



**2023/0378(COD)**

29.1.2024

# AMENDMENT

## 19 - 54

**Draft report**

**Clara Aguilera**

(PE758.002v01-00)

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2016/2031 of the European Parliament and of the Council as regards multiannual survey programmes, notifications concerning the presence of regulated non-quarantine pests, temporary derogations from import prohibitions and special import requirements and establishment of procedures for granting them, temporary import requirements for high risk plants, plant products and other objects, the establishment of procedures for the listing of high risk plants, the content of phytosanitary certificates, the use of plant passports and as regards certain reporting requirements for demarcated areas and surveys of pest

Proposal for a regulation

(COM(2023)661 – C9-0391/2023 – 2023/0378(COD))

AM\_Com\_LegReport

**Amendment 19**  
**Daniel Buda**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

Reporting requirements play a key role in ensuring proper monitoring and correct enforcement of legislation. However, it is important to streamline those requirements in order to ensure that they fulfil the purpose for which they were intended and to ***limit*** the administrative burden.

*Amendment*

(1) Reporting requirements play a key role in ensuring proper monitoring and correct enforcement of legislation. However, it is important to streamline those requirements ***and promote harmonised, standardised and digitalised procedures*** in order to ensure that they fulfil the purpose for which they were intended and to ***reduce bureaucracy while limiting*** the administrative ***and financial*** burden.

Or. en

**Amendment 20**  
**Daniel Buda**

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

*Text proposed by the Commission*

*Amendment*

***(1 a) Enhanced clarity, transparency and coherence is needed to ensure the correct implementation of this Regulation as healthy plants are vital to sustainable agricultural and horticultural production and contribute to food security and food safety.***

Or. en

**Amendment 21**  
**Daniel Buda**

**Proposal for a regulation**  
**Recital 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***(1 b) Adequate public funding should be ensured in order to successfully manage outbreaks of harmful pests and diseases for crop plants, as well as to stimulate research and innovation in this area. It is essential to tackle the links between plant, animal, ecosystems and public health from a One Health perspective. Thus, European plant health partnerships should be encouraged following the example of the European partnership on animal health and welfare funded through the Horizon Europe Framework Programme.***

Or. en

**Amendment 22**  
**Daniel Buda**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

As experience has shown during the application of Regulation (EU) 2016/2031, it is more effective, for the purpose of co-ordination of phytosanitary policy at Union level, to notify the demarcated areas immediately after their establishment. Immediate notification of demarcated areas by a Member State to the other Member States, the Commission and the professional operators helps to become aware about the presence and spread of the pest concerned and to decide on next measures to be taken. Therefore, Article 18(6) of Regulation (EU) 2016/2031 should establish an obligation for Member States to notify the Commission and the other Member States of the demarcated areas immediately after their establishment, together with the pests concerned and the

*Amendment*

(5) As experience has shown during the application of Regulation (EU) 2016/2031, it is more effective, for the purpose of co-ordination of phytosanitary policy at Union level, to notify the demarcated areas immediately after their establishment. Immediate notification of demarcated areas by a Member State to the other Member States, the Commission and the professional operators helps to become aware about the presence and spread of the pest concerned and to decide on next measures to be taken. Therefore, Article 18(6) of Regulation (EU) 2016/2031 should establish an obligation for Member States to notify the Commission and the other Member States of the demarcated areas immediately after their establishment, together with the pests concerned and the

respective measures taken. Such obligation **does** not add any new administrative burden, because the immediate notification of demarcated areas is an existing obligation set out in Annex I, point 7.1, to Commission Implementing Regulation (EU) 2019/1715<sup>10</sup> and is currently practised by all Member States. Setting out that obligation in Article 18(6) of Regulation (EU) 2016/2031 will further enhance clarity about the applicable rules concerning demarcated areas, while the respective obligation in Implementing Regulation (EU) 2019/1715 should be removed to avoid overlaps of the respective provisions.

