particularly *Bemisia tabaci*

Aleurothrixus floccosus (Mashell)

Anarsia lineatella.

Aphelenchoides spp.

Blastophaga spp.

Bruchus affinis Froel.

Bruchus atomarius L.

Bruchus pisorum L.

Bruchus rufimanus Boh.

Cacoecimorpha pronubana

Cecidophyopsis ribis.

Circulifer haematoceps

Circulifer tenellus

Scale insects, particularly: *Epidiaspis leperii*, *Pseudaulacaspis pentagona*,

Quadraspidotus perniciosus.
Daktulosphaira vitifoliae (Fitch)
Diarthronomia chrysanthemi
Ditylenchus destructor Thorne
Ditylenchus dipsaci
Epichoristodes acerbella
Epidiaspis leperii.
Eriophis avellanae.
Eriophyes similis.
Eriosoma lanigerum
Eumerus spp.
Eusophera pinguis.
Eutetranychus orientalis Klein
Helicoverpa armigera (Hübner)
Lepidoptera
Liriomyza huidobrensis (Blanchard)
Liriomyza trifolii (Burgess)
Meloidogyne spp.
Merodon equestris
Myzus ornatus
Otiorrhynchus sulcatus
Parabemisia myricae (Kuwana)
Parabemisia, myricae (Kuwana).
Parasaissetia nigra (Nietner)
Paysandisia archon (Burmeister)
Pratylenchus penetrans
Pratylenchus spp.
Pseudaulacaspis pentagona.
Quadraspidotus perniciosus
Quadraspidotus perniciosus
Radopholus similis (Cobb) Thorne
Rhizoglyphidae
Rhyacionia buoliana

Rhizoglyphus spp.
Rotylenchus robustus
Salsetia oleae.
Sciara
Tarsonemidae
Tarsonemidae.
Tetranychus urticae
Thysanoptera
Tylenchulus semipenetrans
Pelargonium line pattern virus

BACTERIA

Agrobacterium rhizogenes.
Agrobacterium tumefaciens.
Agrobacterium tumefaciens
Clavibacter michiganensis spp. insidiosus
(McCulloch) Davis et al.
Clavibacter michiganensis spp.
michiganensis (Smith) Davis et al
Corynebacterium sepedonicum
Erwinia amylovora (Burr.) Winsl. et al
Erwinia carotovora subsp. Carotovora
Erwinia chrysanthemi
Pseudomonas caryophylli (Burkholder)
Starr et Burkholder
Pseudomonas marginata
Pseudomonas solanacearum.
Pseudomonas syringae pv. glycinea
Pseudomonas syringae pv. mors
prunorum.
Pseudomonas syringae pv. persicae
(Prunier et al.) Young et al
Pseudomonas syringae pv. savastanoi.
Pseudomonas syringae pv. syringae
Rhodococcus fascians
Xanthomonas campestris pv. Begoniae

Xanthomonas campestris pv. corylina.
Xanthomonas campestris pv. juglandi.
Xanthomonas campestris pv. Pelargonii
Xanthomonas campestris pv. pruni
(Smith) Dye
Xanthomonas campestris pv. phaseoli
(Smith) Dye
Xanthomonas campestris pv. vesicatoria
(Doidge) Dye
Xanthomonas fragariae Kennedy et King
Xylophilus ampelinus Vitis
(Panagopoulos) Willems. et al
FUNGI
Stem rot pathogens (Botrytis spp.,
Pythium spp.)
Fusarium oxisporum f. sp. lilii
Fusarium oxisporum sp. gladioli
Rhizoctonia spp.
Alternaria dianthicola
Armillariella mellea
Ceratocystis fimbriata f. sp. platani Walter
Chondrostereum purpureum
Claviceps purpurea
Cryphonectria parasitica (Murrill) Barr
Curvularia trifolii
Cylindrocarpon destructans
Diaporthe phaseolorum var. caulivora
and var. sojae
Didymella applanata.
Didymella ligulicola (Baker, Dimock et
Davis) v. Arx
Exosporium palmivorum
Fusarium fujikuroi
Fusarium oxisporum f. sp. dianthi
Fusarium oxisporum sp. chrysanthemi

Fusarium oxysporum f. sp. narcissi
Fusarium spp.
Gliocladium wermoeseni
Graphiola phoenicis
Helminthosporium
Lophodermium seditiosum
Mycosphaerella dianthi
Nectria galligena
Powdery mildew
Penicillium gladioli
Peronospora rubi.
Pestalozzia Phoenicis
Phialophora cinerescens (Wollenweber)
van Beyma
Phialophora gregata
Phoma tracheiphila (Petri) Kanchaveli et
Gikashvili
Phyllactinia guttata.
Phytophthora cactorum.
Phytophthora fragariae var. rubi.
Phytophthora spp.
Plasmopara halstedii (Farlow) Berl. et de
Toni
Stem rot: Fusarium spp. and Pythium
Puccinia chrysanthemi
Puccinia horiana Hennings
Puccinia pelargonii zonalis
Pythium spp.
Rhizoctonia spp.
Rhizopus spp.
Rosellinia necatrix
Scirrhia pini Funk et Parker
Sclerotinia spp.
Septoria gladioli

Slerotium bulborum
Synchytrium endobioticum

Taphrina deformans

Thielaviopsis basicola

Tilletia

Urocystis gladiolicola

Uromyces dianthi

Uromyces transversalis

Ustilaginaceae,

Venturia spp.

Verticillium spp

**VIRUSES AND VIRUS-LIKE
ORGANISMS**

Narcissus white streak agent

Carnation mottle carmovirus

Carnation etched ring caulimovirus

Carnation necrotic fleck closterovirus

Aster yellow micoplasm

Corky pit agent

Anarsia lineatella

Apple mosaic virus.

Arabis mosaic virus Fragaria

Beet leaf curl virus

Black currant infecticus variegation

Black currant rever.

Cherry leaf roll virus.

Chondrostereum purpureum

Chrysanthemum stunt viroid

Citrus leaf rugose.

Citrus tristeza virus (European isolates)

Citrus vein enation woody gall

*Scale insects, particularly: Epidiaspis
leperii, Pseudaulacaspis pentagona,
Quadraspidiotus perniciosus*

Coniothyrium spp.
Tomato aspermy cucumovirus
Diplocarpon rosae
Diseases that induce in young leaves psorosis and psorosis-like symptoms such as ring-spot, cristacortis, impietratura and concave gum.
Eriosoma lanigerum
Grapevine flavescence dorée MLO
Hazel maculatura lineare MLO
Infectious variegation.
Arabis mosaic nepovirus
Peronospora sparsa
Phragmidium spp.
Plum pox virus
Potato stolbur mycoplasma
Prune dwarf virus.
Prunus necrotic ringspot virus
Raspberry bushy dwarf virus.
Raspberry leaf curl virus.
Raspberry ringspot virus
Leaf curl
Rosellinia necatrix
Citric leaf rugose
Sphaeroteca pannosa
Spiroplasma citri Saglio. et al.
Strawberry crinkle virus
Strawberry green petal MLO.
Strawberry latent ringspot virus
Strawberry mild yellow edge virus
Tomato black ring virus
Tomato spotted wilt virus
Tomato yellow leaf curl virus
Pelargonium leaf curl tobusvirus

*Tospovirus (tomato spotted wilt virus,
Impatiens necrotic spot virus)*

Infectious variegation

Venturia spp.

Verticillium spp.

*Viroids such as exocortis, caquexia-
xyloporosis.*

Lily symptomless virus

Tulipbreaking virus

*Gladiolus ringspot virus (syn. Narcissus
latent virus)*

Narcissus yellow stripe virus

Chrysanthemum B mosaic virus

Cucumber mosaic virus

Tobacco rattle virus

Lily virus x

NEMATODES

Heterodera rostochiensis

OTHER HARMFUL ORGANISMS

Cyperus esculentus (truffle)

Orobanche (parasitic plant)

Amendment 129

Proposal for a regulation

Annex II – section 1 – point 4 – paragraph 1 – point n a (new)

Text proposed by the Commission

Amendment

*(na) effects on landscape heritage and
tourist areas;*

Justification

The aesthetic damage caused by pests also needs to be emphasised. Palm trees, for example, are part of the landscape heritage and contribute to the tourist image of Mediterranean regions. The impact of their destruction by pests must therefore be viewed in overall terms, taking into account economic, environmental and social aspects, including aesthetic and cultural aspects.

Amendment 130

Proposal for a regulation

Annex II – section 2 – paragraph 1 – point a

Text proposed by the Commission

(a) Economic impacts: the pest has the potential to cause major losses in terms of the direct and indirect effects referred to in point (4) of Section I for crops ***with a total annual production value for the Union territory of at least EUR 1 billion.***

Amendment

(a) Economic impacts: the pest has the potential to cause major losses in terms of the direct and indirect effects referred to in point (4) of Section 1 for crops ***in the*** Union territory.

Justification

There are pests which while they do have a very serious impact on crops and territories, do not cause losses totalling at least EUR 1 billion. 'Minor crops' experience the same problem.

Amendment 131

Proposal for a regulation

Annex II – section 2 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) in case of pests affecting specialty crops, grown in the European territory on less than 200000 hectares, the potential loss in terms of total annual Union production value shall be at least EUR 200 million;

Amendment 132

Proposal for a regulation

Annex III – paragraph 1 – introductory part

Text proposed by the Commission

Plants for planting from third countries shall be considered likely to pose phytosanitary risks for the Union territory, as referred to in Article 47(1), where those

Amendment

Plants for planting from third countries shall be considered likely to pose phytosanitary risks for the Union territory, as referred to in Article 47(1), where those

plants for planting fulfil at least **three** of the following conditions, **including at least one of the conditions provided in points (1)(a), (b) and (c)**:

plants for planting fulfil at least **one** of the following conditions:

Amendment 133

Proposal for a regulation Annex III – paragraph 1 – point 1 – point e

Text proposed by the Commission

Amendment

(e) They are not treated with generic plant protection products prior to or during shipment. **deleted**

Amendment 134

Proposal for a regulation Annex III – paragraph 1 – point 1 – point f

Text proposed by the Commission

Amendment

(f) They are not subject to official export controls and certification in the third country of origin. **deleted**

Amendment 135

Proposal for a regulation Annex IV – section 1 – paragraph 1 – point 2 – point c

Text proposed by the Commission

Amendment

(c) Surveillance, visual examination, sampling, laboratory testing of plants, plant products and other objects for the presence of quarantine pests, including through subjection to quarantine procedures.

(c) Surveillance, visual examination, sampling, laboratory testing of plants, plant products and other objects for the presence of quarantine pests, including through subjection to quarantine procedures **and pre-shipment inspections in third countries.**

Amendment 136

Proposal for a regulation

Annex IV – section 2 – paragraph 1 – point 5 – paragraph 1

Text proposed by the Commission

Measures taken to manage the risk of a pest shall be technically justified on the basis of conclusions reached by using an appropriate risk analysis or, where applicable, another comparable examination and evaluation of available scientific information. Those measures should reflect, and, where appropriate, be modified or removed to reflect new or updated risk analysis or relevant scientific information.

