



# Procedure file

Basic information			
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation		Procedure completed	
Protective measures against pests of plants  Repealing Directives 69/464/EEC, 74/647/EEC, 93/85/EEC Repealing Directive 2000/29/EC <a href="#">1995/0134(CNS)</a> Repealing Directive 98/57/EC <a href="#">1997/0025(CNS)</a> Repealing Directive 2000/29/EC <a href="#">1997/0338(CNS)</a> Repealing Directive 2007/33/EC <a href="#">2005/0058(CNS)</a> Repealing Directive 2006/91/EC <a href="#">2006/0040(CNS)</a> Amending Regulation (EU) No 228/2013 <a href="#">2010/0256(COD)</a> Amended by <a href="#">2013/0140(COD)</a> Amending Regulation (EU) No 652/2014 <a href="#">2013/0169(COD)</a> Amending Regulation (EU) No 1143/2014 <a href="#">2013/0307(COD)</a>			
Subject 3.10.09.02 Plant health legislation 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity			
Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>AGRI</b> Agriculture and Rural Development		01/09/2014
		ECR <a href="#">MCINTYRE Anthea</a>	
		Shadow rapporteur	
		PPE <a href="#">AYUSO Pilar</a>	
		S&D <a href="#">DĂNCILĂ Viorica</a>	
		ALDE <a href="#">HUITEMA Jan</a>	
		Verts/ALE <a href="#">SEBASTIA TALAVERA Jordi Vicent</a>	
		GUE/NGL <a href="#">SENRA RODRÍGUEZ Maria Lidia</a>	
		EFD <a href="#">D'AMATO Rosa</a>	
	Former committee responsible		
<b>AGRI</b> Agriculture and Rural Development			
Former committee for opinion			
<b>ENVI</b> Environment, Public Health and Food Safety			
Former committee for opinion on the legal basis			
<b>JURI</b> Legal Affairs			
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3481</a>	18/07/2016
	<a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>	<a href="#">3470</a>	26/05/2016
European Commission	Commission DG	Commissioner	
	<a href="#">Health and Food Safety</a>	ANDRIUKAITIS Vytenis Povilas	
European Economic and Social Committee			

Key events			
06/05/2013	Legislative proposal published	<a href="#">COM(2013)0267</a>	Summary
23/05/2013	Committee referral announced in Parliament, 1st reading/single reading		
11/02/2014	Vote in committee, 1st reading/single reading		
27/02/2014	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A7-0147/2014</a>	Summary
14/04/2014	Debate in Parliament		
15/04/2014	Results of vote in Parliament		
15/04/2014	Decision by Parliament, 1st reading/single reading	<a href="#">T7-0382/2014</a>	Summary
03/09/2014	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
26/04/2016	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations	<a href="#">PE582.311</a> <a href="#">PE582.316</a>	
26/04/2016	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
19/07/2016	Council position published	<a href="#">08795/2/2016</a>	Summary
15/09/2016	Committee referral announced in Parliament, 2nd reading		
13/10/2016	Vote in committee, 2nd reading		
17/10/2016	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A8-0293/2016</a>	Summary
25/10/2016	Debate in Parliament		
26/10/2016	Decision by Parliament, 2nd reading	<a href="#">T8-0415/2016</a>	Summary
26/10/2016	Final act signed		
26/10/2016	End of procedure in Parliament		
23/11/2016	Final act published in Official Journal		

Technical information	
Procedure reference	2013/0141(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Directives 69/464/EEC, 74/647/EEC, 93/85/EEC Repealing Directive 2000/29/EC <a href="#">1995/0134(CNS)</a> Repealing Directive 98/57/EC <a href="#">1997/0025(CNS)</a> Repealing Directive 2000/29/EC <a href="#">1997/0338(CNS)</a> Repealing Directive 2007/33/EC <a href="#">2005/0058(CNS)</a>