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<sup>10</sup> Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019 laying down rules for the functioning of the information management system for official controls and its system components (the IMSOC Regulation) (OJ L 261, 14.10.2019, p. 37).

respective measures taken. Such obligation **should** not add any new administrative **or financial** burden, because the immediate notification of demarcated areas is an existing obligation set out in Annex I, point 7.1, to Commission Implementing Regulation (EU) 2019/1715<sup>10</sup> and is currently practised by all Member States. Setting out that obligation in Article 18(6) of Regulation (EU) 2016/2031 will further enhance clarity about the applicable rules concerning demarcated areas, while the respective obligation in Implementing Regulation (EU) 2019/1715 should be removed to avoid overlaps of the respective provisions.

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<sup>10</sup> Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019 laying down rules for the functioning of the information management system for official controls and its system components (the IMSOC Regulation) (OJ L 261, 14.10.2019, p. 37).

Or. en

## **Amendment 23**

### **Daniel Buda**

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

#### **Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***(6 a) To adequately prepare for plant pests outbreaks and provide expert assistance to Member States for the implementation of swift efficient action against such outbreaks in their territories, a Union Plant Health Emergency Team ('the team') should be created. The purpose of this team should be to provide Member States, upon their request, with urgent assistance on the measures to be taken in order to protect the Union***

*territory from possible outbreaks. The team could also provide third countries with urgent assistance, upon request of one or more Member States, concerning the outbreaks of Union quarantine pests in their territories or in third countries bordering the Union territory.*

Or. en

**Amendment 24**  
**Daniel Buda**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

During the implementation of that provision, certain Member States expressed their doubts concerning the precise scope of the term ‘measures’, and in particular whether it concerns actions taken in the context of imports or internal movement of goods, in order to prevent the entry and spread of the respective pest in the Union territory. Therefore, and for reasons of legal clarity and completeness, Article 30(1) should be amended to specifically indicate that those measures may include the prohibition of the presence of the respective pest in the Union territory, and requirements concerning the introduction into, and movement within, the Union of plants, plant products and other objects.

*Amendment*

(10) During the implementation of that provision, certain Member States expressed their doubts concerning the precise scope of the term ‘measures’, and in particular whether it concerns actions taken in the context of imports or internal movement of goods, in order to prevent the entry and spread of the respective pest in the Union territory. Therefore, and for reasons of legal clarity and completeness, Article 30(1) should be amended to specifically indicate that those measures, ***which should be proportionate***, may include the prohibition of the presence of the respective pest in the Union territory, and requirements concerning the introduction into, ***possession, multiplication, release*** and movement within, the Union of plants, plant products and other objects. ***This will ensure a coherent and uniform interpretation of the term "measures" in the context of the prevention and management of phytosanitary risks at European Union level.***

Or. en

**Amendment 25**  
**Dan-Ștefan Motreanu**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

During the implementation of that provision, certain Member States expressed their doubts concerning the precise scope of the term ‘measures’, and in particular whether it concerns actions taken in the context of imports or internal movement of goods, in order to prevent the entry and spread of the respective pest in the Union territory. Therefore, and for reasons of legal clarity and completeness, Article 30(1) should be amended to specifically indicate that those measures may include the prohibition of the presence of the respective pest in the Union territory, and requirements concerning the introduction into, and movement within, the Union of plants, plant products and other objects.

*Amendment*

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Or. en

**Amendment 26**  
**Ulrike Müller**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

During the implementation of that provision, certain Member States expressed their doubts concerning the precise scope of the term ‘measures’, and in particular whether it concerns actions taken in the context of imports or internal movement of goods, in order to prevent the entry and spread of the respective pest in the Union territory. Therefore, and for reasons of

*Amendment*

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legal clarity and completeness, Article 30(1) should be amended to specifically indicate that those measures may include the prohibition of the presence of the respective pest in the Union territory, and requirements concerning the introduction into, and movement within, the Union of plants, plant products and other objects ***in accordance with Commission Delegated Regulation 2019/829.***

Or. en

### *Justification*

*Necessary to clarify that the prohibition on the presence of pests in the Union territory also foresees the possibility to grant derogations needed to allow relevant research or breeding activities, for instance with regard to resistances or tolerances.*