Amendment

Measures taken to manage the risk of a pest shall be technically justified on the basis of conclusions reached by using an appropriate risk analysis or, where applicable, another comparable examination and ***an EFSA supervised*** evaluation of available scientific information. Those measures should reflect, and, where appropriate, be modified or removed to reflect new or updated risk analysis or relevant scientific information.

EXPLANATORY STATEMENT

The current EU regulatory framework for plant health aims to protect European agriculture and forestry by preventing the entry and spread of foreign pests. The main instrument of regulation in this area is Council Directive 2000/29/EC. This regulatory framework has recently faced criticism for failing to prevent the growing influx of new and harmful organisms into EU territory as a result of increasing international trade.

In recent years, increased imports have resulted in major outbreaks of harmful organisms that have significantly damaged the forestry sector. An evaluation of the current regulatory regime carried out in 2010 showed that the basic legislation had to be amended in order to be able to fully address these increased risks. The main problems were identified as an inadequate focus on prevention with regard to risky commodities; the need to fix priorities for harmful organisms at EU level and in all of the 28 Member States; the need for better instruments to monitor outbreaks and the spread of harmful organisms; and the need to improve instruments for transfers within the EU.

Following consultations, the Commission proposed a package of reviews relating to current legislation on the health of plants, the quality of plant reproductive material, the health of animals, official controls concerning plants, animals, food and feed, and EU expenditure on those policies. The proposal for a regulation of the European Parliament and of the Council on protective measures against pests of plants is one of the elements of this package.

The Council called on the Commission to assess and revise this legislation in 2008. The Commission subsequently carried out an assessment and held consultations with national supervisory agencies and stakeholders. Final consultations on strategic options were held in 2011, leading to four policy options being put forward. Having evaluated the impact of these options, the Commission selected option three as the most suitable: setting priorities, modernisation, stepping up prevention and strengthening measures against outbreaks.

The Commission's proposal therefore satisfies the criteria for option three and allows for the financing of the plant health system to be incorporated into the EU Multiannual Financial Framework for 2014-2020. The relevant documents set out proposals for the necessary funding.

The nature of plant health requires all professional operators to be included, regardless of their size. Failure to adopt such an approach will make it impossible to achieve the objective of the proposal, which is to ensure that the EU is protected from plant pests. The proposal nonetheless grants an exemption from the obligation to issue plant passports to enterprises selling plants and plant products exclusively on the local market. This exemption should also cover sales to non-professional end consumers.

For micro-enterprises, special arrangements concerning the possible reimbursement of fees for plant health controls, within the framework of State Aid rules, will be made possible under a related new regulation concerning official controls.

The eradication of outbreaks of foreign pests can only be successful if all sources of infestation are removed. Outbreaks of quarantine pests may arise not only on business premises, but also in publicly- or privately-owned green areas. The Member States' authorities must, therefore, be able to gain access to contaminated land and establish eradication measures. Member States should provide affected citizens with prompt and proportionate compensation for imposing such restrictions on citizens' ownership rights.

The geographical scope of the proposal does not include any remote, non-European regions of the Member States, since such regions belong to other biogeographic zones of the world. The list of territories which the proposed law does not concern is set out in Annex I.

The proposal introduces two categories: quarantine pests (category 1) and quality pests (category 2).

Quarantine pests are set out in lists in specific annexes. They are further divided into Union quarantine pests and Protected Zone quarantine pests. The first category requires eradication measures throughout the entire Union. The second category, meanwhile, requires eradication measures in the specific Protected Zone affected. The proposal gives the Commission competence to prioritise specific quarantine pests. These priority pests may account for 10 %, at most, of the list.

Quality pests are pests that affect the intended use of plants for planting, but do not require eradication. Lists of such pests are again set out in the implementing acts. The criteria for categorising such pests are set out in Annex II.

The importation into the EU of regulated plants by passengers in their luggage will no longer be exempted from the respective requirements and prohibitions. This is necessary, according to the rapporteur, because plants in passenger luggage have been identified as a growing risk to the EU's phytosanitary status.

The proposal assumes that professional operators will be registered in a publicly available register.

The proposal goes on to lay down rules concerning the certification of plants, plant products and other objects introduced into and moved within protected zones. The proposal provides that all plants for planting, other than certain seeds, shall require a phytosanitary certificate for introduction into the Union and a plant passport for movement within the Union. This passport should be required for the relocation of all types of plants for planting among professional operators, excluding for sales to non-professional end consumers. Plant passports should be simplified and harmonised in order that they can be understood throughout the EU.

Plant passports should be issued by registered operators authorised to do so by the plant health authorities of the Member States. If operators do not wish to do so, the relevant national authorities may issue such passports in their stead.

An important element of the proposal is the establishment of the new Standing Committee, which will be created from existing committees concerned with the food chain, animal and plant health, and plant propagating material. The proposal repeals six existing directives on protection against quarantine pests. In the future, such acts should be adopted as secondary

acts under the proposed regulation.

The rapporteur's position

Having thoroughly studied the proposal and consulted the shadow rapporteurs, plant health experts and professional operators, the rapporteur finds the proposal reasonable and necessary. Given the increase in risks, it is necessary to modernise current plant health care legislation. It is a positive step that the Commission is proposing a single package that covers the entire food chain. There are, however, a great number of issues that must be considered and debated.

The rapporteur feels that it is inappropriate to limit the geographic scope of the legislation and to exclude the remotest regions from the scope of this regulation. The territory of the EU consists of the EU common market, and unified rules should apply throughout that market. It is improper for there to be a part of the EU in which rules for third states apply *de facto*. Adopting such an approach would create an obstacle to the free movement of goods, which is one of the European Union's key principles.

The rapporteur feels that there is insufficient interconnectedness between the draft regulation and international standards arising from the IPPC treaty. Advances in international phytosanitary standards must be reflected in the regulation.

The rapporteur shares the opinion that all professional operators must be covered by a system of protective measures against plant pests. The rapporteur also shares the opinion that it is essential to combat pests, even on publicly- or privately-owned green areas when necessary. The rapporteur, however, considers it essential that this process is as transparent and predictable as possible, including in respect of compensation for provable losses. The owners of public and private green areas in which eradication is to be carried out must be notified promptly.

Furthermore, the rapporteur feels that the newly established plant health system and the measures against plant pests will require financial backing at EU level, as is already the case with the system for veterinary care. The rapporteur, therefore, considers it essential and appropriate to incorporate the relevant section into the EU Multiannual Financial Framework for 2014-2020.

The rapporteur takes the view that the proposed regulation delegates too many powers and competences to the Commission. Conversely, the proposed regulation imposes many obligations and tasks on the Member States, such as disproportionate and excessively frequent reporting obligations. The rapporteur is of the opinion that many issues could be resolved, as they were before, by agreement between the competent national plant protection authorities – not by transferring all powers to the Commission. These issues should be addressed by way of amendments submitted by the rapporteur.

A separate issue is the entry into force of the draft legislation. It would be appropriate for this legislative package to enter into force in its entirety at the same time. It is, however, also necessary to give the national supervisory bodies and professional operators sufficient time to prepare for the new system. Czech experts who have been consulted on this issue state that at least two years will be needed in order to implement the new system. Therefore, if this legislation enters into force in 2014, it should come into effect by 1 January 2017 at the

earliest.

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS ON THE LEGAL BASIS

Mr Paolo De Castro
Chair
Committee on Agriculture and Rural Development
BRUSSELS

Subject: Opinion on the legal basis for 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))

Dear Mr Chair,

By letter of 9 January 2014, you asked the Committee on Legal Affairs, pursuant to Rule 37 of the Rules of Procedure, to give its opinion on the appropriateness of adding Article 191 TFEU to the legal basis of the proposal for a regulation of the European Parliament and of the Council on protective measures against pests of plants, given that an amendment to this effect had been tabled in AGRI.

The proposal for a regulation on protective measures against pests of plants (COM(2013)0267) was presented by the Commission on the basis of Article 43 TFEU and was accordingly submitted to Parliament under the ordinary legislative procedure.

Background

1. The proposal

The proposal has been put forward following an evaluation of the existing EU regulatory framework on plant health, in particular its main instrument Directive 2000/29/EC. The proposed regulation lays down rules to determine the phytosanitary (plant health) risks posed by plant pests (i.e. any species, strain or biotype of pathogenic agents, animals or parasitic plants) and measures to reduce those risks. In particular, the proposal includes provisions on so-called quarantine pests, which are not present in a certain territory, but the entry, establishment and spread of which would have an unacceptable economic, environmental or social impact (Chapter II), with a number of empowerments to the Commission for adopting implementing acts, and on so-called quality pests i.e. plant pests that affect the intended use of plants for planting (Chapter III), again with a number of empowerments to the Commission for implementing acts. Furthermore, the proposal regulates measures concerning plants, plant products and other objects (Chapter IV). To this end, the proposal again contains various empowerments to the Commission, including on prohibitions for certain plants, plants products and other objects, on specific requirements for the introduction into and movement within the Union, or in order to address emerging risks from certain plants for planting from certain third countries which require precautionary measures. The proposal requires the relevant professional operators to be registered; and registered operators are to fulfil certain requirements for the traceability of the plant material under their control (Chapter V). The

proposal further regulates the certification of plants, plant products and other objects (Chapter VI). In particular, all plants for planting, other than certain seeds, shall require a phytosanitary certificate for introduction into the Union and a plant passport for movement within the Union. The proposal further foresees the establishment of an electronic notification system for notification and reporting (Chapter VII).

2. The legal bases in question

a) Legal basis of the proposal

The proposal is based on Article 43 TFEU which reads as follows:

"1. The Commission shall submit proposals for working out and implementing the common agricultural policy, including the replacement of the national organisations by one of the forms of common organisation provided for in Article 40(1) , and for implementing the measures specified in this Title.

These proposals shall take account of the interdependence of the agricultural matters mentioned in this title.

2. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, shall establish the common organisation of agricultural markets provided for in Article 40(1) and the other provisions necessary for the pursuit of the objectives of the common agricultural policy and the common fisheries policy."

b) Proposed change of the legal basis

AGRI has requested the opinion of the Legal Affairs Committee on the appropriateness of adding Article 191 TFEU to the legal basis of the proposal, given that an amendment (AM 35) to this end was tabled in AGRI. A parallel amendment has been tabled in ENVI (AM 66).

Article 191 TFEU reads as follows:

"1. Union policy on the environment shall contribute to pursuit of the following objectives:

- preserving, protecting and improving the quality of the environment,
- protecting human health,
- prudent and rational utilisation of natural resources,
- promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change.

2. Union policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Union. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.

In this context, harmonisation measures answering environmental protection requirements shall include, where appropriate, a safeguard clause allowing Member States to take provisional measures, for non-economic environmental reasons, subject to a procedure of inspection by the Union.

3. In preparing its policy on the environment, the Union shall take account of:

- available scientific and technical data,
- environmental conditions in the various regions of the Union,
- the potential benefits and costs of action or lack of action,
- the economic and social development of the Union as a whole and the balanced development of its regions.

4. Within their respective spheres of competence, the Union and the Member States shall cooperate with third countries and with the competent international organisations. The arrangements for Union cooperation may be the subject of agreements between the Union and the third parties concerned.