	Repealing Directive 2006/91/EC <a href="#">2006/0040(CNS)</a> Amending Regulation (EU) No 228/2013 <a href="#">2010/0256(COD)</a> Amended by <a href="#">2013/0140(COD)</a> Amending Regulation (EU) No 652/2014 <a href="#">2013/0169(COD)</a> Amending Regulation (EU) No 1143/2014 <a href="#">2013/0307(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 043
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a>
Stage reached in procedure	Procedure completed
Committee dossier	AGRI/8/04705

Documentation gateway					
Legislative proposal		<a href="#">COM(2013)0267</a>	06/05/2013	EC	Summary
Document attached to the procedure		<a href="#">COM(2013)0264</a>	06/05/2013	EC	Summary
Document attached to the procedure		SWD(2013)0168	06/05/2013	EC	
Document attached to the procedure		SWD(2013)0169	06/05/2013	EC	
Committee draft report		<a href="#">PE522.767</a>	25/10/2013	EP	
Amendments tabled in committee		<a href="#">PE524.686</a>	11/12/2013	EP	
Amendments tabled in committee		<a href="#">PE524.873</a>	11/12/2013	EP	
Specific opinion	<b>JURI</b>	<a href="#">PE527.960</a>	22/01/2014	EP	
Committee opinion	<b>ENVI</b>	<a href="#">PE521.552</a>	28/01/2014	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A7-0147/2014</a>	27/02/2014	EP	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T7-0382/2014</a>	15/04/2014	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2014)471</a>	09/07/2014	EC	
Council statement on its position		<a href="#">10789/1/2016</a>	13/07/2016	CSL	
Council position		<a href="#">08795/2/2016</a>	19/07/2016	CSL	Summary
Commission communication on Council's position		<a href="#">COM(2016)0544</a>	24/08/2016	EC	Summary
Committee draft report		<a href="#">PE589.127</a>	06/09/2016	EP	
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A8-0293/2016</a>	17/10/2016	EP	Summary
Text adopted by Parliament, 2nd reading		<a href="#">T8-0415/2016</a>	26/10/2016	EP	Summary
Draft final act		<a href="#">00040/2016/LEX</a>	26/10/2016	CSL	

Additional information	
National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

## Final act

[Regulation 2016/2031](#)

[OJ L 317 23.11.2016, p. 0004](#) Summary

Final legislative act with provisions for delegated acts

## Delegated acts

[2019/2657\(DEA\)](#)

Examination of delegated act

[2019/2644\(DEA\)](#)

Examination of delegated act

[2019/2777\(DEA\)](#)

Examination of delegated act

## 2013/0141(COD) - 06/05/2013 Legislative proposal

**PURPOSE:** to ensure a harmonised approach with regard to protective measures against pests on plants.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** the current EU regulatory framework for plant health (Directive 2000/29/EC) aims to protect European agriculture and forestry by preventing the entry and spread of foreign pests. The regime is indispensable for protecting the health, economy and competitiveness of the EU plant production sector as well as for maintaining the Union's open trade policy. However, the existing regulatory framework is criticised for being unable to stop the increased influx of dangerous new pests caused by the globalisation of trade. Moreover climate change enables those pests to survive in Europe, whereas they could not in the past.

An evaluation of the regime in 2010 showed that the basic legislation needs to be amended in order to be able to fully address these increased risks. The main problems identified relate to insufficient focus on prevention in relation to increased imports of high-risk commodities.

This proposed revision aims to overcome these flaws. It is part of a comprehensive package that also includes three major reviews to modernise the [plant reproductive material](#), [animal health](#), and [official controls](#) acquis.

**IMPACT ASSESSMENT:** four options were developed to improve the regime. Option 3 (i.e. to prioritise, modernise, step up prevention and reinforce actions against outbreaks) is the preferred option. This option introduces obligations for surveillance and contingency planning.

**LEGAL BASIS:** Article 43 of the Treaty on the Functioning of the European Union (TFEU).

**CONTENT:** the proposed Regulation replaces and repeals Directive 2000/29/EC. It seeks to put in place a robust, transparent and sustainable regulatory framework for plant health protection.