## **Amendment 27** **Daniel Buda**

### **Proposal for a regulation** **Recital 15**

#### *Text proposed by the Commission*

For purposes of clarity and transparency, the Commission should be empowered to adopt implementing acts providing for such derogations. For reasons of completeness, those acts should also set out the temporary measures [which are necessary to reduce the respective phytosanitary risk to an acceptable level and which allow the appropriate time for the full assessment of all pest risks, which are not yet fully assessed in relation to the particular plants, plant products or other objects. This will allow, once the respective assessment is completed, in accordance with the principles of Section 2 of Annex II to Regulation (EU) 2016/2031, those plants, plant products or other objects to be kept in or removed from the list of commodities in accordance with Article 40(3) or Article 41(3) of Regulation (EU) 2016/2031.

#### *Amendment*

(15) For purposes of clarity, ***consistency*** and transparency, the Commission should be empowered to adopt implementing acts providing for such derogations. For reasons of completeness, those acts should also set out the temporary ***and proportional*** measures [which are necessary to reduce the respective phytosanitary risk to an acceptable level and which allow the appropriate time for the full assessment of all pest risks, which are not yet fully assessed in relation to the particular plants, plant products or other objects. This will allow, once the respective assessment is completed, in accordance with the principles of Section 2 of Annex II to Regulation (EU) 2016/2031, those plants, plant products or other objects to be kept in or removed from the list of commodities in accordance with Article 40(3) or Article



**Amendment 28**

**Daniel Buda**

**Proposal for a regulation**

**Recital 19**

*Text proposed by the Commission*

The Commission should be empowered to adopt a delegated act, supplementing this Regulation by setting out procedures to be complied with for the listing of high risk plants, plant products and other objects. That procedure should include all of the following elements: the preparation, content and submission of the respective dossiers by the third countries concerned; the actions to be taken following the reception of those dossiers; the procedures on the performance of the respective risk assessment; the handling of dossiers concerning confidentiality and data protection. This is necessary because, experience has shown that a specified procedure in respect of listing high risk plants could guarantee transparency and consistency to Member States, third countries and the professional operators concerned.

*Amendment*

(19) The Commission should be empowered to adopt a delegated act, supplementing this Regulation by setting out procedures to be complied with for the listing of high risk plants, plant products and other objects. That procedure should include all of the following elements: the preparation, content and submission of the respective dossiers by the third countries concerned; the actions to be taken following the reception of those dossiers; the procedures on the performance of the respective risk assessment; the handling of dossiers concerning confidentiality and data protection. This is necessary because, experience has shown that a specified procedure in respect of listing high risk plants could guarantee transparency and consistency to Member States, third countries and the professional operators concerned, ***and, at the same time, creates a coherent and efficient system that not only responds to phytosanitary threats, but also facilitates international collaboration and promotes an ethical and transparent conduct in global risk management.***

**Amendment 29**

**Clara Aguilera**

**Proposal for a regulation**  
**Recital 25 a (new)**

*Text proposed by the Commission*

*Amendment*

***(25 a) As experience since the adoption of that Regulation has shown, in certain cases it is appropriate that certain plants, plant products or other objects should not be accompanied by a plant passport, even if they are distributed through distance sales. Therefore the Commission should be empowered to adopt implementing acts allowing it to set out that the provision referred to in Article 81(1) point (a) is not to apply, under certain conditions, to particular plants, plants products or other objects distributed by means of sales through distance contracts.***

Or. en

**Amendment 30**  
**Thomas Waitz**

**Proposal for a regulation**  
**Recital 27 a (new)**

*Text proposed by the Commission*

*Amendment*

***(27 a) Furthermore, existing exceptions from the requirement of a plant passport, for direct supply to final users, under Article 81, should also apply in cases where the purpose of sale is for conservation. For purpose of conservation, seed is often shared at no profit to the sharer, or at cost-recovery pricing, and such transactions occur at small volumes. Seed conservation often happens in a decentralised way, and, rather than in monocultures, it is usually undertaken in agroecological systems with a high diversity of plants and (beneficial) animals, with seeds often shared in a limited local or regional context. This context has a reduced risk of***