The previous subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude international agreements."

Analysis

Certain principles emerge from the case law of the Court as regards the choice of legal basis. First, in view of the consequences of the legal basis in terms of substantive competence and procedure, the choice of the correct legal basis is of constitutional importance¹. Secondly, under Article 13(2) TEU, each institution is to act within the limits of the powers conferred upon it by the Treaty². Thirdly, according to the case-law of the Court of Justice, "the choice of legal basis for a Community measure must rest on objective factors amenable to judicial review, including in particular the aim and the content of the measure"³. Finally, as regards multiple legal bases, if examination of a EU measure reveals that it pursues a twofold purpose or that it has a twofold component and if one of those is identifiable as the main or predominant purpose or component, whereas the other is merely incidental, the act must be based on a single legal basis, namely that required by the main or predominant purpose or component⁴. On the other hand, where a measure has several contemporaneous objectives or components which are indissolubly linked with each other without one being secondary and indirect in respect of the others, the measure must be based on the various relevant Treaty provisions⁵.

The Commission put forward Article 43 TFEU as legal basis.

Indeed, Article 43(2) TFEU provides the general legal basis for the common agricultural policy, under which Parliament and Council establish, apart from the common organisation of agricultural markets, other measures for the pursuit of the objectives of the common

¹ Opinion 2/00 *Carthagna Protocol* [2001] E.C.R. I-9713, para. 5; Case C-370/07 *Commission v Council* [2009] E.C.R. I-8917, paras 46-49; Opinion 1/08, *General Agreement on Trade in Services* [2009] ECR I-11129, para. 110.

² Case C-403/05 *Parliament v Commission* [2007] E.C.R. I-9045, para. 49, and the case-law cited therein.

³ See most recently Case C-411/06 *Commission v Parliament and Council* [2009] E.C.R. I-7585.

⁴ Case C-42/97 *Parliament v Council* [1999] E.C.R. I-868, paras. 39-40; Case-C 36/98 *Spain v Council* [2001] E.C.R. I-779, para. 59; Case C-211/01 *Commission v Council* [2003] E.C.R. I-8913, para. 39.

⁵ Case C-165/87 *Commission v Council* [1988] E.C.R. 5545, para. 11; Case C-178/03 *Commission v. European Parliament and Council* [2006] E.C.R. I-107, paras. 43-56.

agricultural and fisheries policy. The proposal sets out in its the very first sentence in the explanatory memorandum that plant health is a key factor for sustainable and competitive agriculture, horticulture and forestry. Against this background, the measures proposed are targeted at ensuring the rational development of agricultural production and also to assure the availability of supplies, both objectives of the common agricultural policy under Article 39 TFEU. Furthermore, Directive 2000/29/EC which is to be repealed by the proposed regulation was based on Article 37 EC which has now been replaced by Article 43 TFEU. It appears therefore appropriate that the proposed regulation has been based on Article 43 TFEU¹.

As regards a possible addition of [Article 191 TFEU](#) to the legal basis, the justification to AM 35 tabled in AGRI reads as follows: "The regulation is dealing with EU agricultural and environmental policy, therefore art. 191 TFEU is added to the references."

Article 191 TFEU indeed lays down the objectives of the Union policy on the environment (paragraph 1) as well as general principles (paragraph 2) (high level of protection taking into account the diversity of the situations in the various regions of the Union and the precautionary principle, the principle of preventive action; environmental damage to be rectified as apriority at sours and the "the polluter should pay" principle) as well as other parameters for the EU environmental policy. Article 191 TFEU however does not provide for any specific measures or procedures to this end, and thus does not constitute a legal basis. The specific legal basis is contained in Article 192(1) TFEU according to which the European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions, are to decide what action is to be taken by the Union in order to achieve the objectives of the Union policy on environment.

It however does not appear necessary either to have recourse to Article 192(1) TFEU in this context. This is because no specific, independent objective of environmental protection can be identified within the proposal. Insofar as also environmental aspects are taken into account, they are clearly secondary to the main aim of ensuring sustainable agricultural production.

It is therefore considered unnecessary for Article 191 TFEU to be included in the legal basis of the proposal.

In its note of 15 January 2014 the Parliament's Legal Service also comes to the conclusion that the correct legal basis for the proposal as it currently stands should be Article 43(2) TFEU.

Legal Affairs Committee recommendation

The Legal Affairs Committee considered the above question at its meeting of 22 January 2014. At this meeting, it accordingly decided, by unanimity², to recommend that the

¹ It would appear more appropriate to only mention Article 43(2) TFEU as legal basis as it is this provision which indeed constitutes the legal basis in the context of the common agricultural policy.

² The following were present for the final vote: Raffaele Baldassarre, Sebastian Valentin Bodu, Françoise Castex, Christian Engström, Marielle Gallo, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Sajjad Karim, Klaus-Heiner Lehne, Eva Lichtenberger, Antonio Masip Hidalgo, Alajos Mészáros, Angelika Niebler,

appropriate legal basis for the proposal for a regulation of the European Parliament and of the Council on protective measures against pests of plants should be Article 43(2) TFEU without the addition of Article 191 TFEU.

Yours sincerely,

Klaus-Heiner Lehne

Bernhard Rapkay, Evelyn Regner, Francesco Enrico Speroni, Rebecca Taylor, Alexandra Thein, Axel Voss, Cecilia Wikström, Tadeusz Zwiefka.

28.1.2014

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

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** **Citation 1**

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular **Article 43** thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular **Articles 43 and 191** thereof,

Amendment 2 **Proposal for a regulation** **Recital 1 a (new)**

Text proposed by the Commission

Amendment

(1a) Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market^{12a}, establishes a high level of human, animal and environmental protection while providing clearer rules to make the approval process for plant protection products more effective.

^{12a}OJ L 309, 24.11.2009, p.1

Amendment 3
Proposal for a regulation
Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishes a framework for Community action to achieve the sustainable use of pesticides^{12b},

^{12b} OJ L 309, 24.11.2009, p.71

Amendment 4
Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) It is widely accepted that crop rotation is a highly effective measure to prevent establishment of pests in the soil and vegetation;

Amendment 5
Proposal for a regulation

Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) It is widely accepted that pests are attracted to and become established preferentially in monocultures and continuous cropping. Therefore diversification of crops and indeed rotation of crops on the same parcel from year to year decreases susceptibility to pest establishment and population increase.

Amendment 6

Proposal for a regulation

Recital 5

Text proposed by the Commission

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. The Union is party to the IPPC.

(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.***

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 7

Proposal for a regulation

Recital 9

Text proposed by the Commission

(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.

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 list of such pests, hereinafter 'priority pests', should be established.

Amendment 8

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) A professional operator becoming aware of the presence of a Union quarantine pest in a plant, plant product or other object which is or was under its control should be under an obligation to take all measures that may be appropriate as regards the elimination of the pest, the withdrawal or recall of the plants, plant products or other objects concerned and the information of the competent authority, other persons in the trade chain and the public.

Amendment

(13) A professional operator becoming aware of the presence of a Union quarantine pest in a plant, plant product or other object which is or was under its control, should be under an obligation to take all measures that may be appropriate as regards the elimination of the pest ***in a sustainable way, in line with Directive 2009/128/EC establishing a framework for Community action to achieve the sustainable use of pesticides^{14a}***, the withdrawal or recall of the plants, plant products or other objects concerned and the information of the competent authority, other persons in the trade chain and the public.

^{14a} OJ L 309, 24.11.2009, p.71

Amendment 9

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) Member States should take all necessary measures to eradicate Union

Amendment

(14) Member States should take all necessary measures, ***making use of the***

quarantine pests, when found present in their territories. It is appropriate to set out measures which may be taken by Member States in such a case and the principles based on which they are to decide what measures to take. Those measures should include the establishment of restricted areas, consisting of an infested zone and a buffer zone.

*principles of sustainable use of pesticides as mentioned in Directive 2009/128/EC^{14b}, to eradicate Union quarantine pests, when found present in their territories. It is appropriate to set out measures which may be taken by Member States **and professional operators** in such a case and the principles based on which they are to decide what measures to take. **To this end, a hierarchy of measures needs to be defined based on the general principles of integrated pest management (Directive 2009/128/EC).** Those measures should include the establishment of restricted areas, consisting of an infested zone and a buffer zone.*

^{14b}OJ L 309, 24.11.2009, p.71

Amendment 10
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.

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 11

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) Early detection of the presence of pests is extremely important for timely and effective eradication. Member States should therefore conduct surveys for the presence of Union quarantine pests in the areas where those pests were not known to be present. In view of the number of Union quarantine pests and the time and resources required to carry out those surveys, Member States should establish multi-annual survey programmes.

Amendment

(16) ***Prevention, protective measures and*** early detection of the presence of pests is extremely important for timely and effective eradication. Member States should therefore conduct surveys for the presence of Union quarantine pests in the areas where those pests were not known to be present. In view of the number of Union quarantine pests and the time and resources required to carry out those surveys, Member States should establish multi-annual survey programmes.

Amendment 12

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Under certain conditions Member States should be allowed to adopt more stringent eradication measures than required by Union legislation.

Amendment

(19) Under certain conditions Member States should be allowed to adopt more stringent eradication measures than required by Union legislation, ***as long as they are applied in a sustainable way.***

Amendment 13

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) Those prohibitions or requirements should neither apply to small quantities of plants, plant products and other objects, ***other than plants for planting***, for non-commercial and non-professional purposes nor to the introduction into and movement within frontier zones of plants, plant products and other objects. Nor should they apply to the introduction into and

Amendment

(26) Those prohibitions or requirements should neither apply to small quantities of plants, plant products and other objects for non-commercial and non-professional purposes nor to the introduction into and movement within frontier zones of plants, plant products and other objects. Nor should they apply to the introduction into and movement within the Union territory

movement within the Union territory of plants, plant products and other objects for scientific purposes, trials, varietal selection, breeding and exhibitions. Proper safeguards should be set and information should be provided to those concerned.

of plants, plant products and other objects for scientific purposes, trials, varietal selection, breeding and exhibitions. Proper safeguards should be set and information should be provided to those concerned.

Amendment 14
Proposal for a regulation
Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) Distance sales 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 through distance sales 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 traceability of distance sellers established both within the EU and in third countries are essential.

Amendment 15
Proposal for a regulation
Recital 33 b (new)

Text proposed by the Commission

Amendment

(33b) Member States should take measures to raise awareness of the potential economic, environmental and social impacts of plant pests, the 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 pose a risk to plant health in the Union territory.

Amendment 16
Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) Professional operators operating at more than one premise should be given the possibility to register separately for each of those premises.

Amendment

(35) Professional operators operating at more than one premise should be given the possibility to register separately for each of those premises ***but should not be required to do so.***

Justification

Operators should not be subject to burdensome bureaucratic requirements.

Amendment 17
Proposal for a regulation
Recital 43

Text proposed by the Commission

(43) Plant passports should generally be issued by the ***professional operator***.
Where professional operators do not have the resources to issue plant passports, the possibility should exist that, upon their request, plant passports are issued by the competent authorities.

Amendment

(43) Plant passports should generally be issued by the competent authorities.

