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**2013/0140 (COD)**

**LIMITE**

**AGRI 215**
**VETER 36**
**AGRILEG 91**
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**SAN 124**
**DENLEG 65**
**PHYTOSAN 25**
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**WORKING DOCUMENT**

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| From: | Presidency |
| To: | Delegations |
| No. Cion doc.: | 9464/13 - COM(2013) 265 final |
| Subject: | Proposal for a Regulation of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material, plant protection products and amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, Regulations (EU) No 1151/2012, [….]/2013 [Office of Publications, please insert number of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material], and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation) |

Delegations will find in Annex to this document a table on Articles 91 to 162 of the above proposal, comparing:

- *in the first column:* the Commission proposal
- *in the second column:* the EP amendments
- *in the third column:* Presidency suggestions for rewording
- *in the fourth column:* suggested approach to the EP amendments.

NB: The latest rewording suggestions from the Presidency were set out in documents 11895/2/14 REV2, 12209/2/14 REV2, 13603/1/14 REV1 , 5423/15 and 7827/15.

**ANNEX**

2013/0140 (COD)

The following table of comparison has been drafted in the context of the preparation for the discussion with the European Parliament.

It does not constitute an official document in the context of the ordinary legislative procedure.

| **Commission proposal COM(2013) 265 final - 2013/0140 (COD)** | **EP amendments**<br><br>**15 April 2014** | **Presidency suggestions** | **Remarks** |
|---|---|---|---|
| **Title III**<br>**Reference laboratories and centres** | **Title III**<br>**Reference laboratories and centres** | **Title III**<br>**Reference laboratories and centres** | |
| | | ***Article 90a***<br>***Decision to establish a European Union reference laboratory*** | |
| | | **1. In the areas governed by the rules referred to in Article 1(2), a European Union reference laboratory shall be established where the effectiveness of official controls and other official activities also depends on the quality, uniformity and reliability of:** | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | **(a) the methods of analysis, test or diagnosis employed by the official laboratories designated in accordance with Article 36(1);** | |
| | | **(b) the results of the analyses, tests and diagnoses performed by those official laboratories.** | |
| | | ***2.*** **A European Union reference laboratory shall be established where there is a recognised need to promote uniform practices in relation to the development or use of the methods referred to in paragragh 1(a).** | |
| | | **3. The Commission shall review the mandate and operation of the European Union reference laboratories regularly.** | |
| | | **4. The Commission shall, by means of implementing acts, adopt the decision to establish such a European Union reference laboratory.** | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).** | |
| *Article 91*<br>*Designation of European Union reference laboratories* | *Article 91*<br>*Designation of European Union reference laboratories* | *Article 91*<br>*Designation of European Union reference laboratories* | |
| 1. The Commission ***may***, by means of implementing acts, designate European Union reference laboratories in the areas governed by the rules referred to in Article 1(2) where the effectiveness of official controls also depends on the quality, uniformity and reliability of: | **AMD 208**<br>1. The Commission ***shall***, by means of implementing acts, designate European Union reference laboratories in the areas governed by the rules referred to in Article 1(2) where the effectiveness of official controls also depends on the quality, uniformity and reliability of: | 1. The Commission **shall** ~~may~~, by means of implementing acts, designate European Union reference laboratories in the **cases where decision has been taken to establish such a laboratory in accordance with Article 90a.**~~areas governed by the rules referred to in Article 1(2) where the effectiveness of official controls also depends on the quality, uniformity and reliability of:~~ | **Acceptable as reworded** |
| (a) the methods of analysis, test or diagnosis employed by the official laboratories designated in accordance with Article 36(1); | | ~~(a) the methods of analysis, test or diagnosis employed by the official laboratories designated in accordance with Article 36(1);~~ | |
| (b) the results of the analyses, tests and diagnoses performed by those official laboratories. | | ~~(b) the results of the analyses, tests and diagnoses performed~~ | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | ~~by those official laboratories.~~ | |