*pests and risk of spread of pests. In this case, the exception should apply regardless of the means of sale, including where the sale is made by distance selling.*

Or. en

**Amendment 31**  
**Daniel Buda**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 1 a (new)**  
Regulation (EU) 2016/2031  
Article 19 a (new)

*Text proposed by the Commission*

*Amendment*

*(1 a) The following Article 19a is inserted after Article 19:*

*‘Article 19a*

*Plant Health Emergency Team*

*1. A Union Plant Health Emergency Team (‘the team’) composed of experts shall be created with the purpose to provide Member States, upon their request, with urgent assistance on the measures to be taken pursuant to Articles 10 to 19, 27 and 28 of Regulation (EU) 2016/2031 concerning new outbreaks of Union quarantine pests and pests subject to the measures adopted pursuant to Article 30 of that Regulation. The team shall partake in EU-level simulation exercises pursuant to Article 26 of that Regulation. In well justified cases, the team may also provide urgent assistance to third countries bordering the Union territory or presenting an imminent phytosanitary risk for that territory, upon their request, where necessary, concerning the outbreaks in their territories of Union quarantine pests and pests subject to the measures adopted pursuant to Article 30 of that Regulation. For each case of assistance to a Member*

*State or third country, the Commission shall appoint specific members of that team, on the basis of their expertise, and in consultation with that Member State or third country concerned. That assistance may include in particular:*

*(a) scientific, technical and managerial on-the-spot or remote assistance as regards the eradication of the pests concerned, the prevention of their spread, and other measures, in close cooperation and collaboration with the competent authorities of the Member State or third country concerned by outbreaks of pests or suspicion thereof;*

*(b) specific scientific advice on the suitable diagnostic methods in coordination with the relevant European Union reference laboratory referred to in Article 94 of Regulation (EU) 2017/625 and with other reference laboratories, as appropriate;*

*(c) specific assistance to support coordination among the competent authorities of the Member States or third countries and with those laboratories, as appropriate. The content, conditions planning and timing of that assistance shall be determined by the Commission in agreement with the Member State or third country concerned, and the respective Member State(s) delivering the expert(s).*

*2. Member States may submit to the Commission the list of experts they propose for designation as members of the team and keep it updated. On that occasion, Member States shall provide all relevant information on the professional profile and the field of expertise for each expert proposed.*

*3. Members of the team shall be entitled to an indemnity for their participation in the team's on-the-spot activities, and where applicable, for serving as team leaders or rapporteurs on a specific mission question. That indemnity, reimbursement of travel and subsistence costs shall be*

*paid by the Commission in accordance with the rules for the reimbursement of travel, subsistence and other expenses for experts.'*

Or. en

**Amendment 32**  
**Thomas Waitz**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2**  
Regulation (EU) 2016/2031  
Article 22 – paragraph 3 – first subparagraph

*Text proposed by the Commission*

Member States shall report to the Commission and the other Member States, by 30 April of each year, the results of the surveys referred to in paragraph 1 which were carried out in the preceding calendar year. Those reports shall include information on where the surveys were conducted, the timing of the surveys, the pests and the plants, plant products or other objects concerned, the number of inspections and samples taken, and the finding of each pest concerned. Those reports shall be submitted to the electronic system for the submission of notifications and reports referred to in Article 103, established by the Commission for that purpose;

*Amendment*

Member States shall report to the Commission and the other Member States, by 30 April of each year, the results of the surveys referred to in paragraph 1 which were carried out in the preceding calendar year. Those reports shall include information on where the surveys were conducted, the timing of the surveys, the pests and the plants, plant products or other objects concerned, the number of inspections and samples taken, and the finding of each pest concerned. Those reports shall be submitted to the electronic system for the submission of notifications and reports referred to in Article 103, established by the Commission for that purpose;