On the whole, this new framework reinforces the synergies with the plant reproductive material regime, while removing avoidable duplications and unnecessary burden from those duplications. This is achieved by repositioning the pests that are currently regulated under the so-called marketing Directives for seed and plant propagating material under the proposed plant health Regulation.

In the meantime, the proposal ensures that the existing practical arrangements in the Member States concerning the certification of plant reproductive material for quality pests can remain.

The main features of the proposal are as follows:

**Quarantine pests:** the proposal sets out the conceptual nature of quarantine pests and subsequently lists them in implementing acts, either as Union quarantine pests or Protected Zone quarantine pests. The proposal empowers the Commission to list certain quarantine pests as priority pests for the Union, up to a maximum of 10% of the listed Union quarantine pests. Those pests will be subject to an enhanced level of obligations concerning preparedness and eradication, supplemented by enhanced financial support from the Union for the required actions.

**Quality pests:** the proposal categorises all pests that affect the intended use of plants for planting, but do not require eradication, as Union quality pests. It sets out the conceptual nature of such pests and subsequently lists them through implementing acts. Criteria for deciding whether a pest qualifies as a Union quality pest are laid down in the proposed Regulation.

**Measures in regard to third countries:** the proposal lays down rules for recognition of measures of third countries as equivalent to the Union measures, and derogations to the prohibitions. It empowers the Commission to adopt implementing acts to address emerging risks from certain plants for planting from certain third countries which require precautionary measures. The introduction into the Union of regulated plants by passengers in their luggage will no longer be exempted from the respective requirements and prohibitions.

**Registration of professional operators and traceability:** the proposal requires the relevant professional operators to be registered, in a register which will also contain the professional operators required to be registered under the proposed Regulation concerning plant reproductive material. This should reduce burden for professional operators.

**Certification of plants, plant products and other objects:** 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. Plant passports shall be required for all movements between professional operators, but not for sales to final non-professional users. The plant passport will be simplified and harmonised.

**BUDGETARY IMPLICATIONS:** the financial provisions and appropriations for implementing the proposed Regulation up to 31 December 2020

will be presented in the forthcoming legal proposal for a Regulation on the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material. The current proposal does not imply any expenditures which will not be part of the financial statement of the legal proposal for that Regulation and it does not require additional human resources.

DELEGATED ACTS: the proposal includes provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

## 2013/0141(COD) - 27/02/2014 Committee report tabled for plenary, 1st reading/single reading

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The Committee on Agriculture and Rural Development adopted the report by Hynek FAJMON (ECR, CZ) on the proposal for a regulation of the European Parliament and of the Council on protective measures against pests of plants

The committee recommended that Parliaments position in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

**Purpose and scope:** Members stressed the great importance of prevention and protection measures and early detection of the presence of pests for timely and effective eradication.

This Regulation laid down: (i) 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 injurious to plants or plant products, including invasive alien plant species which are injurious to plants and (ii) phytosanitary measures necessary to prevent the entry of pests from other Member States or third countries.

**List of organisms:** Members considered that the list of Union quarantine pests should be contained in the basic act. Since it was essential to the new regulation, they proposed that the list be annexed to the regulation. The Commission proposal stated that the number of priority pests should not exceed 10% of the number of the Union quarantine pests. Members considered that there should not be an arbitrary limit on the number of pests that might be designated as priority pests.

The report also recommended that operators should be compensated for carrying out enhanced biosecurity measures essential for early action related to priority pests.

**Notification of quarantine to competent authorities:** the amended text stipulated that if anyone became aware of the presence of a Union quarantine pest or had reason to suspect such a presence, that person should notify the competent authority immediately and confirm notification, in writing, within ten calendar days.

**Information on plant pests to the public:** information should be 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 should establish and keep up to date a publicly available list of emerging plant pests in third countries that may pose a risk to plant health in the Union territory.

**Notification of imminent danger:** in case of an imminent danger, Member States and professional operators should take all necessary measures, as appropriate to the risk involved, to prevent the entry of such pests in the Union territory.