Amendment 18
Proposal for a regulation
Recital 47

Text proposed by the Commission

(47) Certain operators may desire to establish a phytosanitary risk management plan, ensuring and demonstrating a high level of competence and awareness as regards phytosanitary risks as regards critical points in their professional

Amendment

(47) Certain ***authorised*** operators may desire to establish a phytosanitary risk management plan, ensuring and demonstrating a high level of competence and awareness as regards phytosanitary risks as regards critical points in their

activities and justifying special control arrangements with the competent authorities. Union rules should be established concerning the contents of those plans.

professional activities and justifying special control arrangements with the competent authorities. Union rules should be established concerning the contents of those plans.

Justification

In order to avoid confusion, the same formulation should be used here as in Article 86.

Amendment 19
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 amending or supplementing the lists of Union quarantine pests, priority 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.

Amendment 20
Proposal for a regulation
Recital 63 a (new)

Text proposed by the Commission

Amendment

(63a) In order to ensure balanced and proportionate management of phytosanitary risks, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission setting out the criteria for defining local

trade according to which no plant passport would be required for plants, plant products or other objects produced by small producers exclusively for the local market.

Amendment 21
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

Amendment

(71) In order to ensure uniform conditions for the implementation of this Regulation with respect to 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 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

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 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.

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 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.

Amendment 22

Proposal for a regulation

Recital 72

Text proposed by the Commission

(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

Amendment

(72) The advisory procedure should be used 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 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

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 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

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 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

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.

modifications, the plants, plant products and other objects listed in Point II of Part A of Annex V to Directive 2000/29/EC.

Amendment 23
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 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

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, *in particular*, priority pests are to be eligible for Union grants, including

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.

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.

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 24
Proposal for a regulation
Recital 75 a (new)

Text proposed by the Commission

Amendment

(75a) The Common Agricultural Policy (CAP) includes provisions linking EU funding/support for farmers to their compliance with specific standards concerning the environment, public health, animal and plant health and animal welfare.

Amendment 25

Proposal for a regulation

Recital 77

Text proposed by the Commission

Amendment

(77) For small and medium enterprises, this Regulation **does** not create disproportionate administrative burden or economic impact. Under this Regulation, based on consultation with stakeholders, the special situation of small and medium enterprises has been taken into account where possible. A potential **universal** exemption for micro-enterprises, which make up the majority of companies, has not been considered, in view of the public policy objective(s) to protect plant health.

(77) For small and medium enterprises, this Regulation **should** not create disproportionate administrative burden or economic impact. Under this Regulation, based on consultation with stakeholders, the special situation of small and medium enterprises has been taken into account where possible. A potential **general** exemption for micro-enterprises, which make up the majority of companies, has not been considered, in view of the public policy objective(s) to protect plant health. ***A general exemption for micro-enterprises with strictly local trade must, however, be considered in order to ensure balanced application.***

Amendment 26

Proposal for a regulation

Article 2 – paragraph 1 – point 7 – point d

Text proposed by the Commission

Amendment

(d) introduction into, and movement within, and out of the Union territory;

(d) introduction into, and movement within, and out of the Union territory ***where activities could give rise to a phytosanitary risk;***

Amendment 27
Proposal for a regulation
Article 2 – paragraph 1 – point 10

Text proposed by the Commission

(10) ‘treatment’ means a procedure for the killing, inactivation or removal of pests, or for rendering those pests infertile or for their devitalisation.

Amendment

(10) ‘treatment’ means a procedure for the killing, inactivation or removal of pests, or for rendering those pests infertile or for their devitalisation ***based on the principle of sustainable use of pesticides.***

Amendment 28
Proposal for a regulation
Article 2 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10a) ‘Non-chemical methods’ means alternative methods to chemical pesticides for plant protection and pest management, based on agronomic techniques such as those referred to in point 1 of Annex III of Directive 2009/128/EC establishing a framework for Community action to achieve the sustainable use of pesticides^{23a}, or physical, mechanical or biological pest control methods;

^{23a} OJ L 309, 24.11.2009, p.71

Amendment 29
Proposal for a regulation
Article 2 – paragraph 1 – point 10 b (new)

Text proposed by the Commission

Amendment

(10b) ‘Integrated pest management’ means careful consideration of all available plant protection methods and the subsequent integration of appropriate measures that discourage the development

of populations of harmful organisms and keep the use of plant protection products and other forms of intervention to levels that are economically and ecologically justified and reduce or minimise risks to human health and the environment; it supports the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms;

Amendment 30
Proposal for a regulation
Article 2 – paragraph 1 – point 10 c (new)

Text proposed by the Commission

Amendment

(10c) 'Preventative actions' means the use of robust agronomic systems and alternatives to pesticides where possible. With this aim, the professional operator has to follow a hierarchy of measures for all types of pests in line with integrated pest management principles, making use primarily of non-chemical sustainable agronomic practices and using pesticides as a last resort; all measures should be taken in accordance with Regulation (EC) No 1107/2009^{23b} concerning the placing of plant protection products on the market and Directive 2009/128/EC^{23c} establishing a framework for community action to achieve the sustainable use of pesticides in order to ensure the use of methods/practices which have the lowest health and environmental impact.

^{23b} OJ L 309, 24.11.2009, p.1

^{23c} OJ L 309, 24.11.2009, p.71

Amendment 31
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

2. 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' **is set out in Annex Ia.**

Amendment 32

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

Amendment

deleted

Amendment 33

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

Amendment 34

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 1

Text proposed by the Commission

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 3(b), (c) and (d) in respect of the Union territory, or a pest

Amendment

The Commission shall **be empowered to adopt acts in accordance with Article 98 concerning the amendment of the list** referred to in paragraph 2, where an assessment shows that a pest not listed in that **Annex** fulfils the conditions referred to

listed in that *act* no longer fulfils one or more of those conditions. In the first case it shall add the pest concerned to the list referred to in paragraph 2, in the second case it shall delete the pest concerned from that list.

Amendment 35
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 36
Proposal for a regulation
Article 5 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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 37
Proposal for a regulation
Article 5 – paragraph 4 – subparagraph 2

in Article 3(b), (c) and (d) in respect of the Union territory, or a pest listed in that *Annex* no longer fulfils one or more of those conditions. In the first case it shall add the pest concerned to the list referred to in paragraph 2, in the second case it shall delete the pest concerned from that list.

Amendment

The same procedure shall apply to a repeal or a replacement of the *list* referred to in paragraph 2.

Amendment

The Commission shall *be empowered to adopt acts in accordance with Article 98 concerning the amendment of the scientific name of a pest included in the list referred to in paragraph 2*, where such an amendment is justified by the development of scientific knowledge.

Text proposed by the Commission

Amendment

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

deleted

Amendment 38
Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

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

A list of the priority pests, hereinafter: 'list of priority pests' is set out in Annex Ib.

Amendment 39
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.

The Commission shall be empowered to adopt acts in accordance with Article 98 concerning the amendment of Annex Ib. At annual intervals or at the request of a Member State, the list of priority pests shall be reassessed on the basis of a risk analysis. Where the results of 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, ***within three months***, amend ***the list*** referred to in the first subparagraph by adding the pest concerned to, or removing it from, that list.

Amendment 40
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

Amendment 41

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

Amendment 42

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.

Amendment 43
Proposal for a regulation
Article 8 – paragraph 6 – point b

Text proposed by the Commission

Amendment

(b) the assessments and authorisation referred to in paragraph 2; and ***deleted***

Justification

The risk assessment referred to in Article 8(2) is explicitly indicated as being a responsibility of the competent authority. There is no valid reason for the Commission to adopt delegated acts in this context.

Amendment 44
Proposal for a regulation
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that information is made available to the public on the potential economic, environmental and social impacts of plant pests, on the key principles of prevention and spread, as well as on the responsibility of society as a whole to ensure phytosanitary health in the Union territory.

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

Amendment 45
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.

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 46

Proposal for a regulation

Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where a professional operator becomes aware that a Union quarantine pest is present in plants, plant products or other objects which are under its control, it shall, immediately, and after informing and consulting with the competent authority concerned, take the phytosanitary measures necessary to eliminate that pest from the plants, plant products or other objects concerned and from its premises, where applicable, and prevent the spread of that pest.

Amendment

Where a professional operator becomes aware that a Union quarantine pest is present in plants, plant products or other objects which are under its control, it shall, immediately, and after informing and consulting with the competent authority concerned, take the phytosanitary measures necessary to eliminate that pest from the plants, plant products or other objects concerned and from its premises, where applicable, and prevent the spread of that pest.

With this aim, the professional operator has to follow a hierarchy of measures for all types of pests in line with integrated pest management principles, making use primarily of non-chemical sustainable agronomic practices and using pesticides as a last resort; all measures should be taken in accordance with Regulation (EC) No 1107/2009^{23d} concerning the placing of plant protection products on the market and Directive 2009/128/EC^{23e} establishing a framework for Community action to achieve the sustainable use of pesticides in order to ensure the use of methods/practices which have the lowest health and environmental impact.

^{23d}OJ L 309, 24.11.2009, p.1

^{23e}OJ L 309, 24.11.2009, p.71

Amendment 47
Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

3. The competent authority shall, where appropriate, ensure that the professional operator concerned recalls from the market the plants, plant products and other objects in which the pest may be present and, where the plants, plant products and other objects may have reached the final user, to recall them from those final users.

Amendment

3. The competent authority shall, where appropriate, ensure that the professional operator concerned recalls from the market the plants, plant products and other objects in which the pest may be present and, where the plants, plant products and other objects may have reached the final user, to recall them from those final ***users or take other measures to ensure that the pest cannot spread further.***

Justification

‘Recall’ is a very drastic option. If other possible solutions exist, they must also be considered.

Amendment 48
Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. Where the presence of a Union quarantine pest is officially confirmed, the competent authority shall immediately take all necessary measures to eliminate that pest in the area concerned and to prevent its spread out of that area (hereinafter: ‘to eradicate’). Those measures shall be adopted in accordance with Annex IV on measures and principles for the management of the risks of pests.

Amendment

1. Where the presence of a Union quarantine pest is officially confirmed, the competent authority shall immediately take all necessary measures ***in line with Directive 2009/128/EC^{23f} establishing a framework for Community action to achieve the sustainable use of pesticides and Regulation (EC) No 1107/2009^{23g} concerning the placing of plant protection products on the market,*** to eliminate that pest in the area concerned and to prevent its spread out of that area (hereinafter: ‘to eradicate’). Those measures shall be adopted in accordance with Annex IV on measures and principles for the

management of the risks of pests.

^{23f} OJ L 309, 24.11.2009, p.71

^{23g} OJ L 309, 24.11.2009, p.1

Amendment 49
Proposal for a regulation
Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where Member States compensate professional operators, pursuant to point (ca) of Article 19(1) of [Office of Publications, please insert number of Regulation (EU) No [...]/2013^{23h} 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], for the value of plants, plant products or other objects destroyed as part of the measures referred to in paragraph 1 and implemented in a cross-border area, they shall ensure that adequate compensation is coordinated between the Member States concerned so as to avoid, wherever possible, undue market distortion.

^{23h} OJ L ..., .., p....

Amendment 50
Proposal for a regulation
Article 18 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Competent authorities shall **annually** carry out a survey of each restricted area as regards the development of the presence of the pest concerned.