*Where Union quarantine pests, and those provisionally qualifying as such, occur or are expected to occur in territories that are part of one or more Member States, the appropriate Member State authorities shall co-operate in implementing paragraphs 1 and 2 of this article, to develop joint or complementary surveys. Reporting obligations outlined in paragraph 3 of this article may also therefore be submitted jointly by the respective Member States.*

*Justification*

*Co-operation and joined-up action between MS is most effective to prevent spread of quarantine pests*

**Amendment 33**

**Thomas Waitz**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point a**

Regulation (EU) 2016/2031

Article 23 – paragraph 1 – third subparagraph

*Text proposed by the Commission*

The multiannual survey programmes shall be established for a period of **10** years, **and** shall be **prolonged and** as necessary **updated thereafter for further consecutive periods of 10 years. The first period shall expire on 14 December 2029.**;

*Amendment*

The multiannual survey programmes shall be established for a period of **five to ten** years. **The programmes** shall be **reviewed and updated on the basis of the applicable rules and the phytosanitary situation of the territory concerned, with prolongation as necessary based on the presence of the pests in question;**

**Member States may co-operate in planning, implementing and reporting on survey programmes, as far as and where appropriate. ;**

*Justification*

*Firstly, prolongation of the survey programmes may be needed. Secondly, co-operation and sharing information and resources, planning complementary approaches, etc., is more cost-effective to spot earlier the spread of priority pests, where the potential ranges of those species go beyond the territory of one MS. Prevention thanks to early identification is better than cure.*

**Amendment 34**

**Thomas Waitz**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4 a (new)**

Regulation (EU) 2016/2031  
Article 25 – paragraph 2 – point j a (new)

*Text proposed by the Commission*

*Amendment*

**(4 a) In Article 25, paragraph 2, point ja (new) is added after point j and the last paragraph, as follows:**

**"ja Preventative measures and strategy for rehabilitation of cropping systems post-outbreak and following phytosanitary intervention."**

Or. en

*Justification*

*It is important for the contingency plans for priority pests to consider the reconstruction or rehabilitation of cropping systems post-outbreak and after the emergency intervention, to maximise resilience and reduce susceptibility to future invasive pest attacks.*

## **Amendment 35**

**Thomas Waitz**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 4 b (new)**

Regulation (EU) 2016/2031

Article 25 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**(4 b) An additional sentence is added to Article 25 point 3:**

**"Similarly, Member States may co-operate to synchronise plans for certain species, where appropriate for priority pest species of similar biology and overlapping or adjoining ranges."**

Or. en

*Justification*

*Co-operation increases effectiveness*

**Amendment 36**  
**Thomas Waitz**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4 c (new)**

Regulation (EU) 2016/2031

Article 25 – paragraph 4 – third subparagraph

*Text proposed by the Commission*

*Amendment*

**(4 c) Article 25, paragraph 4, third subparagraph is replaced by:**

***"Member States shall regularly review and update their contingency plans, co-operating in concertation between each other, where appropriate."***

Or. en

*Justification*

*adds inter-MS co-operation element*

**Amendment 37**  
**Thomas Waitz**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4 d (new)**

Regulation (EU) 2016/2031

Article 26 – paragraph 1 – third subparagraph

*Text proposed by the Commission*

*Amendment*

**(4 d) Article 26, paragraph 1, third subparagraph is replaced with :**

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

Or. en

*Justification*

*adds "effective" : ineffective measures ought not be used to justify no future action, else the*



*priority pests would spread further.*

## **Amendment 38**

**Daniel Buda**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 4 a (new)**

Regulation (EU) 2016/2031

Article 26 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(4 a) In Article 26, the following paragraph is added:***

***4. Where appropriate, the Commission shall coordinate EU-level simulation exercises concerning the implementation of contingency plans for priority pests.***

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

***The Commission shall make available a report on the results of the EU-level simulation exercises to the Parliament.***

