



2023/0378(COD)

10.1.2024

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DRAFT REPORT

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

Committee on Agriculture and Rural Development

Rapporteur: Clara Aguilera

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

Deletions are indicated in ***bold italics*** in the left-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	17
ANNEX: ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT.....	19

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on the 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 (COM(2023)661 – C9-0391/2023 – 2023/0378(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)661),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0391/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 13 December 2023,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development (A9-0000/2024),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) For reasons of consistency with the amendment of Article 18(6) of Regulation (EU) 2016/2031, the notifications referred to in Article 19(2) and the abolition of the demarcated areas referred to in Article 19(4) should also be made through the electronic notification system referred to in Article 103 of that Regulation.

Or. en

Amendment 2

Proposal for a regulation Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) As experience has shown, on certain occasions the Member States need the assistance of experts to allow for swift action against new outbreaks of particular pests in their territories. Therefore a Union Plant Health Emergency Team ('the Team') should be created, with the purpose of providing 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 Union quarantine pests, and the measures to be taken pursuant to Article 30 of that Regulation. In order to protect the Union territory from possible outbreaks in third countries bordering the Union territory or presenting an imminent phytosanitary risk for that territory, the Team should also be available to provide third countries with urgent assistance, where necessary, concerning outbreaks in their territories of Union quarantine pests and

pests subject to the measures adopted pursuant to Article 30 of that Regulation.

Or. en

Amendment 3

Proposal for a regulation Recital 6 c (new)

Text proposed by the Commission

Amendment

(6c) In order to ensure the appropriate functioning of the Team, rules should be established concerning its appointment, composition and financing by the Commission. For reasons of better co-ordination and efficiency, the members of the Team should be appointed by the Commission in consultation with the Member States or third countries concerned, from experts proposed by the Member States, and those experts should possess different specialities related to plant health.

Or. en

Amendment 4

Proposal for a regulation Recital 7

Text proposed by the Commission

Amendment

(7) In accordance with Article 22(3), Article 24(2) and Article 34(2) of Regulation (EU) 2016/2031, Member States are to report to the Commission and the other Member States, by 30 April of each year, the results of the surveys, which were carried out in the preceding calendar year, concerning the presence of certain pests within the Union territory. Those are Union quarantine pests, pests subject to the measures adopted pursuant to Articles 29 and 30 of Regulation (EU) 2016/2031, priority pests and protected zone quarantine pests respectively. Moreover,

(7) In accordance with Article 22(3), Article 24(2) and Article 34(2) of Regulation (EU) 2016/2031, Member States are to report to the Commission and the other Member States, by 30 April of each year, the results of the surveys, which were carried out in the preceding calendar year, concerning the presence of certain pests within the Union territory. Those are Union quarantine pests, pests subject to the measures adopted pursuant to Articles 29 and 30 of Regulation (EU) 2016/2031, priority pests and protected zone quarantine pests respectively. Moreover,

and in accordance with Article 23(2) of Regulation (EU) 2016/2031, Member States are, on request, to notify their multiannual survey programmes upon their establishment to the Commission and the other Member States.

and in accordance with Article 23(2) of Regulation (EU) 2016/2031, Member States are, on request, to notify their multiannual survey programmes upon their establishment to the Commission and the other Member States. ***In order to enhance the rationalisation and digitalisation of the reporting obligations, the Articles concerned should be amended by adding the provisions that those notifications are to be submitted through the electronic notification system referred to in Article 103 of that Regulation.***

Or. en

Amendment 5

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) In accordance with Article 23(1), third subparagraph, the multiannual survey programmes are to be established for a period of five to seven years. ***As experience has shown since the date of application of Regulation (EU) 2016/2031, Member States need more time to properly design and develop those programmes. Therefore, and also in order to reduce administrative burden for the competent authorities, that period should be extended to 10 years. For reasons of legal clarity, it should be specified that those programmes are to be established again for consecutive periods of 10 years thereafter, and the first period is to expire on 14 December 2029, namely 10 years after the date of application of Regulation (EU) 2016/2031.***

Amendment

(8) In accordance with Article 23(1), third subparagraph, the multiannual survey programmes are to be established for a period of five to seven years. ***In order to cope with challenges of implementing the multiannual survey programme and to reduce administrative burden for the competent authorities, that period should be extended to 10 years, while being subject to review and update.***

Or. en

Amendment 6

Proposal for a regulation Recital 10

Text proposed by the Commission

(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 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 may include the prohibition of the respective **pest’s introduction into, movement within, or holding, multiplication or release** in the Union territory, and requirements concerning the introduction into, and movement within, the Union of plants, plant products and other objects.

Or. en

Amendment 7

Proposal for a regulation Recital 12

Text proposed by the Commission

However, no requirement to notify **violation of** the respective rules exists in Article 37 of Regulation (EU) 2016/2031, which concerns measures to prevent the presence of regulated non-quarantine pests (‘RNQPs’) on plants for planting.