**Criteria for to the entry into the Union of plants:** Members introduced an amendment setting out a new preventive and comprehensive strategy for import controls, and provided for a transition period to take account of the time needed to put this strategy in place.

The report recommended that the Commission should, 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 should be permitted.

The amendment set out a method for reassessing the phytosanitary risk arising from all type of plants imported, with reference to the third country of origin, and provided for the drawing up of a 'positive' list setting out the plants whose import may be permitted. It set 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.

**Requirements for phytosanitary transit:** the committee proposed changes to ensure full and effective control and prevent the entry of prohibited goods. For example, an officially approved phytosanitary seal could be used, that served to guarantee the original packaging and means of transport (sealed lorry) and prevented the shipment being split up, hence providing official assurance of risk-free phytosanitary transit through the Union.

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

**Professional operators:** Members proposed to broaden the scope to ensure that all distance sellers were included.

**Plant passport:** the Commission shall, not later than 5 years after entry into force of the regulation, submit a report 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.

No plant passport should 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.

**Delegated acts:** in order to take into account the technical progress, scientific developments and changed circumstances in plant health, the power to adopt acts 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.

Raising awareness: lastly, Members stressed that it was 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.

## 2013/0141(COD) - 15/04/2014 Text adopted by Parliament, 1st reading/single reading

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The European Parliament adopted by 478 votes to 46 with 24 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on protective measures against pests of plants.

Parliament's position in first reading following the ordinary legislative procedure amended the Commission proposal as follows:

**Purpose and scope:** there was a greater risk of species injurious to plants and plant products being introduced into the Union territory owing to globalisation of trade and climate change.

Parliament stressed the great importance of prevention and protection measures and early detection of the presence of pests for timely and effective eradication.

This Regulation laid down: (i) 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 injurious to plants or plant products, including invasive alien plant species which are injurious to plants and (ii) phytosanitary measures necessary to prevent the entry of pests from other Member States or third countries.

**List of organisms:** Parliament considered that the list of Union quarantine pests should be contained in the basic act. Since it was essential to the new regulation, it proposed that the list be annexed to the regulation. The Commission proposal stated that the number of priority pests should not exceed 10% of the number of the Union quarantine pests. Members considered that there should not be an arbitrary limit on the number of pests that might be designated as priority pests.

Parliament also recommended that operators should be compensated for carrying out enhanced biosecurity measures essential for early action related to priority pests.

**Notification of quarantine to competent authorities:** the amended text stipulated that if anyone became aware of the presence of a Union quarantine pest or had reason to suspect such a presence, that person should notify the competent authority immediately and confirm notification, in writing, within ten calendar days.

**Information on plant pests to the public:** information should be 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 should establish and keep up to date a publicly available list of emerging plant pests in third countries that may pose a risk to plant health in the Union territory.

**Notification of imminent danger:** in case of an imminent danger, Member States and professional operators should take all necessary measures, as appropriate to the risk involved, to prevent the entry of such pests in the Union territory.

Where the presence of a Union quarantine pest was officially confirmed, the competent authority should immediately take all necessary measures to eliminate that pest, if possible, from the area concerned or, where eradication was not possible, to prevent its spread out of that area.

**Requirements for phytosanitary transit:** Parliament proposed changes to ensure full and effective control and prevent the entry of prohibited goods. For example, an officially approved phytosanitary seal could be used, that served to guarantee the original packaging and means of transport (sealed lorry) and prevented the shipment being split up, hence providing official assurance of risk-free phytosanitary transit through the Union.

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

Five years after the date of entry into force of the Regulation the Commission shall present a report, 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

**Professional operators:** Parliament stressed the need to raise awareness of consumers and plant traders and ensure the traceability of distance sales. Members proposed to broaden the scope to ensure that all distance sellers were included.

**Good plant protection practice:** Parliament inserted a new Article into the text stating that a professional operator which supplied plants that were subject to prohibitions, requirements or conditions should follow good plant protection practice in order to prevent the occurrence and spread of pests.