Or. en

## **Amendment 39**

**Thomas Waitz**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 4 e (new)**

Reg. (EU) 2016/2031

Article 27 – paragraph 1 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(4e) In Article 27, the following paragraph is added:***

***(2 a) Member States shall include in***

*their action plans post-outbreak rehabilitation strategies that encourage resilience to pests, in particular when replanting permanent crops. These strategies shall endeavour to ensure system resilience where re-stocking or re-planting of crop plants takes place, to avoid future susceptibility to pests. Elements may include new phytosanitary practices, multi-species agro-ecosystems and inherent biological control from beneficial species, introduced biological control, resistant varieties, high genetic diversity crop systems, and healthy soil communities.*

Or. en

#### *Justification*

*Biodiverse systems contain more beneficial species ensuring resilience to invasive pests. In addition to conventional phytosanitary approaches, the onus ought to be on encouraging biodiverse agroecosystems both above ground and also below ground in the rhizosphere (soil communities). E.g. fungal mycorrhizae defend against soil pathogens, requiring certain conditions to flourish and defend crop plants; above ground, diverse populations of predatory beetles, wasps, spiders can also effectively control and regulate pest populations; these can also be added as biocontrol.*

#### **Amendment 40**

**Ulrike Müller**

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

#### **Article 1 – paragraph 1 – point 5**

Regulation (EU) 2016/2031

Article 30 – paragraph 1 – subparagraph 3

#### *Text proposed by the Commission*

Those measures shall, where appropriate, implement, specifically for each of the pests concerned, one or more of the provisions referred to in points (a) to (g) of the first subparagraph of Article 28(1). They may include the prohibition of the presence of that pest in the Union territory and/or requirements concerning the introduction into, and the movement

#### *Amendment*

Those measures shall, where appropriate, implement, specifically for each of the pests concerned, one or more of the provisions referred to in points (a) to (g) of the first subparagraph of Article 28(1). They may include the prohibition of the presence of that pest in the Union territory and/or requirements concerning the introduction into, and the movement

within, the Union territory of plants, plant products and other objects.;

within, the Union territory of plants, plant products and other objects ***in accordance with Commission Delegated Regulation 2019/829***;

Or. en

#### *Justification*

*Necessary to clarify that the prohibition on the presence of pests in the Union territory also foresees the possibility to grant derogations needed to allow relevant research or breeding activities, for instance with regard to resistances or tolerances.*

### **Amendment 41**

**Dan-Ștefan Motreanu**

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

#### **Article 1 – paragraph 1 – point 5**

Regulation 2016/2031

Article 30 – paragraph 1 – subparagraph 3

#### *Text proposed by the Commission*

Those measures shall, where appropriate, implement, specifically for each of the pests concerned, one or more of the provisions referred to in points (a) to (g) of the first subparagraph of Article 28(1). They may include the prohibition of the presence of that pest in the Union territory and/or requirements concerning the introduction into, and the movement within, the Union territory of plants, plant products and other objects.;

#### *Amendment*

Those measures shall, where appropriate, implement, specifically for each of the pests concerned, one or more of the provisions referred to in points (a) to (g) of the first subparagraph of Article 28(1). They may include the prohibition of the presence of that pest in the Union territory and/or requirements concerning the introduction into, and the movement within, the Union territory of plants, plant products and other objects, ***according to Commission Delegated Regulation 2019/829***;

Or. en

#### *Justification*

*The inclusion of Commission Delegated Regulation 2019/829 will still allow for research in the holdings concerned. This is of special relevance to breed for resistant and tolerant plant varieties.*

**Amendment 42**  
**Thomas Waitz**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 8**  
Regulation (EU) 2016/2031  
Article 42 – paragraph 1 – point a

*Text proposed by the Commission*

the preparation of the **respective** evidence  
for the assessment of the high risk plants,  
plant **plant** products and other objects;

*Amendment*

(a) the preparation of the **respective**  
evidence, **including EFSA contributions**,  
for the assessment of the high risk plants,  
plant products and other objects;