| 2. The designations provided for in paragraph 1 shall: | | 2. The designations provided for in paragraph 1 shall: | |
| (a) follow a public selection process; | | (a) follow a public selection process; | |
| (b) be reviewed regularly. | **AMD 209**<br>b) be reviewed regularly ***every five years***. | (b) be **limited in time and with a minimum of five years or** reviewed regularly. | **Acceptable as reworded** |
| | **AMD 317**<br><br>**Article 91 – paragraph 2 – point b a (new)**<br><br>***(ba) be made only to laboratories that hold a supporting letter from the authority competent in the field in question.*** | | **Not acceptable as covered by new Article 90a** |
| | **AMD 210**<br><br>**Article 91 – paragraph 2 a (new)**<br>***2a. The Commission may, where it considers appropriate, designate more than one reference laboratory for the same disease and thus promote the rotation of national laboratories meeting the*** | | **Not acceptable as covered by new Article 90a** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | ***requirements of paragraph 3 of this Article.*** | | |
| 3. European Union reference laboratories shall: | | 3. European Union reference laboratories shall: | |
| (a) operate in accordance with the standard EN ISO/IEC 17025 on 'General requirements for the competence of testing and calibration laboratories' and be assessed and accredited in accordance with that standard by a national accreditation body, operating in accordance with Regulation (EC) No 765/2008; | | (a) operate in accordance with the standard EN ISO/IEC 17025 on 'General requirements for the competence of testing and calibration laboratories' and be assessed and accredited in accordance with that standard by a national accreditation body, operating in accordance with Regulation (EC) No 765/2008**. The scope of this accreditation:** | |
| | | **(i) shall include all the methods of laboratory analysis, test or diagnosis required to be used by the laboratory when it operates as an European Union reference laboratory;** | |
| | | **(ii) may comprise one or more methods of laboratory analysis, test or diagnosis or groups of methods;** | |
| | | **(iii) may be defined in a flexible** | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | **manner, so as to allow the accreditation scope to include modified versions of the methods used by the European Union reference laboratory when the accreditation was granted or new methods in addition to those methods, on the basis of the laboratory's own validations without a specific assessment, prior to the use of those modified or new methods, by the national accreditation body of the Member State where the European Union reference laboratory is located.** | |
| (b) be impartial and free of conflict of interests as regards the exercise of its tasks as European Union reference laboratories; | **AMD 211**<br>(b) be ***independent,*** impartial and free of conflict of interests as regards the exercise of its tasks as European Union reference laboratories; | (b) be impartial and free of conflict of interests as regards the exercise of **their** ~~its~~ tasks as European Union reference laboratories; | **Not acceptable** |
| (c) have suitably qualified staff with adequate training in analytical, testing and diagnostic techniques applied in their area of competence, and support staff as appropriate; | | (c) have or **have contractual access** to suitably qualified staff with adequate training in analytical, testing and diagnostic techniques applied in their area of competence, and support staff as appropriate; | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (d) possess or have access to the infrastructure, equipment and products necessary to carry out the tasks assigned to them; | | (d) possess or have access to the infrastructure, equipment and products necessary to carry out the tasks assigned to them; | |
| (e) ensure that their staff have good knowledge of international standards and practices and that the latest developments in research at national, Union and international level are taken into account in their work; | | (e) ensure that their staff **and any contractually engaged staff** have good knowledge of international standards and practices and that the latest developments in research at national, Union and international level are taken into account in their work; | |
| (f) be equipped to perform their tasks in emergency situations; | | (f) be equipped **or have access to the necessary equipment** to perform their tasks in emergency situations; | |
| (g) where relevant, be equipped to comply with relevant biosecurity standards. | | (g) where relevant, be equipped to comply with relevant biosecurity standards. | |