Therefore, Article 37 of Regulation (EU) 2016/2031 should be amended, by providing that in case of non-compliance

Amendment

However, no requirement to notify **non-compliance with** the respective rules exists in Article 37 of Regulation (EU) 2016/2031, which concerns measures to prevent the presence of regulated non-quarantine pests (‘RNQPs’) on plants for planting **above the specified thresholds when introduced into or moved within the Union territory**.

Therefore, Article 37 of Regulation (EU) 2016/2031 should be amended, by providing that in case of non-compliance

with the requirements on RNQPs, Member States adopt the necessary measures, as referred to in Regulation (EU) 2017/625, and notify the Commission and other Member States through the electronic notification system referred to in Article 103 of Regulation (EU) 2016/2031.

with the requirements on RNQPs, Member States adopt the necessary measures, as referred to in Regulation (EU) 2017/625, and notify the Commission and other Member States through the electronic notification system referred to in Article 103 of Regulation (EU) 2016/2031.

Or. en

Amendment 8

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) Consequently, Article 104 of Regulation (EU) 2016/2031, which concerns notifications in the case of presence of pests, should also include a reference to Article **37(1)**.

Amendment

(13) Consequently, Article 104 of Regulation (EU) 2016/2031, which concerns notifications in the case of presence of pests, should also include a reference to Article **37(10)**.

Or. en

Amendment 9

Proposal for a regulation Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) Article 81(1) of Regulation (EU) 2016/2031 provides that no plant passport is to be required for the movement of plants, plant products or other objects supplied directly to a final user, including home gardeners. However that exception is not to apply to final users receiving those plants, plant products or other objects by means of sales through distance contracts.

Or. en

Amendment 10

Proposal for a regulation

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

Regulation (EU) 2016/2031

Article 19 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

(1a) in Article 19, the following paragraph is added:

‘7a. The notifications referred to in paragraph 2 and the abolition of the demarcated areas referred to in paragraph 4 of this Article shall be made through the electronic notification system referred to in Article 103’;

Or. en

Amendment 11

Proposal for a regulation

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

Regulation (EU) 2016/2031

Article 19 a (new)

Text proposed by the Commission

Amendment

(1b) the following Article is inserted:

‘Article 19a

Plant Health Emergency Team

1. A Union Plant Health Emergency Team (‘the Team’) composed of experts shall be created with the purpose of providing Member States, upon their request, with urgent assistance on the measures to be taken pursuant to Articles 10 to 19, 27 and 28 concerning new outbreaks of Union quarantine pests and pests subject to the measures adopted pursuant to Article 30. 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.

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 shall include in particular:

(a) scientific, technical and managerial on-the-spot or remote assistance as regards the eradication of the pests concerned 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 ensure coordination among the competent authorities of the Member States and third countries and with those laboratories, as appropriate.

The content, planning and timing of that assistance shall be determined by the Commission in agreement with the Member State or third country concerned.

2. Member States may submit to the Commission the list of experts they propose for designation as members of the Team and keep that list 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 12

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a

Regulation (EU) 2016/2031

Article 23 – paragraph 1 – subparagraph 3

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**;

Or. en

Amendment 13

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EU) 2016/2031

Article 30 – point 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

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 **pest's introduction into, movement within, or holding, multiplication or release** in the

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

Union territory and/or requirements concerning the introduction into, and the movement within, the Union territory of plants, plant products and other objects;

Or. en

Amendment 14

Proposal for a regulation

Article 1 – paragraph 1 – point 7

Regulation (EU) 2016/2031

Article 37 – paragraph 10 – subparagraph 1

Text proposed by the Commission

In the event that plants for planting have been introduced into, or moved within, the Union territory in **violation of** paragraph 1, Member States shall adopt the necessary measures, as referred to in Article 66(3) of Regulation (EU) 2017/625 and shall notify that **violation** and those measures to the Commission and other Member States through the electronic notification and reporting system referred to in Article 103.

Amendment

In the event that plants for planting have been introduced into, or moved within, the Union territory in **non-compliance with** paragraph 1 **of this Article**, Member States shall adopt the necessary measures, as referred to in Article 66(3) of Regulation (EU) 2017/625 and shall notify that **non-compliance** and those measures to the Commission and other Member States through the electronic notification and reporting system referred to in Article 103.

Or. en

Amendment 15

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2016/2031

Article 42a – paragraph 2 – point b

Text proposed by the Commission

(b) a provisional assessment has shown that those plants, plant products or other objects pose a risk that can be reduced to an acceptable level by applying **one or more of the** measures in respect of the phytosanitary risk concerned.

Amendment

(b) a provisional assessment has shown that those plants, plant products or other objects pose a risk that can be reduced to an acceptable level by applying **necessary** measures in respect of the phytosanitary risk concerned.