Or. en

*Justification*

*adds EFSA contribution*

**Amendment 43**  
**Clara Aguilera**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 9**  
Regulation (EU) 2016/2031  
Article 42 a (new)– paragraph 2 – point a

*Text proposed by the Commission*

(a) the third country concerned has  
submitted to the Commission a request,  
containing official written guarantees for  
the application in its territory, prior to and  
at the moment of making the request, of the  
measures which are necessary for  
addressing the respective phytosanitary  
risk; and

*Amendment*

(a) **(i) the Commission has received  
evidence justifying the adoption of  
temporary derogations with equivalent or  
more stringent requirements than referred  
to in Article 41, or**

**(ii) the third country concerned has  
submitted to the Commission a request,  
containing official written guarantees for  
the application in its territory, prior to and  
at the moment of making the request, of the  
measures which are necessary for  
addressing the respective phytosanitary**

risk; and

Or. en

## **Amendment 44**

**Thomas Waitz**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 9**

Regulation (EU) 2016/2031

Article 42 a (new) – paragraph 3 – point b

#### *Text proposed by the Commission*

(b) the actions to be taken following the reception of those requests and dossiers;

#### *Amendment*

(b) the actions to be taken following the reception of those requests and dossiers, ***including the consultation and involvement of EFSA in assessing the phytosanitary risk of a requested temporary derogation, and in analysing the measures referenced in the respective request of the third countries concerned*** ;

Or. en

#### *Justification*

*In the introduction to the legislative proposal the Commission mentioned that EFSA involvement is today not always guaranteed; emergency phytosanitary interventions ought to be based on best available, robust science.*

## **Amendment 45**

**Clara Aguilera**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 11 a (new)**Regulation (EU) 2016/2031

Article 81 – paragraph 2 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(11 a) in Article 81, the following paragraph 2 a is added:***

***‘2a. The Commission may, by means of implementing acts, set out the cases where the provision referred to in paragraph 1,***

*point (a) shall not apply to particular plants, plants products or other objects distributed by means of sales through distance contracts. Those implementing acts may specify certain conditions for its application. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 107(2).’;*

Or. en

**Amendment 46**  
**Thomas Waitz**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 11 a (new)**Regulation (EU) 2016/2031

Article 81 – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

*(11 a) In Article 81, paragraph 1, point (a) is replaced by the following:*

*"(a) final users receiving those plants, plant products or other objects by means of sales through distance contracts, unless the purpose of sale is for conservation;"*

Or. en

*Justification*

*adds "unless purpose of sale is conservation"*

**Amendment 47**  
**Michaela Šojdrová**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 a (new)**Regulation (EU) 2016/2031

Article 94 – paragraph 1

*Text proposed by the Commission*

*Amendment*

*(12 a) in Article 94, paragraph 1 is*

*replaced by the following:*

*1. By way of derogation from Article 87, 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 Article 79(1) and Article 80(1), the passport shall be issued if the checks by means of official controls concerning its introduction have been completed satisfactorily and have led to the conclusion that the plant, plant product or other object concerned fulfils the substantive requirements for issuance of a plant passport according to Article 85 and, where appropriate, Article 86. The plant passport shall be issued no later than when the plant, plant product or other object concerned is moved for the first time by the importer within the Union to another operator. The importer of the plant, plant product or other object concerned shall be able to provide on request of the competent authority the result of the relevant official control using the Information Management System for Official Controls (IMSOC/TRACES) by the time the plant passport is issued.*

Or. en

#### **Amendment 48**

**Veronika Vrecionová**

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

**Article 1 – paragraph 1 – point 12 a (new)** Regulation (EU) 2016/2031

Article 94 – paragraph 1

*Text proposed by the Commission*

*Amendment*

*(12 a) in Article 94, paragraph 1 is replaced by the following:*

*1. By way of derogation from Article 87, 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 Article 79(1) and Article 80(1), the passport shall be issued if the checks by means of official controls concerning its introduction have been completed satisfactorily and have led to the conclusion that the plant, plant product or other object concerned fulfils the substantive requirements for issuance of a plant passport according to Article 85 and, where appropriate, Article 86. The plant passport shall be issued no later than when the plant, plant product or other object concerned is moved for the first time by the importer within the Union to another operator. The importer of the plant, plant product or other object concerned shall be able to provide on request of the competent authority the result of the relevant official control using the Information Management System for Official Controls (IMSOC/TRACES) by the time the plant passport is issued.*