| | **AMD 212**<br><br>**Article 91 – paragraph 3 – point g a (new)**<br><br>***(ga) where relevant, cooperate with European Union research*** | | **Possibly acceptable. .** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | ***centres and Commission services to develop high standards in methods of laboratory analysis, testing and diagnosis.*** | | |
| | **AMD 213**<br><br>**Article 91 – paragraph 3 – point g b (new)**<br>***(gb) be able to receive a financial contribution from the Union in accordance with Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field.*** | | **Not acceptable;as already foreseen in Regulation (EU) No 652/2014.** |
| | **AMD 214**<br><br>**Article 91 – paragraph 3 – point g c (new)**<br>***(gc) ensure that their staff respect the confidential nature of certain subjects, results or communications.*** | | **Principle acceptable ; however covered by new paragraph (5)** |
| | ***:*** | **3a. By derogation from point (a) of paragraph 3, the Commission may designate official laboratories, designated as such by the competent authorities on the basis of a derogation adopted pursuant** | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | **to Article 40, as European Union reference laboratories irrespective of whether they fulfil the condition provided for in that point.** | |
| | **AMD 215**<br>**Article 91 – paragraph 3 a (new)**<br>**3a.**<br><br>**3a. By way of derogation from paragraphs 1 and 2 of this Article, the reference laboratories referred to in Article 32(1) of Regulation (EC) No 1829/2003 and Article 21(1) of Regulation (EC) No 1831/2003 shall be European Union reference laboratories having the tasks and responsibilities set out in Article 92 of this Regulation, as regards, respectively**<br><br>***(a) GMOs and genetically modified food and feed;***<br><br>***(b) feed additives.*** | **4. By derogation to paragraphs 1 and 2, the laboratories referred to in the first paragraph of Article 32 of Regulation (EC) No 1829/2003 and the first paragraph of the Article 21 of Regulation (EC) No 1831/2003 shall be the European Union reference laboratories having the responsabilities and performing the tasks referred to in Article 92 in the areas respectively of:**<br><br>**(a) GMOs and genetically modified food and feed;**<br><br>**(b) feed additives.** | **Acceptable as reworded.** |
| | | **5. The confidentiality obligations of staff, referred to in Article 7, shall apply *mutatis mutandis* to staff of the European Union reference** | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | **laboratories.** | |
| *Article 92*<br>*Responsibilities and tasks of European Union reference laboratories* | *Article 92*<br>*Responsibilities and tasks of European Union reference laboratories* | *Article 92*<br>*Responsibilities and tasks of European Union reference laboratories* | |
| 1. European Union reference laboratories shall contribute to the improvement and harmonisation of methods of analysis, test or diagnosis to be used by official laboratories designated in accordance with Article 36(1) and of the analytical, testing and diagnostic data generated by them. | | 1 European Union reference laboratories shall contribute to the improvement and harmonisation of methods of analysis, test or diagnosis to be used by official laboratories designated in accordance with Article 36(1) and of the analytical, testing and diagnostic data generated by them. | |
| 2. European Union reference laboratories shall be responsible, in accordance with annual or multiannual work programmes approved by the Commission, for the following tasks: | | 2. European Union reference laboratories **designated in accordance with Article 91(1)** shall be responsible **for the following tasks insofar as they are included in the reference laboratories',** ~~in accordance~~ **annual or multiannual work programmes established in conformity with the objectives and priorities of the relevant work programmes adopted** ~~approved~~ by the Commission **in accordance with Article 36 of Regulation (EU) No 652/2014** ~~for the following tasks~~: | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (a) providing national reference laboratories with details of methods of laboratory analysis, test or diagnosis, including reference methods; | | (a) providing national reference laboratories with details **and guidance** of methods of laboratory analysis, test or diagnosis, including reference methods; | |
| | **AMD 216**<br><br>**Article 92 – paragraph 2 – point a a (new)**<br><br>***aa) providing reference material free of charge and for unrestricted use (in respect of animal health, strains and serums) to the national reference laboratories to facilitate the adjustment and harmonisation of methods of analysis, testing and diagnosis;*** | **(aa) providing reference materials to national reference laboratories;** | **Acceptable as reworded and also covered by new Article 92 (2)(a)** |