This involved, for example, monitoring critical points in the production process or in the movement of the plants, which may affect their phytosanitary quality; or ensuring that the competent authorities had access to the facilities, as well as to surveillance data and all related documents.

**Plant passport:** the Commission shall, not later than 5 years after entry into force of the regulation, submit a report 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.

No plant passport should 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.

**Delegated acts:** in order to take into account the technical progress, scientific developments and changed circumstances in plant health, the power to adopt acts 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.

Raising awareness: lastly, Members stressed that it was 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.

## 2013/0141(COD) - 19/07/2016 Council position

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The Council adopted its position at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on protective measures against pests of plants.

The general objective of the Regulation is to address increased risks in the plant health sector, which stem from new pests and diseases (originating from trade globalisation and climate change). The text aims to modernise plant health instruments related to trade, both intra-EU (improved traceability in the internal market) and from third countries, focusing on a risk based approach.

The main elements of the Council position are as follows:

Subject matter and scope: the text establishes 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 ('pests') and measures to reduce those risks to an acceptable level.

In order to allow a more flexible response to existing and emerging risks, the Council position included in the scope of the Regulation non-parasitic plants, subject to the condition that they have a severe economic, social and environmental impact on the Union territory.

Quarantine pests: a Union quarantine pest shall not be introduced into, moved within, or held, multiplied or released in, the Union territory. The Commission shall, by means of an implementing act, establish a list of pests which fulfil the conditions listed in the Regulation in respect of the Union territory.

Priority pests: those pests have severe impacts for the Union territory and will be identified on the basis of a number of detailed criteria set out in an annex to the Regulation, and their number will not be limited a priori. The Council position also foresees the adoption of the list of priority pests through a delegated act.

Each Member State shall draw up and keep up to date a separate plan containing information concerning the decision making processes, procedures and protocols to be followed, and the minimum resources to be made available and the procedures to make available further resources, in the event of an officially confirmed or suspected presence of that pest.

Member States shall, on request, communicate their contingency plans to the Commission and to the other Member States, and shall inform all relevant professional operators through publication on the internet.

Member States shall carry out simulation exercises concerning the implementation of the contingency plans. Those exercises shall take place with regard to all priority pests concerned within a reasonable period of time and with the involvement of the relevant stakeholders.

Protected zone quarantine pests: where a quarantine pest is present in the Union territory but not in the territory of a Member State or a part thereof, and is not a Union quarantine pest, the Commission may, upon application of that Member State, recognise such territory or part thereof as a protected zone as regards that quarantine pest ('protected zone quarantine pest').

A protected zone quarantine pest shall not be introduced into, moved within, or held, multiplied or released in, the respective protected zone.

A new provision provides that the Commission may recognise a temporary protected zone to which the conditions of ordinary protected zones shall apply. However for the establishment of a temporary zone only a one-year survey shall be required, instead of a three years survey which is required for the ordinary protected zones. The recognition of a temporary protected zone shall last no longer than three years after recognition, and shall expire automatically after three years.

Import regime: the Regulation seeks to prevent pests being introduced into the Union territory through plants, plant products or other objects coming from third countries.

The Council position reinforces such a system by introducing the following elements:

- a new category of 'high risk' plants, plant products or other objects was added: those are plants, plant products or other objects which present, on the basis of a preliminary assessment, a pest risk of an unacceptable level for the Union territory. Therefore their introduction into the Union territory from a third country shall be prohibited, pending the completion of a full risk assessment;
- phytosanitary certificates, which attest the conformity with the Union legislation of a plant, plant product or other object being imported from a third country into the Union territory, shall be required for an extended range of plants, plant products or other objects.

It should be noted that specific rules were added on the introduction into, movement within and movement out of the Union of wood packaging material.