Competent authorities shall, **on a risk basis and with appropriate frequency**, carry out a survey of each restricted area as regards the development of the presence of the pest concerned.

Justification

A prompt, flexible and risk-based approach is needed to remove such restrictive measures once competent authorities confirm that the pest has been eliminated. Unjustified delays in lifting restricted areas should be avoided.

Amendment 51 **Proposal for a regulation** **Article 18 – paragraph 2**

Text proposed by the Commission

2. Where as a result of ***an annual*** survey a competent authority finds a presence of the pest concerned in the buffer zone, the Member State concerned shall immediately notify that presence to the Commission and the other Member States specifying that the pest was found present in a buffer zone.

Amendment

2. Where as a result of ***the*** survey a competent authority finds a presence of the pest concerned in the buffer zone, the Member State concerned shall immediately notify that presence to the Commission and the other Member States specifying that the pest was found present in a buffer zone.

Justification

A prompt, flexible and risk-based approach introduced in Article 18(1) is needed to remove such restrictive measures once competent authorities confirm that the pest has been eliminated. Unjustified delays in lifting restricted areas should be avoided.

Amendment 52 **Proposal for a regulation** **Article 20**

Text proposed by the Commission

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

Amendment

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.

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).*

Justification

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

Amendment 53

Proposal for a regulation

Article 21 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

Amendment

Those surveys shall take account of scientific and technical evidence, *of the preventive agronomic measures taken by professional operators* and any other appropriate information, concerning the presence of the pests concerned.

Amendment 54

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.

Justification

As it is for the Member States to establish multi-annual survey programmes, the Commission cannot itself amend or supplement these programmes.

Amendment 55
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 with all the stakeholders 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’.

Amendment 56
Proposal for a regulation
Article 24 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) access of competent authorities to premises of professional operators and of natural persons, where necessary, laboratories, equipment, personnel, external expertise and resources necessary for the rapid and effective eradication or, where appropriate, containment of the priority pest concerned;

Amendment

(b) access of competent authorities to premises of professional operators and of natural persons, where necessary, laboratories, equipment, personnel, external expertise and resources necessary for the rapid, effective ***and sustainable*** eradication or, where appropriate, containment of the priority pest concerned ***in line with Directive 2009/128/EC establishing a framework for Community action to achieve the sustainable use of pesticides***²³ⁱ;

²³ⁱ *OJ L 309, 24.11.2009, p.71*

Amendment 57
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 58

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 *regard* to all priority pests concerned within a reasonable period of time *and with the involvement of the stakeholders concerned*.

Amendment 59

Proposal for a regulation

Article 25 – paragraph 2 – subparagraph 1

Text proposed by the Commission

As regards priority pests whose presence in one Member state could have impacts for neighbouring Member States, the simulation exercises *shall* be carried out together by the Member States concerned on the basis of their respective contingency plans.

Amendment

As regards priority pests whose presence in one Member state could have impacts for neighbouring Member States, the simulation exercises *may* be carried out together by the Member States concerned on the basis of their respective contingency plans.

Justification

This should, under the principle of subsidiarity, be left to the judgement of each Member State.

Amendment 60

Proposal for a regulation

Article 25 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out the following:

deleted

a) the frequencies, contents and format of simulation exercises;

b) simulation exercises covering more than one priority pest;

c) co-operation between Member States, and of Member States with third countries;

d) contents of the reports on simulation exercises provided for in paragraph 3.

Justification

This should, under the principle of subsidiarity, be left to the judgement of each Member State.

Amendment 61

Proposal for a regulation

Article 26 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Where the presence of a priority pest is officially confirmed in the territory of a Member State pursuant to Article 11(1)(a), the competent authority shall immediately adopt a plan setting out the measures for the eradication of the pest concerned, as provided for in Articles 16, 17 and 18, and a time schedule for the application of those measures. That plan is referred to as the 'eradication plan.

Where the presence of a priority pest is officially confirmed in the territory of a Member State pursuant to Article 11(1)(a), the competent authority shall immediately adopt a plan ***in line with the principles of sustainable use of pesticides, as defined in Directive 2009/128/EC^{23j} establishing a framework for Community action to achieve the sustainable use of pesticides***, setting out the measures for the eradication of the pest concerned, as provided for in Articles 16, 17 and 18, and a time schedule for the application of those measures. That plan is referred to as the 'eradication plan.

^{23j} *OJ L 309, 24.11.2009, p.71*

Amendment 62
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:

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 63
Proposal for a regulation
Article 27 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

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

Amendment 64
Proposal for a regulation
Article 27 – paragraph 6

Text proposed by the Commission

Amendment

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

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 delegated* acts *adopted pursuant to this*

to in Article 99(4).

Article.

Amendment 65

Proposal for a regulation

Article 28 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where the presence of a pest that is not included in the list of Union quarantine pests in the territory of a Member State is officially confirmed, and the competent authority concerned considers that that pest may fulfil the conditions for inclusion in the list of Union quarantine pests, it shall immediately assess whether that pest fulfils the criteria of Subsection 1 of Section 3 of Annex II. If it concludes that those criteria are fulfilled, it shall immediately take eradication measures in accordance with Annex IV on measures and principles for the management of the risks of pests. Articles 16 to 19 shall apply.

Amendment

Where the presence of a pest that is not included in the list of Union quarantine pests in the territory of a Member State is officially confirmed, and the competent authority concerned considers that that pest may fulfil the conditions for inclusion in the list of Union quarantine pests, it shall immediately assess whether that pest fulfils the criteria of Subsection 1 of Section 3 of Annex II. If it concludes that those criteria are fulfilled, it shall immediately take eradication measures in accordance with Annex IV on measures and principles for the management of the risks of pests **and in line with the principles governing the sustainable use of pesticides, as defined in Directive 2009/128/EC establishing a framework for Community action to achieve the sustainable use of pesticides**^{23k}. Articles 16 to 19 shall apply.

^{23k} OJ L 309, 24.11.2009, p.71

Amendment 66

Proposal for a regulation

Article 32 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where a quarantine pest is present in the Union territory but not present in the Member State concerned, **and is not a Union quarantine pest**, the Commission may, upon application of that Member State pursuant to paragraph 4, recognise the territory of that Member State as a protected zone in accordance with

Amendment

Where a quarantine pest is present in the Union territory but not present in the Member State concerned, the Commission may, upon application of that Member State pursuant to paragraph 4, recognise the territory of that Member State as a protected zone in accordance with

paragraph 3.

paragraph 3.

Justification

Protected zones must be established in response to quarantine pests, whatever their origin.

Amendment 67

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.

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 68

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

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

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.

the conditions provided for in paragraph 1 or in Article 35 are fulfilled.

Amendment 69
Proposal for a regulation
Article 32 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

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

deleted

Amendment 70
Proposal for a regulation
Article 36 – paragraph 1 – point f

Text proposed by the Commission

Amendment

f) feasible and effective measures are available to prevent its presence on the plants for planting concerned.

deleted

Justification

'Quality' pests can be as serious as quarantine pests or even more so, differing only in their degree of presence and distribution in the European Union and not as regards the existence of effective measures to prevent their occurrence in plants. For example, there are no procedures for the prevention of 'short internode' virus affecting vine that do not involve the use of healthy, (checked and certified) vine stock. 'Quality' pests can be as serious as quarantine pests or even more so, differing only in their degree of presence and distribution in the European Union and not as regards the existence of effective measures to prevent their occurrence in plants. For example, there are no procedures for the prevention of 'short internode' virus affecting vine that do not involve the use of healthy, (checked and certified) vine stock.

Amendment 71
Proposal for a regulation

Article 37 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

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

A list setting out the Union 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 ***is laid down in Annex Ic.***

Amendment 72

Proposal for a regulation

Article 37 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

That list shall include the pests, and the respective plants for planting, as set out in the following acts:

deleted

a) Section II of Part A of Annex II of Directive 2000/29/EC;

b) points (3) and (6) of Annex I to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed²⁴ and point (3) of Annex II thereto;

c) the Annex of Commission Directive 93/48/EEC of 23 June 1993 setting out the schedule indicating the conditions to be met by fruit plant propagating material and fruit plants intended for fruit production, pursuant to Council Directive 92/34/EEC²⁵;

d) the Annex of Commission Directive 93/49/EEC of 23 June 1993 setting out the schedule indicating the conditions to be met by ornamental plant propagating material and ornamental plants pursuant to Council Directive 91/682/EEC²⁶;

e) point (b) of Annex II to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed²⁷;

f) point (6) of Annex I to Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes and point B of Annex II thereto;

g) point (4) of Annex I to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants²⁹ and point (5) of Annex II thereto.

24 OJ L 125, 11.7.1966, p. 2309/66.

25 OJ L 250, 07.10.1993, p. 1.

26 OJ L 250, 07.10.1993, p. 9.

27 OJ L 193, 20.07.2002, p. 33.

28 OJ L 193, 20.07.2002, p. 60.

29 OJ L 193, 20.07.2002, p. 74.

Amendment 73

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

Amendment 74

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 *Annex* 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

3. The Commission shall *be empowered to adopt acts in accordance with Article 98 concerning the amendment of Annex Ic*, where an assessment shows that a pest not listed in that *Annex* fulfils the conditions referred to in Article 36, a pest listed in that *Annex* no longer fulfils one or more of those conditions or where amendments to

necessary, as regards categories referred to in paragraph 4 or thresholds referred to in paragraph 5.

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

Amendment 75

Proposal for a regulation

Article 44 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

a) they are grown or produced in areas of third countries in the vicinity of their border with Member States (hereinafter: 'third country frontier zones');

Amendment

a) they are grown or produced in areas of third countries in the vicinity of their **land** border with Member States (hereinafter: 'third country frontier zones');

Justification

The aim of this derogation is to allow certain movements in border areas where this will not prejudice the plant health situation. The definition of 'border' should not be too broad, as this could give rise to misinterpretations and additional risks.

Amendment 76

Proposal for a regulation

Article 45 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

c) they are introduced into, passed through and, without delay, moved out of the Union territory under official control by the competent authorities concerned.

Amendment

c) they are introduced into, passed through and, without delay, moved out of the Union territory under official control by the competent authorities concerned **and under the supervision of customs officers. The competent authority of the Member State where those plants, plant products or other objects are introduced into, or for the first time moved within, the Union territory shall inform the competent authorities of all other Member States through which those plants, plant products or other objects are to be moved prior to being moved out of the Union territory.**

Justification

It would be difficult, on the basis of this article as proposed by the Commission, to control

any potential entry of prohibited goods. The requisite changes are therefore being suggested to ensure full and effective control and prevent the entry of prohibited goods.

Amendment 77
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).***

Justification

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

Amendment 78
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;***

Amendment 79
Proposal for a regulation
Article 67 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) it complies with the methods of production and use of pesticides according to Article 67 of Regulation (EC) No 1107/2009 concerning the placing of plant protection products on the market^{31a}.

^{31a} OJ L 309, 24.11.2009, p. 1

Amendment 80
Proposal for a regulation
Article 67 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) Plant health certificates may also be used in accordance with the provisions of Regulation (EC) No 338/97^{31b} or (EC) 865/2006^{31c}.