| (b) coordinating the application by the national reference laboratories ***and, if necessary, by other official laboratories*** of the methods referred to in point (a), in particular, by organising regular inter-laboratory comparative testing and by ensuring appropriate follow-up of | **AMD 217**<br><br>b) coordinating the application by the national reference laboratories of the methods referred to in point (a), in particular, by organising regular inter-laboratory comparative testing and by ensuring appropriate follow-up of such comparative testing in accordance, where available, | (b) coordinating the application by the national reference laboratories and, if necessary, by other official laboratories of the methods referred to in point (a), in particular, by organising regular inter-laboratory comparative testing **or proficiency tests** and by ensuring appropriate follow-up of such comparative testing **or proficiency tests** in accordance, | **Acceptable as reworded** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| such comparative testing in accordance, where available, with internationally accepted protocols; | with internationally accepted protocols; ***they shall inform the competent authorities of the follow-up and results of such inter-laboratory comparative testing***; | where available, with internationally accepted protocols**, and informing the Commission and the competent authorities of the results and follow-up to the inter-laboratory comparative testing or proficiency tests;** | |
| (c) coordinating practical arrangements necessary to apply new methods of laboratory analysis, test or diagnosis, and informing national reference laboratories of advances in this field; | | (e ) coordinating practical arrangements necessary to apply new methods of laboratory analysis, test or diagnosis, and informing national reference laboratories of advances in this field; | |
| (d) conducting training courses for the benefit of staff from national reference laboratories and, if needed, from other official laboratories, as well as of experts from third countries; | **AMD 218**<br>d) conducting training courses ***free of charge*** for the benefit of staff from national reference laboratories and, if needed, ***conducting training courses for the benefit of staff*** from other official laboratories, as well as of experts from third countries; | (d) conducting training courses for the benefit of staff from national reference laboratories and, if needed, from other official laboratories, as well as of experts from third countries; | **Not acceptable** |
| (e) providing scientific and technical assistance to the Commission within the | | (e) providing scientific and technical assistance to the Commission within | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| scope of their mission; | | the scope of their mission; | |
| (f) providing information on relevant Union, national and international research activities to national reference laboratories; | | (f) providing information on relevant Union, national and international research activities to national reference laboratories; | |
| (g) collaborating within the scope of their mission with laboratories in third countries and with the European Food Safety Authority, the European Medicines Agency and the European Centre for Disease Prevention and Control; | | (g) collaborating within the scope of their mission with laboratories in third countries and with the European Food Safety Authority, the European Medicines Agency and the European Centre for Disease Prevention and Control; | |
| (h) assisting actively in the diagnosis of outbreaks in Member States of foodborne, zoonotic or animal diseases, ***or of pests of plants***, by carrying out confirmatory diagnosis, characterisation and taxonomic or epizootic studies on pathogen isolates or pest specimens; | **AMD 219**<br>(h) assisting actively in the diagnosis of outbreaks in Member States of foodborne, zoonotic or animal diseases, by carrying out confirmatory diagnosis, characterisation and taxonomic or epizootic studies on pathogen isolates or pest specimens; | (h) assisting actively in the diagnosis of outbreaks in Member States of foodborne, zoonotic or animal diseases, or of pests of plants, by carrying out confirmatory diagnosis, characterisation and taxonomic or epizootic studies on pathogen isolates or pest specimens; | **Not acceptable ; Plant Health is covered by the scope of this Regulation -- Article 1(2) (g).** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (i) coordinating or performing tests for the verification of the quality of reagents used for the diagnosis of animal, zoonotic or foodborne diseases; | | (i) coordinating or performing tests for the verification of the quality of reagents **and lots of reagents** used for the diagnosis of animal, zoonotic or foodborne diseases **and pests of plants**; | |