## 2013/0141(COD) - 24/08/2016 Commission communication on Council's position

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The Commission supported the common position adopted by the Council with qualified majority. It reflects the original goals of the Commission's proposal and takes into account many concerns of the European Parliament. Although on certain elements, the common position differs from the Commission's original proposal, the Commission considers that it represents a carefully balanced compromise and is satisfied that it covers all issues considered essential by the Commission when adopting its proposal

The Commission indicated that it could accept in full, in part, in principle or subject to rewriting 50 of the 136 amendments, contained in the position at first reading adopted by the Parliament on 15 April 2014.

The amendments of the European Parliament accepted by the Commission and incorporated in the position of the Council provide that:

- each Member States shall communicate their contingency plans to the Commission and to the other Member States on request, and shall inform all relevant operators;
- involvement of stakeholders in simulation exercises, those exercises shall take place with regards to all priority pests concerned within a reasonable period of time and with the involvement of the stakeholders concerned.

The amendments of the European Parliament rejected by the Commission and incorporated in the position of the Council concern:

- the abolition of 10% threshold for priority pests: the Council accepted the amendment and the 10% threshold has been removed from the Regulation. The Commission can accept that position because it will still be possible to respect the spirit of prioritisation without establishing a specific limit through legislation;
- the obligation for the Commission to report to the European Parliament and the Council 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;
- an obligation for the Commission to 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.

The amendments of the European Parliament rejected by the Commission and not incorporated in the position of the Council concern:

- inclusion of invasive alien species in the definition of pest: although the Council rejected a widening of the scope, it did agreed to include in the scope of pests, and under certain conditions, the non-parasitic plants;
- listing of pests in the Annex of the Regulation instead of under an Implementing Act;
- the possibility for competent authorities to have the right to apply on their own decision, containment, instead of eradication, of Union quarantine pests, where they consider that eradication is not possible;
- co-ordination of compensation of professional operators for the value of plants, plant products or other objects destroyed as part of the eradication measures and implemented in a cross-border area;
- more stringent requirements, including the use of an officially-approved phytosanitary seal and close supervision of that movement;
- obligation for the Commission to consult the Advisory Group on the food chain and animal and plant health established under the Commission Decision 2004/613/EC and that the Group should provide inputs during the preparation of implementing and delegated acts.

New provisions introduced by the Council: the Council introduced many amendments in almost all Articles of the proposal. Most of those amendments constitute a further development of the provisions of the proposal and do not introduce a new or fundamentally amended approach.

The Commission accepted the following provisions which enlarge the scope or strengthen requirements of the proposal:

- inclusion of non-parasitic plants in the definition of pests;
- inclusion of a provision in which the Commission may recognise a temporary protected zone to which the conditions of ordinary protected zones shall apply. However for the establishment of a temporary zone only a one-year survey shall be required, instead of a three years survey which is required for the ordinary protected zones. The recognition of a temporary protected zone shall last no longer than three years after recognition, and shall expire automatically after three years;
- inclusion of a provision providing that if a preliminary assessment reveals that a plant, plant product or other object originating in a third country and which is not subject to other requirements presents a pest risk of an unacceptable level for the Union territory, it shall be referred to as high risk plant, high risk plant product or high risk other object and its introduction into the Union shall be prohibited;
- inclusion of rules on wood packaging material and more specifically rules on the introduction into, movement within and movement out of the Union of wood packaging material;
- addition of a set of provisions for confinement facilities, as several Member States may not be in position to establish and manage quarantine stations;
- expanded the scope of the phytosanitary certificate to offer a better overview of the imported plants.

## 2013/0141(COD) - 17/10/2016 Committee recommendation tabled for plenary, 2nd reading

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The Committee on Agriculture and Rural Development adopted the recommendation for second reading contained in the report by Anthea McINTYRE (ECR, UK) on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC.

The committee recommended the European Parliament to approve the Council position at first reading.

The general objective of the proposed regulation is to deal with the increased risks facing the phytosanitary sector and resulting from the emergence of new pests and new diseases. The text also aims to modernise phytosanitary trade-related instruments, either within the EU (improved traceability in the internal market) or from third countries, favouring a risk-based approach.