^{31b} OJ L 61, 3.3.1997, p.1

^{31c} OJ L 166, 19.6.2006, p.1

Justification

It is necessary to ensure that plant health certificates can, as before, still be used for trade in protected species of flora (CITES).

Amendment 81
Proposal for a regulation
Article 70 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

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

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

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 82
Proposal for a regulation
Article 76 a (new)

Text proposed by the Commission

Amendment

Article 76a

Exception for local trade

No plant passport shall be required for plants, plant products and other material which is produced by small producers and sold exclusively on local markets (hereinafter: ‘local trade’).

The Commission shall be empowered to adopt delegated acts in accordance with Article 98 setting out the criteria for defining local trade.

Amendment 83
Proposal for a regulation
Article 78 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

A plant passport shall also contain information on the methods of production and use of pesticides according to Article 67 of Regulation (EC) 1107/2009^{31d} concerning the placing of plant protection products on the market.

^{31d} OJ L 309, 24.11.2009, p.1

Amendment 84
Proposal for a regulation
Article 84

Text proposed by the Commission

Amendment

Article 84

deleted

Authorisation of professional operators to issue plant passports

1. The competent authority shall grant an authorisation to a professional operator to issue plant passports (hereinafter ‘the authorisation to issue plant passports’) where that professional operator complies with the following conditions:

(a) it possesses the necessary knowledge to carry out the examinations referred to in Article 82 concerning the Union quarantine pests, protected zone quarantine pests and Union quality pests that could affect the plants, plant products and other objects concerned, and concerning the signs of the presence of those pests and the symptoms caused by them, the means to prevent the presence and spread of those pests, and the means to eradicate them;

(b) it has in place systems and procedures enabling it to fulfil its obligations concerning traceability pursuant to Article 65 and 66.

2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out qualification requirements to be fulfilled by the professional operators in order for them to comply with the conditions of paragraph 1(a).

Amendment 85

Proposal for a regulation

Article 85 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Where an authorised operator intends to issue a plant passport, it shall identify and monitor the points of its production

An authorised operator shall identify and monitor the points of its production process, and the points concerning the

process, and the points concerning the movement of plants, plant products and other objects by that operator, which are critical as regards compliance with the rules adopted pursuant to Article 27(1), (2) and (3), Article 29(1), (2) and (3), Article 37(1), Article 41(3), Article 80 and Article 82, and, where applicable, Article 33(2), Article 50(3) and Article 81.

movement of plants, plant products and other objects by that operator, which are critical as regards compliance with the rules adopted pursuant to Article 27(1), (2) and (3), Article 29(1), (2) and (3), Article 37(1), Article 41(3), Article 80 and Article 82, and, where applicable, Article 33(2), Article 50(3) and Article 81.

Amendment 86
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.***

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 87
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.***

Justification

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

Amendment 88
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(3) and (4), 6(2)***, 7(1) and (2), 8(6), 11(3), 20, 22(3), 25(4), 30, 32(4), 34(1), ***37(3)***, 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. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

Amendment 89
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 90

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 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.

Amendment

3. The delegation of power referred to in Articles 1(2), **5(3) and (4), 6(2)**, 7(1) and (2), 8(6), 11(3), 20, 22(3), 25(4), 30, 32(4), 34(1), **37(3)**, 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

5. A delegated act adopted pursuant to Articles 1(2), **5(3) and (4), 6(2)**, 7(1) and (2), 8(6), 11(3), 20, 22(3), 25(4), 30, 32(4), 34(1), **37(3)**, 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 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.

Amendment 91
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.

Amendment 92
Proposal for a regulation
Article 102 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) prevention measures taken against the spread of a priority pest, listed pursuant to Article 6(2) of Regulation (EU) No [...] [...]*, against which Union measures have been adopted pursuant to Article 27(3) or Article 29(3) of that Regulation, where those measures are essential to protect the Union territory against further spread of that priority pest.

(c) prevention measures taken against the spread of a priority pest, listed pursuant to Article 6(2) of Regulation (EU) No [...] [...]*, against which Union measures have been adopted pursuant to Article 27(3) or Article 29(3) of that Regulation, where those measures are essential to protect the Union territory against further spread of that priority pest; ***all measures shall be based on Annex III of Directive 2009/128/EC^{31f} establishing a framework for Community action to achieve the sustainable use of pesticides, ensuring that professional operators apply***

prevention measures to all types of pests.

^{31f} OJ L 309, 24.11.2009, p.71

Amendment 93

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 [...] / [...] **,*

***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].*

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 94

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].***

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 95

Proposal for a regulation

Article 102 – paragraph 4 – point a – subpoint 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; ***to this end the operators are conditioned to have taken all possible precautionary***

agronomic practices like for example crop rotation and use of biological control methods; pesticides should be used as a last resort and according to the best available technology in pesticides reduction measures according to Annex III of Directive 2009/128/EC^{31g} establishing a framework for Community action to achieve the sustainable use of pesticides.

* 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*].

* 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*].

^{31g} OJ L 309, 24.11.2009, p.71

Amendment 96

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 [...]/[...]**.*

** 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].**

Justification

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

Amendment 97

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.

*** 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].**

Justification

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

Amendment 98

Proposal for a regulation

Article 102 – paragraph 4 – point c

Regulation (EU) [...]/2013

Article 19 – paragraph 1 – point c

Text proposed by the Commission

(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.'

Amendment

(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.'

Justification

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

Amendment 99
Proposal for a regulation
Annex I a (new)

Text proposed by the Commission

Amendment

ANNEX Ia

List of Union quarantine pests under Article 5(2)

That list shall include the pests listed in Part A of Annex I to Directive 2000/29/EC and Section I of Part A of Annex II to that Directive³¹ⁱ.

HARMFUL ORGANISMS NOT KNOWN TO OCCUR IN ANY PART OF THE COMMUNITY AND RELEVANT FOR THE ENTIRE COMMUNITY

a) Insects, mites and nematodes, at all stages of their development

Acleris spp. (non-European species)

Aculops fuchsiae Keifer

Agrilus planipennis Fairmaire

Aleurochantus spp.

Amauromyza maculosa (Malloch)

Anomala orientalis Waterhouse
Anoplophora chinensis (Thomson)
Anoplophora glabripennis (Motschulsky)
Anoplophora malasiaca (Forster)
Anthonomus bisignifer (Schenkling)
Anthonomus signatus (Say)
Aonidella citrina Coquillet
Aphelenchoïdes besseyi Christie (*)
Arrhenodes minutus Drury
Aschistonyx eppoi Inouye
Bemisia tabaci Genn. (non-European populations) known to carry the following viruses:
a) *Bean golden mosaic virus*
b) *Cowpea mild mottle virus*
c) *Lettuce infectious yellows virus*
d) *Pepper mild tigré virus*
e) *Squash leaf curl virus*
f) *Euphorbia mosaic virus*
g) *Florida tomato virus*
Bursaphelenchus xylophilus (Steiner et Buher) Nickle et al.
Carposina niponensis Walsingham
Cicadellidae (non-European species) known to carry Pierce's disease (caused by *Xylella fastidiosa*), such as:
a) *Carneocephala fulgida* Nottingham
b) *Draeculacephala minerva* Ball
c) *Graphocephala atropunctata* (Signoret)
Choristoneura spp. (non-European species)
Conotrachelus nenuphar (Herbst)
Dendrolimus sibiricus Tschetverikov
Diabrotica barberi Smith & Lawrence
Diabrotica undecimpunctata howardi

Barber

Diabrotica undecimpunctata
undecimpunctata Mannerheim

Diabrotica virgifera zea Krysan & Smith

Diaphorina citri Kuway

Enarmonia packardi (Zeller)

Enarmonia prunivora Walsh

Eotetranychus lewisi McGregor

Grapholita inopinata Heinrich

Heliothis zea (Boddie)

Hirschmanniella spp., distinta de
Hirschmanniella gracilis (de Man) Luc &
Goodey

Hishomonus phycitis

Leucaspis japonica Ckll.

Liriomyza sativae Blanchard

Listronotus bonariensis (Kuschel)

Longidorus diadecturus Eveleigh & Allen

Margarodes, non-European species, such
as: a) *Margarodes vitis* (Phillipi)

Margarodes vredendalensis de Klerk c)

Margarodes prieskeansis Jakubski

Monochamus spp. (non-European
species)

Myndus crudus Van Duzee

Nacobbus aberrans (Thorne) Thorne et
Allen

Naupactus leucoloma Boheman

Numonia pyrivorella (Matsumura)

Oligonychus perditus Pritchard et Baker

Pissodes spp. (non-European species)

Premnotypes spp. (non-European
species)

Pseudopityophthorus minutissimus
(Zimmermann)

Pseudopityophthorus pruinosus

(Eichhoff)

*Radopholus citrophilus Huettel Dickson
et Kaplan*

Rhynchophorus palmarum (L.)

Scaphoideus luteolus (Van Duzee)

Scirtothrips aurantii Faure

Scirtothrips dorsalis Hood

Scirtothrips citri (Moultex)

Scolytidae spp. (non-European species)

Scrobipalopsis solanivora Povolny

Spodoptera eridania (Cramer)

Spodoptera frugiperda (Smith)

Spodoptera litura (Fabricus)

Tachypterellus quadrigibbus Say

Toxoptera citricida Kirk.

Thaumatotibia leucotreta

Thrips palmi Karny

*Tephritidae (non-European species) such
as:*

a) Anastrepha fraterculus (Wiedemann)

b) Anastrepha ludens (Loew)

c) Anastrepha obliqua Macquart

d) Anastrepha suspensa (Loew)

e) Dacus ciliatus Loew

f) Dacus cucurbitae Coquillet

g) Dacus dorsalis Hendel

h) Dacus tryoni (Froggatt)

i) Dacus tsunconis Miyake

j) Dacus zonatus Saund.

k) Epochra canadensis (Loew)

l) Pardalaspis cyanescens Bezzi

m) Pardalaspis quinaria Bezzi

n) Pterandrus rosa (Karsch)

o) Rhacochlaena japonica Ito

p) Rhagoletis cingulata (Loew)
q) Rhagoletis completa Cresson
r) Rhagoletis fausta (Osten-Sacken)
s) Rhagoletis indifferens Curran
t) Rhagoletis mendax Curran
u) Rhagoletis pomonella Walsh
v) Rhagoletis ribicola Doane
w) Rhagoletis suavis (Loew)
Trioza erythrae Del Guercio
Unaspis citri Comstock
Xiphinema americanum Cobb sensu lato
(non-European populations)
Xiphinema californicum Lamberti et
Bleve-Zacheo
b) Bacteria
Citrus greening bacterium
Citrus variegated chlorosis
Erwinia stewartii (Smith) Dye
Xanthomonas campestris (all strains
pathogenic to Citrus)
Xanthomonas campestris pv. oryzae
(Ishiyama) Dye and pv. oryzicola (Fang.
et al.) Dye
Xylella fastidiosa (Well et Raju)
c) Fungi
Alternaria alternata (Fr.) Keissler
(non-European pathogenic isolates)
Anisogramma anomala (Peck) E. Müller
Apiosporina morbosa (Schwein.) v. Arx
Atropellis spp.
Ceratocystis fagacearum (Bretz) Hunt
Ceratocystis virescens (Davidson)
Moreau.
Cercoseptoria pini-densiflorae (Hori et
Nambu) Deighton
Cercospora angolensis Carv. et Mendes