Or. en

#### *Justification*

*The article requires that consignments of plants imported from third countries are either provided with phytosanitary passports at the points of entry into the EU (which is not technically possible in most cases), or that the responsible authorities issue an officially certified copy of the phytosanitary certificate for each shipment. This copy must then accompany the shipment until the plant passport is issued for the plants concerned. However, copies of certificates do not need to be issued, because imported consignments of plants and the results of their official import phytosanitary inspection are registered in the EU electronic database (IMSOC/TRACES). Responsible authorities have access to this database, and can thus verify the health status of the inspected shipment at any time until the issue of the passport. Issuing thousands of certified copies of certificates at all points of entry of plant consignments into the EU represents redundant administrative burden and bureaucracy in a situation where a digital system of registration of the consignments in question and controls is already functioning in the EU.*

**Amendment 49**  
**Martin Hlaváček**



**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 a (new)** Regulation (EU) 2016/2031

Article 94 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***(12 a) in Article 94, paragraph 1 is replaced by the following:***

***1. By way of derogation from Article 87, 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 Article 79(1) and Article 80(1), the passport shall be issued if the checks by means of official controls concerning its introduction have been completed satisfactorily and have led to the conclusion that the plant, plant product or other object concerned fulfils the substantive requirements for issuance of a plant passport according to Article 85 and, where appropriate, Article 86. The plant passport shall be issued no later than when the plant, plant product or other object concerned is moved for the first time by the importer within the Union to another operator. The importer of the plant, plant product or other object concerned shall be able to provide on request of the competent authority the result of the relevant official control using the Information Management System for Official Controls (IMSOC/TRACES) by the time the plant passport is issued.***

Or. en

**Amendment 50**

**Daniel Buda**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 14**

Regulation (EU) 2016/2031

Article 103 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

The Commission shall establish an ***easily accessible*** electronic system for the submission of notifications and reports by the Member States.;

Or. en

**Amendment 51**  
**Bert-Jan Ruissen**

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

*Text proposed by the Commission*

Article 1, point (11) shall apply from ... [**6** months from the entry into force of this Regulation].

*Amendment*

Article 1, point (11) shall apply from ... [**36** months from the entry into force of this Regulation].

Or. en

*Justification*

*This is a technical amendment to allow for an adequate transition period for the new requirement in point 11. The point focuses on quality of propagating material and is currently being discussed in the PRM regulation. Therefore it is reasonable to adjust the transition period for this particular point to allow for smooth implementation.*

**Amendment 52**  
**Clara Aguilera**

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

*Text proposed by the Commission*

Article 1, point (11) shall apply from ... [**6** months from the entry into force of this Regulation].

*Amendment*

Article 1, point (11) shall apply from ... [**12** months from the entry into force of this Regulation].

Or. en

**Amendment 53**

**Daniel Buda, Dan-Ștefan Motreanu**

**Proposal for a regulation**

**Article 2 – paragraph 2**

*Text proposed by the Commission*

Article 1, point (11) shall apply from ... [**6** months from the entry into force of this Regulation].

*Amendment*

Article 1, point (11) shall apply from ... [**12** months from the entry into force of this Regulation].

Or. en

**Amendment 54**

**Ulrike Müller**

**Proposal for a regulation**

**Article 2 – paragraph 2**

*Text proposed by the Commission*

Article 1, point (11) shall apply from ... [**6** months from the entry into force of this Regulation].

*Amendment*

Article 1, point (11) shall apply from ... [**12** months from the entry into force of this Regulation].

Or. en

*Justification*

*It is appropriate to grant businesses 12 months to adapt their processes in accordance with the foreseen changes to the phytosanitary certificate.*