| (j) where relevant for their area of competence, establishing and maintaining: | | (j) where relevant for their area of competence, establishing and maintaining: | |
| (i) ***reference collections of pests of plants or*** reference strains of pathogenic agents; | **AMD 220**<br>(i) reference strains of pathogenic agents; | (i) reference collections of pests of plants and/or reference strains of pathogenic agents; | **Not acceptable ; Plant Health is covered by the scope of this Regulation. Article 1(2) (g).** |
| (ii) reference collections of materials intended to come into contact with food used to calibrate analytical equipment and provide samples thereof to national reference laboratories; | | (ii) reference collections of materials intended to come into contact with food used to calibrate analytical equipment and provide samples thereof to national reference laboratories; | |
| (iii) up-to-date lists of available reference substances and | | (iii) up-to-date lists of available reference substances and reagents and of | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| reagents and of manufacturers and suppliers of such substances and reagents. | | manufacturers and suppliers of such substances and reagents. | |
| | | **As regards point (i), the European Union reference laboratory may establish and maintain those reference collections and reference strains by contractual outsourcing to other official laboratories and to scientific organisations** | |
| | **AMD 221**<br><br>**Article 92 – paragraph 2 a (new)**<br><br>***2a. Paragraphs 1 and 2 of this Article shall apply without prejudice to Article 32, first paragraph, of Regulation (EC) No 1829/2003 and the rules adopted under the fourth and fifth paragraphs of Article 32 of that Regulation, in addition to Article 21, first paragraph, of Regulation (EC) No 1831/2003 and the rules adopted under the third and fourth paragraphs of Article 21 of that Regulation.*** | | **Partially acceptable** |
| 3. European Union reference | | 3. European Union reference laboratories | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| laboratories shall publish the list of the national reference laboratories designated by the Member States in accordance with Article 98(1). | | shall publish the list of the national reference laboratories designated by the Member States in accordance with Article 98(1). | |
| | **AMD 222**<br><br>**Article 92 a (new)**<br><br>***1. The Commission shall, by means of delegated acts, designate an EU reference laboratory for food authenticity;***<br><br>***2. Member States may designate national reference laboratories as part of a network of laboratories working within the EU.*** | | **Not acceptable;**<br><br>**1) -overlap with already existing tasks of EU reference laboratories ;**<br><br>**2) no legal basis is needed to allow Member States to do so.** |
| ***Article 93*** | ***Article 93*** | ~~*Article 93*~~ | |
| ***Designation of European Union reference centres for plant reproductive material*** | **AMD 223**<br><br>***deleted*** | ~~*Designation of European Union reference centres for plant reproductive material*~~ | **Acceptable; PRM out of scope** |
| ***1. The Commission may, by means of implementing acts, designate European Union reference centres that shall support the activities of the Commission, the Member States and the European Plant*** | | ~~1. The Commission may, by means of implementing acts, designate European Union reference centres that shall support the activities of the Commission, the Member States and the European Plant Variety Agency~~ | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| ***Variety Agency (EPVA) in relation to the application of the rules referred to in point (h) of Article 1(2).*** | | ~~(EPVA) in relation to the application of the rules referred to in point (h) of Article 1(2).~~ | |
| ***2. The designations provided for in paragraph 1 shall:*** | | ~~2. The designations provided for in paragraph 1 shall:~~ | |
| (a) ***follow a public selection process;*** | | ~~(a) follow a public selection process;~~ | |
| (b) ***be reviewed regularly.*** | | ~~(b) be reviewed regularly~~ | |
| ***3. European Union reference centres for plant reproductive material shall:*** | | ~~3. European Union reference centres for plant reproductive material shall:~~ | |
| (a) ***possess a high level of scientific and technical expertise in inspection, sampling and testing of plant reproductive material;*** | | ~~(a) possess a high level of scientific and technical expertise in inspection, sampling and testing of plant reproductive material;~~ | |