Ciborinia camelliae Kohn
Chrysomyxa arctostaphyli Dietel
Cronartium spp. (non-European species)
Diaporthe vaccinii Shaer
Endocronartium spp. (non-European species)
Elsinoe spp. Bitanc. et Jenk. Mendes
Fusarium oxysporum f. sp. *albedinis*
(Kilian et Maire) Gordon
Guignardia citricarpa Kiely (all strains pathogenic to Citrus)
Guignardia laricina (Saw.) Yamamoto et Ito
Guignardia piricola (Nosa) Yamamoto
Gymnosporangium spp. (non-European species)
Inonotus weiril (Murril) Kotlaba et Pouzar
Melampsora farlowii (Arthur) Davis
Monilinia fructicola (Winter) Honey
Mycosphaerella larici-leptolepis Ito et al.
Mycosphaerella populorum G. E. Thompson
Phoma andina Turkensteen
Phyllosticta solitaria Ell. et Ev.
Puccinia pittieriana Hennings
Septoria lycopersici Speg. var. *malagutii*
Ciccarone et Boerema
Scirrhia acicola (Dearn.) Siggers
Stegophora ulmea (Schweinitz: Fries)
Sydow & Sydow
Thecaphora solani Barrus
Tilletia indica Mitra
Trechispora brinkmannii (Bresad.)
Rogers
Venturia nashicola Tanaka et Yamamoto

d) Virus and virus-like organisms

Elm phloem necrosis mycoplasma

*Potato viruses and virus-like organisms
such as:*

a) Andean potato latent virus

b) Andean potato mottle virus

c) Arracacha virus B, oca strain

d) Potato black ringspot virus

e) Potato spindle tuber viroid

f) Potato virus T

*g) Non-European isolates of potato
viruses A, M, S, V, X, and Y (including
Y o, Y n and Y e) and Potato leafroll
virus*

Tobacco ringspot virus

Tomato ringspot virus

*Viruses and virus-like organisms of
Cydonia Mill., Fragaria L., Malus Mill.,
Prunus L., Pyrus L., Ribes L., Rubus L.
and Vitis L. such as:*

a) Blueberry leaf mottle virus

b) Cherry rasp leaf virus (American)

c) Peach mosaic virus (American)

d) Peach phony rickettsia

e) Peach rosette mosaic virus

f) Peach rosette mycoplasma

g) Peach X-disease mycoplasma

h) Peach yellows mycoplasma

i) Plum line pattern virus (American)

j) Raspberry leaf curl virus (American)

k) Strawberry latent 'C' virus

l) Strawberry vein banding virus

m) Strawberry witches' broom mycoplasma

*n) Non-European viruses and virus-like
organisms of Cydonia Mill., Fragaria L.,
Malus Mill., Prunus L., Pyrus L., Ribes*

L., Rubus L. and Vitis L.

*Viruses transmitted by Bemisia tabaci
Genn., such as:*

a) Bean golden mosaic virus

b) Cowpea mild mottle virus

c) Lettuce infectious yellows virus

d) Pepper mild tigré virus

e) Squash leaf curl virus

f) Euphorbia mosaic virus

g) Florida tomato virus

*Beet curly top virus (non-European
isolates)*

Black raspberry latent virus

Blight and blight-like

Cadang-Cadang viroid

Cherry leafroll virus ()*

Chrysanthemum stem necrosis virus

Citrus mosaic virus

*Citrus tristeza virus (non-European
isolates)*

Leprosis

*Little cherry pathogen (non-European
isolates)*

Naturally spreading psorosis

Palm lethal yellowing mycoplasma

*Prunus necrotic ringspot virus (**)*

Satsuma dwarf virus

Tatter leaf virus

Witches' broom (MLO)

e) Parasitic plants

*Arceuthobium spp. (non-European
species)*

**HARMFUL ORGANISMS KNOWN TO
OCCUR IN THE COMMUNITY AND
RELEVANT FOR THE ENTIRE
COMMUNITY**

a) Insects, mites and nematodes, at all stages of their development

Diabrotica virgifera virgifera Le Conte

Globodera pallida (Stone) Behrens

Globodera rostochiensis (Wollenweber) Behrens

Meloidogyne chitwoodi Golden et al. (all populations)

Meloidogyne fallax Karssen

Opogona sacchari (Bojer)

Popillia japonica Newman

Rhizoecus hibisci Kawai & Takagi

Spodoptera littoralis (Boisduval)

b) Bacteria

Clavibacter michiganensi (Smith) Davis et al. ssp. sepedonicus (Spieckermann et Kotthoff) Davis et al.

Pseudomonas solanacearum (Smith) Smith

c) Fungi

Melampsora medusae Thümen

Synchytrium endobioticum (Schilfersky) Percival

d) Virus and virus-like organisms

Apple proliferation mycoplasma

Apricot chlorotic leafroll mycoplasma

Pear decline mycoplasma

e) other

Pomacea spp.

³¹ⁱ OJ L 169, 10.7.2000, p.1

ANNEX I(b)

List of Union priority pests under Article 6(2)

a) Insects, mites and nematodes, at all stages of their development

***Anoplophora chinensis* (Thomson)**

***Anoplophora glabripennis* (Motschulsky)**

***Bursaphelenchus xylophilus* (Steiner et Buher) Nickle et al.**

***Cicadellidae* (non-European species) known to carry Pierce's disease (caused by *Xylella fastidiosa*), such as:**

a) *Carneocephala fulgida* Nottingham

b) *Draeculacephala minerva* Ball

c) *Graphocephala atropunctata* (Signoret)

***Diaphorina citri* Kuway**

Thaumatotibia leucotreta

***Trioza erytreae* Del Guercio**

b) Bacteria

Citrus greening bacterium

***Pseudomonas solanacearum* (Smith) Smith**

Pseudomonas syringae

***Xanthomonas campestris* (all strains pathogenic to Citrus)**

***Xanthomonas campestris* pv. *oryzae* (Ishiyama) Dye and pv. *oryzicola* (Fang. et al.) Dye**

***Xylella fastidiosa* (Well et Raju)**

c) Fungi

Elsinoe* spp. *Bitanc. et Jenk. Mendes gibberella circinata

***Guignardia citricarpa* Kiely (all strains pathogenic to Citrus)**

Hypoxyton mammatum
Phytophthora ramorum
Trechispora brinkmannii (Bresad.)
Rogers
Venturia nashicola Tanaka et Yamamoto
d) *Virus and virus-like organisms*
Potato viruses and virus-like organisms
such as:
a) *Andean potato latent virus*
b) *Andean potato mottle virus*
c) *Arracacha virus B, oca strain*
d) *Potato black ringspot virus*
e) *Potato spindle tuber viroid*
f) *Potato virus T*
g) *Non-European isolates of potato*
viruses A, M, S, V, X, and Y (including
Y o, Y n and Y e) and Potato leafroll
virus
Grapevine flavescence dorée MLO
e) *other*
Pomacea spp.

Amendment 101
Proposal for a regulation
Annex I c (new)

Text proposed by the Commission

Amendment

ANNEX I(c)
List of quality pests under Article 37(2)
INSECTS
Acanthoscelides obtectus Sag.
Pelargonium flower break carmovirus
Aceria essigi.
Aculops fockeui.
Agromyzidae

Aleurodidae, particularly Bemisia tabaci
Aleurothrixus floccosus (Mashell)
Anarsia lineatella.
Aphelenchoides spp.
Blastophaga spp.
Bruchus affinis Froel.
Bruchus atomarius L.
Bruchus pisorum L.
Bruchus rufimanus Boh.
Cacoecimorpha pronubana
Cecidophyopsis ribis
Circulifer haematoceps
Circulifer tenellus
Scale insects, particularly Epidiaspis leperii, Pseudaulacaspis pentagona, Quadraspidiotus perniciosus
Daktulosphaira vitifoliae (Fitch)
Diarthronomia chrysanthemi
Ditylenchus destructor Thorne
Ditylenchus dipsaci
Epichoristodes acerbella
Epidiaspis leperii
Eriophis avellanae
Eriophyes similis
Eriosoma lanigerum
Eumerus spp.
Eusophera pinguis
Eutetranychus orientalis Klein
Helicoverpa armigera (Hübner)
Lepidoptera
Liriomyza huidobrensis (Blanchard)
Liriomyza trifolii (Burgess)
Meloidogyne spp.
Merodon equestris

Myzus ornatus
Otiorrhynchus sulcatus
Parabemisia myricae (Kuwana)
*
Parasaissetia nigra (Nietner)
Paysandisia archon (Burmeister)
Pratylenchus penetrans
Pratylenchus spp.
Pseudaulacaspis pentagona
Quadraspidotus perniciosus
Quadraspidotus perniciosus
Radopholus similis (Cobb) Thorne
Rhizoglyphidae
Rhyacionia buoliana
Rhyzoglyphus spp.
Rotylenchus robustus
Salssetia oleae
Sciara
Tarsonemidae
*
Tetranychus urticae
Thysanoptera
Tylenchulus semipenetrans
Pelargonium line pattern virus
BACTERIA
Agrobacterium rhizogenes
Agrobacterium tumefaciens
*
Clavibacter michiganensis spp. *insidiosus*
(McCulloch) Davis et al.
Clavibacter michiganensis spp.
michiganensis (Smith) Davis et al.
Corynebacterium sepedonicum
Erwinia amylovora (Burr.) Winsl. et al.

Erwinia carotovora subsp. *Carotovora*

Erwinia chrysanthemi

Pseudomonas caryophylli (Burkholder)
Starr et Burkholder

Pseudomonas marginata

Pseudomonas solanacearum

Pseudomonas syringae pv. *glycinea*

Pseudomonas syringae pv. *mors*
prunorum

Pseudomonas syringae pv. *persicae*
(Prunier et al.) *Young et al.*

Pseudomonas syringae pv. *savastanoi*

Pseudomonas syringae pv. *syringae*

Rhodococcus fascians

Xanthomonas campestris pv. *Begoniae*

Xanthomonas campestris pv. *corylina*

Xanthomonas campestris pv. *juglandi*

Xanthomonas campestris pv. *Pelargonii*

Xanthomonas campestris pv. *pruni*
(Smith) *Dye*

Xanthomonas campestris pv. *phaseoli*
(Smith) *Dye*

Xanthomonas campestris pv. *vesicatoria*
(Doidge) *Dye*

Xanthomonas fragariae *Kennedy et King*

Xylophilus ampelinus *Vitis*
(Panagopoulos) *Willems et al.*

FUNGI

Stem rot pathogens (*Botrytis* spp.,
Pythium spp.)

Fusarium oxisporum f. sp. *lilii*

Fusarium oxisporum sp. *gladioli*

Rhizoctonia spp.