## 2013/0141(COD) - 26/10/2016 Final act

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**PURPOSE:** to help fight plant pests and diseases through better surveillance and early eradication of outbreaks of new pests.

**LEGISLATIVE ACT:** Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC.

**CONTENT:** the Regulation repeals and replaces the Union legislation on protection from pests of plants, which consists of Directive



2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community, and six more Directives concerning plant health measures and pests.

Plant health is threatened by species injurious to plants and plant products which now present a greater risk of being introduced into the Union territory owing to globalisation of trade and climate change. In order to fight that threat, the new Regulation established measures concerning the determination of the phytosanitary risks posed by those pests and the reduction of those risks to an acceptable level.

Identification of pests: criteria should be set out for the identification of pests for which the adoption of measures is necessary to prevent their introduction into and spread within the entire Union territory. Such pests are referred to as Union quarantine pests.

Criteria should also be set out for the identification of pests for which it is necessary to adopt measures of control only as regards one or more parts of that territory. Such pests are referred to as protected zone quarantine pests.

The Commission shall, by means of an implementing act, establish a list of pests which fulfil the conditions listed in this Regulation in respect of the Union territory.

Priority pests: in order to allow efforts for the control of Union quarantine pests to concentrate on those pests whose potential economic, environmental or social impact is the most severe for the Union territory a restricted list of such pests (priority pests) is established.

Special provisions should apply to priority pests as regards, in particular, the provision of information to the public, surveys, contingency plans, simulation exercises, action plans for eradication and co-financing of measures by the Union.

Each Member State shall draw up and keep up to date for each priority pest which is capable of entering into and becoming established in its territory, or a part thereof, a separate plan containing information concerning the decision-making processes, procedures and protocols to be followed. They shall, on request, communicate their contingency plans to the Commission and to the other Member States, and shall inform all relevant professional operators through publication on the internet.

Member States shall carry out simulation exercises concerning the implementation of the contingency plans at intervals set according to the biology of the priority pest or pests concerned and the risk posed by that pest or those pests.

Plant passport: the new Regulation establishes a system for the introduction and movement within the Union of plants, plant products and other objects likely to be infected by harmful organisms and to pose an unacceptable phytosanitary risk. The new rules will extend, simplify and harmonise the existing plant passport scheme which is needed for all movements between professional operators inside the EU. They will also require relevant professional operators to be registered in order to guarantee easier controls and better traceability.

A pre-export certificate shall be issued to ensure the exchange of information between the Member States where a plant, plant product or other object is moved through more than one Member States before it is exported to a third country.

Import regime: the Regulation seeks to prevent pests being introduced into the Union territory through plants, plant products or other objects coming from third countries. It provides risk-based and preventive measures to protect the Union territory from pests that a plant, plant product or other object originating from a third country might introduce, on the basis of a preliminary assessment of that high risk.

Phytosanitary certificates, which attest the conformity with the Union legislation of a plant, plant product or other object being imported from a third country into the Union territory, shall be required for an extended range of plants, plant products or other objects.

ENTRY INTO FORCE: 13.12.2016.

APPLICATION: 14.12.2019.

DELEGATED ACTS: the Commission shall be empowered to adopt delegated acts as regards the establishment of a list of the priority pests. The power to adopt delegated acts shall be conferred on the Commission for a period of five years from 13 December 2016. The European Parliament or the Council shall have the right to object to a delegated act within a period of two months (extendable for two months) from the date of notification.

## 2013/0141(COD) - 26/10/2016 Text adopted by Parliament, 2nd reading

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The European Parliament adopted a legislative resolution on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC.

In line with the recommendation for second reading by its Committee on Agriculture and Rural Development, Parliament approved the approved the Council position at first reading without amendment.

This Regulation establishes 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 ('pests') and measures to reduce those risks to an acceptable level.

Where there is evidence that non-parasitic plants pose phytosanitary risks which would have a severe economic, social and environmental impact on the Union territory, those non-parasitic plants may be considered as pests for the purposes of this Regulation.