Or. en

Amendment 16

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2016/2031

Article 42a – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

By way of derogation from Article 42(2), the Commission may, by means of implementing acts, adopt temporary derogations from the acts referred to in Article 42(3), if both of the following *is* fulfilled:

Amendment

By way of derogation from Article 42(2), the Commission may, by means of implementing acts, adopt temporary derogations from the acts referred to in Article 42(3), if both of the following **conditions are** fulfilled:

Or. en

Amendment 17

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EU) 2016/2031

Article 71 – paragraph 2

Text proposed by the Commission

2. The phytosanitary certificate shall specify under the heading ‘Additional Declaration’ which specific requirement is fulfilled, whenever the respective implementing act, adopted pursuant to Article 28(1) and (2), Article 30(1) and (3), Article 37(4), Article 41(2) and (3) and Article 54(2) and (3), allows for several different options for such requirements. That specification shall include the full wording of the relevant requirement.;

Amendment

2. The phytosanitary certificate shall specify under the heading ‘Additional Declaration’ which specific requirement is fulfilled, whenever the respective implementing act, adopted pursuant to Article 28(1) and (2), Article 30(1) and (3), Article 37(4), Article 41(2) and (3) and Article 54(2) and (3), allows for several different options for such requirements. That specification shall include the full wording of the relevant requirement **and, in the case of regulated non-quarantine pests, an indication of the applicable option for the category concerned, as referred to in Article 37(7);**

Or. en

Amendment 18

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Text proposed by the Commission

The Commission may, by means of implementing acts, lay down specific rules concerning the submission of notifications referred to in Article 9(1) and (2), Article 11, Article 17(3), Article 18(6), Article 19(2), Article 28(7), Article 29(3), first subparagraph, Article 30(8), Article 33(1), Article 37(10), Article 40(4), Article 41(4), Article 46(4), Article 49(6), Article 53(4), Article 54(4), Article 62(1), Article 77(2) and Article 95(5).

Amendment

The Commission may, by means of implementing acts, lay down specific rules concerning the submission of notifications referred to in Article 9(1) and (2), Article 11, Article 17(3), Article 18(6), Article 19(2), **Article 19a**, Article 28(7), Article 29(3), first subparagraph, Article 30(8), Article 33(1), Article 37(10), Article 40(4), Article 41(4), Article 46(4), Article 49(6), Article 53(4), Article 54(4), Article 62(1), Article 77(2) and Article 95(5).

Or. en

EXPLANATORY STATEMENT

Objectives of the proposal:

Regulation (EU) 2016/2031 on protective measures against plant pests is applicable in its entirety since December 2019. It includes the classification and listing of regulated pests; requirements concerning the introduction/movement within the EU of certain plants, plant products and other objects; measures to eradicate pests. The Regulation also contains a number of reporting requirements on Member States. These requirements relate in particular to demarcated areas and surveys of Union quarantine pests, priority pests and protected zones quarantine pests. Together with Regulation (EU) 2017/625, which included for the first time plant health within the framework of the European regulation of official controls, Regulation (EU) 2016/2031 constitutes the basis of the current phytosanitary regime for the protection of the EU territory against the introduction and spread of plant pests.

Articles 50 and 79(6) of Regulation (EU) 2016/2031 provide for the submission by the Commission of reports on the implementation and effectiveness of import measures, as well as the experience gained by operators from the extension of the plant passport to all plants for planting. Based on these reports, presented in October 2021 and discussed with the Member States, the Commission proposes to improve different implementation measures of the EU phytosanitary policy, related to the need for:

- 1) Declarations in the phytosanitary certificate for regulated non-quarantine pests,
- 2) Notifications of non-compliance with the rules applicable to regulated non-quarantine pests in the electronic notification system (official controls information management system, SGICO),
- 3) Procedural rules for the submission and examination of requests for temporary exceptions to import bans submitted by non-EU countries,
- 4) Procedures to determine and list high-risk plants,
- 5) Rationalisation of the obligation to place a phytosanitary passport on certain plants.

Based on feedback from Member States and relevant stakeholders, and in line with its Communication on “Long-term competitiveness of the EU”, the Commission also proposes simplifying and digitalising some of the reporting requirements. It also proposes establishing an electronic system for the submission of notifications and reports by the Member States.

Rapporteur's position:

The Rapporteur recognises the appropriateness of the proposed technical changes, which do not modify the political orientation of the basic Regulation. However, she regrets that the Commission has delayed their presentation until October 2023, which puts time pressure on parliamentary work at the “end-of-term” period.

Besides, the Rapporteur considers it appropriate to take advantage of this proposal for amendment to Regulation (EU) 2016/2031 to introduce some additional changes, or reinforce those proposed, such as:

- Inclusion of a new article 19a on Plant Health Emergency Team, similar to what already exists in the field of animal health, in order to provide assistance to the Member State or the third country that requests it in the case of pest within the scope of this Regulation.
- Establishment of a period of five to ten years for multi-year prospecting programs, subject to review and updating based on the phytosanitary situation of the territory concerned.
- Strengthening of the provisions relating to regulated non-quarantine pests (RNQPs) in the additional declaration to the phytosanitary certificate by adding the obligation to mention the specific category concerned by the prohibition.
- Extension of the use of the electronic notification system provided by Article 103 of the Regulation.

**ANNEX: ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The rapporteur declares under her exclusive responsibility that she did not receive input from any entity or person to be mentioned in this Annex pursuant to Article 8 of Annex I to the Rules of Procedure