Alternaria dianthicola

Armillariella mellea

Ceratocystis fimbriata f. sp. *platani* *Walter*

Chondrostereum purpureum
Claviceps purpurea
Cryphonectria parasitica (Murrill) Barr
Curvularia trifolii
Cylindrocarpon destructans
Diaporthe phaseolorum var. *caulivora*
and var. *sojae*
Didymella applanata
Didymella ligulicola (Baker, Dimock et
Davis) v. Arx
Exosporium palmivorum
Fusarium fujikuroi
Fusarium oxisporum f. sp. *dianthi*
Fusarium oxisporum sp. *chrysanthemi*
Fusarium oxysporum f. sp. *narcissi*
Fusarium spp.
Gliocladium wermoeseni
Graphiola phoenicis
Helminthosporium
Lophodermium seditiosum
Mycosphaerella dianthi
Nectria galligena
Powdery mildew
Penicillium gladioli
Peronospora rubi
Pestalozzia Phoenicis
Phialophora cinerescens (Wollenweber)
van Beyma
Phialophora gregata
Phoma tracheiphila (Petri) Kanchaveli et
Gikashvili
Phyllactinia guttata
Phytophthora cactorum
Phytophthora fragariae var. *rubi*

Phytophthora spp.
Plasmopara halstedii (Farlow) Berl. et de Toni
Stem rot: Fusarium spp. and Pythium
Puccinia chrysanthemi
Puccinia horiana Hennings
Puccinia pelargonii zonalis
Pythium spp.
Rhizoctonia spp.
Rhizopus spp.
Rosellinia necatrix
Scirrhia pini Funk et Parker
Sclerotinia spp.
Septoria gladioli
Slerotium bulborum
Synchytrium endobioticum
Taphrina deformans
Thielaviopsis basicola
Tilletia
Urocystis gladiolicola
Uromyces dianthi
Uromyces transversalis
Ustilaginaceae
Venturia spp.
Verticillium spp
VIRUS AND VIRUS-LIKE ORGANISMS
Narcissus white streak agent
Carnation mottle carmovirus
Carnation etched ring caulimovirus
Carnation necrotic fleck carmovirus
Aster yellow micoplasm
Corky pit agent
Anarsia lineatella

Apple mosaic virus
Arabis mosaic virus Fragaria
Beet leaf curl virus
Black currant infectious variegation
Black currant reversion virus
Cherry leaf roll virus
Chondrostereum purpureum
Chrysanthemum stunt viroid
Citrus leaf rugose
Citrus tristeza virus (European isolates)
Citrus vein enation/woody gall
Scale insects, particularly Epidiaspis leperii, Pseudaulacaspis pentagona, Quadraspidiotus perniciosus
Coniothyrium spp.
Tomato aspermy cucumovirus
Diplocarpon rosae
Diseases that induce in young leaves posorosis and psorosis-like symptoms such as ring-spot, cristacortis, impietratura and concave gum.
Eriosoma lanigerum
Grapevine flavescence dorée MLO
Hazel maculatura lingare MLO
Infectious variegation
Arabis mosaic nepovirus
Peronospora sparsa
Phragmidium spp.
Plum pox virus
Potato stolbur mycoplasm
Prune dwarf virus
Prunus necrotic ringspot virus
Raspberry bushy dwarf virus
Raspberry leaf curl virus
Raspberry ringspot virus

Leaf curl

Rosellinia necatrix

Citrus leaf rugose

Sphaeroteca pannosa

Spiroplasma citri Saglio. et al.

Strawberry crinkle virus

Strawberry green petal MLO

Strawberry latent ringspot virus

Strawberry mild yellow edge virus

Tomato black ring virus

Tomato spotted wilt virus

Tomato yellow leaf curl virus

Pelargonium leaf curl tombusvirus

*Tospoviruses (Tomato spotted wilt virus,
Impatiens necrotic spot virus)*

Infectious variegation

Venturia spp.

Verticillium spp.

*Viroids such as exocortis, caquexia-
xyloporosis.*

Lily symptomless virus

Tulipbreaking virus

*Gladiolus ringspot virus (syn. Narcissus
latent virus)*

Narcissus yellow stripe virus

Chrysanthemum B mosaic virus

Cucumber mosaic virus

Tobacco rattle virus

Lily virus x

NEMATODES

Heterodera rostochiensis

OTHER HARMFUL ORGANISMS

Cyperus esculentus (truffle)

Orobanche (parasitic plant)

Amendment 102

Proposal for a regulation

Annex II – section 1 – point 4 – paragraph 1 – introductory part

Text proposed by the Commission

The entry, establishment and spread of the pest in the territory in question, or, if present, the part of that territory where it is distributed to a limited extent, shall have unacceptable economic, social and/or environmental impacts for that territory, or the part of that territory where it is distributed to a limited extent, as regards one or more of the following points:

Amendment

The entry, establishment and spread of the pest in the territory in question, or, if present, the part of that territory where it is distributed to a limited extent, shall have unacceptable economic, social and environmental impacts for that territory, or the part of that territory where it is distributed to a limited extent, as regards one or more of the following points:

Amendment 103

Proposal for a regulation

Annex II – section 1 – paragraph 4 – point q

Text proposed by the Commission

(q) effects on food security;

Amendment

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

Amendment 104

Proposal for a regulation

Annex II – section 2 – 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.

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.

Amendment 105
Proposal for a regulation
Annex II – section 3 – subsection 1 – point 4 – paragraph 1

Text proposed by the Commission

Based on the information available to the Member State, the pest has unacceptable economic, social and/or environmental impacts as regards its territory and, to the extent possible for the Member State to assess this, the Union territory, if it would establish and spread in that territory, as concerns one or several of the areas defined in point (4) of Section 1.

Amendment

Based on the information available to the Member State, the pest has unacceptable economic, social and environmental impacts as regards its territory and, to the extent possible for the Member State to assess this, the Union territory, if it would establish and spread in that territory, as concerns one or several of the areas defined in point (4) of Section 1.

Amendment 106
Proposal for a regulation
Annex II – section 3 – subsection 2 – point 4 – paragraph 1

Text proposed by the Commission

Based on the information available to the Union, the pest has unacceptable economic, social and/or environmental impacts as regards the Union territory, if it would establish and spread in that territory, as concerns one or several of the areas defined in point (4) of Section 1.

Amendment

Based on the information available to the Union, the pest has unacceptable economic, social and environmental impacts as regards the Union territory, if it would establish and spread in that territory, as concerns one or several of the areas defined in point (4) of Section 1.

Amendment 107
Proposal for a regulation
Annex II – section 4 – point 3 – paragraph 1 – introductory part

Text proposed by the Commission

Infestations of the plants for planting referred to in point (2) with the pest shall have an unacceptable economic impact on the intended use of those plants as regards one or more of the following points:

Amendment

Infestations of the plants for planting referred to in point (2) with the pest shall have an unacceptable economic **and environmental** impact on the intended use of those plants as regards one or more of the following points:

Amendment 108
Proposal for a regulation
Annex IV – section 2 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

(6a) Environment and health

Measures to control the risk of a pest must always take into account health and environmental policies which are of a high standard. The use of pesticides, inter alia, must be limited in so far as possible, and where possible, sustainable pest control methods must be used.

PROCEDURE

| | |
|---|---|
| Title | Protective measures against pests of plants |
| References | COM(2013)0267 – C7-0122/2013 – 2013/0141(COD) |
| Committee responsible Date announced in plenary | AGRI 23.5.2013 |
| Opinion by Date announced in plenary | ENVI 23.5.2013 |
| Rapporteur Date appointed | Oreste Rossi 18.9.2013 |
| Discussed in committee | 5.11.2013 |
| Date adopted | 22.1.2014 |
| Result of final vote | +: 58 –: 0 0: 6 |
| Members present for the final vote | Elena Oana Antonescu, Sophie Auconie, Pilar Ayuso, Paolo Bartolozzi, Sandrine Bélier, Lajos Bokros, Franco Bonanini, Biljana Borzan, Milan Cabrnoch, Martin Callanan, Yves Cochet, Spyros Danellis, Chris Davies, Anne Delvaux, Bas Eickhout, Edite Estrela, Jill Evans, Karl-Heinz Florenz, Elisabetta Gardini, Gerben-Jan Gerbrandy, Matthias Groote, Françoise Grossetête, Jolanta Emilia Hibner, Karin Kadenbach, Martin Kastler, Christa Kläß, Claus Larsen-Jensen, Jo Leinen, Peter Liese, Kartika Tamara Liotard, Zofija Mazej Kukovič, Linda McAvan, Radvilė Morkūnaitė-Mikulėnienė, Miroslav Ouzký, Vladko Todorov Panayotov, Gilles Pargneaux, Antonyia Parvanova, Andrés Perelló Rodríguez, Pavel Poc, Anna Rosbach, Oreste Rossi, Dagmar Roth-Behrendt, Kārlis Šadurskis, Daciana Octavia Sârbu, Carl Schlyter, Horst Schnellhardt, Richard Seeber, Dubravka Šuica, Salvatore Tatarella, Thomas Ulmer, Glenis Willmott, Sabine Wils, Marina Yannakoudakis |
| Substitute(s) present for the final vote | Gaston Franco, Jutta Haug, Filip Kaczmarek, Marusya Lyubcheva, Miroslav Mikolášik, Vittorio Prodi, Giancarlo Scottà, Alda Sousa, Rebecca Taylor, Vladimir Urutchev, Andrea Zanoni |

PROCEDURE

| | |
|---|---|
| Title | Protective measures against pests of plants |
| References | COM(2013)0267 – C7-0122/2013 – 2013/0141(COD) |
| Date submitted to Parliament | 6.5.2013 |
| Committee responsible Date announced in plenary | AGRI 23.5.2013 |
| Committee(s) asked for opinion(s) Date announced in plenary | ENVI 23.5.2013 |
| Rapporteur(s) Date appointed | Hynek Fajmon 12.6.2013 |
| Legal basis disputed Date of JURI opinion | JURI 21.1.2014 |
| Discussed in committee | 29.5.2013 |
| Date adopted | 11.2.2014 |
| Result of final vote | +: 24 –: 11 0: 2 |
| Members present for the final vote | John Stuart Agnew, Eric Andrieu, Liam Aylward, José Bové, Luis Manuel Capoulas Santos, Vasilica Viorica Dăncilă, Michel Dantin, Paolo De Castro, Albert Deß, Herbert Dorfmann, Hynek Fajmon, Iratxe García Pérez, Julie Girling, Martin Häusling, Esther Herranz García, Peter Jahr, Elisabeth Jeggle, Jarosław Kalinowski, Elisabeth Köstinger, Agnès Le Brun, Mairead McGuinness, James Nicholson, Wojciech Michał Olejniczak, Marit Paulsen, Britta Reimers, Alfreds Rubiks, Giancarlo Scottà, Czesław Adam Siekierski, Sergio Paolo Francesco Silvestris, Alyn Smith, Ewald Stadler, Marc Tarabella, Janusz Wojciechowski |
| Substitute(s) present for the final vote | Pilar Ayuso, Francesca Barracciu, María Auxiliadora Correa Zamora, Spyros Danellis, Karin Kadenbach, Astrid Lulling, Petri Sarvamaa |
| Substitute(s) under Rule 187(2) present for the final vote | Kriton Arsenis, Anne E. Jensen |
| Date tabled | 27.2.2014 |