| (b) ***have suitably qualified staff with adequate training in the areas referred to in point (a) and support staff as appropriate;*** | | ~~(b) have suitably qualified staff with adequate training in the areas referred to in point (a) and support staff as appropriate;~~ | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (c) ***possess or have access to the infrastructure, the equipment and the products necessary to carry out the tasks assigned to them;*** | | ~~(c) possess or have access to the infrastructure, the equipment and the products necessary to carry out the tasks assigned to them;~~ | |
| (d) ***ensure that their staff have good knowledge of international standards and practices in the areas referred to in point (a) and that the latest developments in research at national, Union and international level in those areas are taken into account in their work.*** | | ~~(d) ensure that their staff have good knowledge of international standards and practices in the areas referred to in point (a) and that the latest developments in research at national, Union and international level in those areas are taken into account in their work.~~ | |
| ***Article 94*** | ***Article 94*** | ~~***Article 94***~~ | |
| ***Responsibilities and tasks European Union reference centres for plant reproductive material*** | **AMD 224**<br><br>***deleted*** | ~~*Responsibilities and tasks European Union reference centres for plant reproductive material*~~ | **Acceptable; PRM out of scope** |
| ***The European Union reference centres designated in accordance with Article 93(1) shall be responsible, in accordance with annual or multiannual work programmes approved by the Commission for the*** | | ~~*The European Union reference centres designated in accordance with Article 93(1) shall be responsible, in accordance with annual or multiannual work programmes approved by the Commission for the following tasks:*~~ | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| ***following tasks:*** | | | |
| ***(a) providing scientific and technical expertise, within the scope of their mission, on:*** | | ~~(a) providing scientific and technical expertise, within the scope of their mission, on:~~ | |
| ***(i) field inspection, sampling and testing performed for the certification of plant reproductive material;*** | | ~~(i) field inspection, sampling and testing performed for the certification of plant reproductive material;~~ | |
| ***(ii) post-certification tests of plant reproductive material;*** | | ~~(ii) post-certification tests of plant reproductive material~~; | |
| ***(iii) tests on standard material categories of plant reproductive material;*** | | ~~(iii) tests on standard material categories of plant reproductive material;~~ | |
| ***(b) organising comparative tests and field trials on plant reproductive material;*** | | ~~(b) organising comparative tests and field trials on plant reproductive material;~~ | |
| ***(c) conducting training courses for the benefit of staff of the competent authorities and of experts from third countries;*** | | ~~(c) conducting training courses for the benefit of staff of the competent authorities and of experts from third countries;~~ | |
| ***(d) contributing to the development of certification and post-certification test protocols for*** | | ~~(d) contributing to the development of certification and post-certification test protocols for plant reproductive~~ | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| ***plant reproductive material, and of performance indicators for the certification of plant reproductive material;*** | | ~~material, and of performance indicators for the certification of plant reproductive material;~~ | |
| ***(e) disseminating research findings and technical innovations in the fields within the scope of their mission.*** | | ~~(e) disseminating research findings and technical innovations in the fields within the scope of their mission;.~~ | |
| *Article 95*<br>*Designation of European Union reference centres for animal welfare* | *Article 95*<br>*Designation of European Union reference centres for animal welfare* | *Article 95*<br>*Designation of European Union reference centres for animal welfare* | |
| 1. The Commission ***may***, by means of implementing acts, designate European Union reference centres that shall support the activities of the Commission and of the Member States in relation to the application of the rules referred to in point (f) of Article 1(2). | **AMD 225**<br>1. The Commission ***shall***, by means of implementing acts, designate European Union reference centres that shall support the activities of the Commission and of the Member States in relation to the application of the rules referred to in point (f) of Article 1(2). | 1. The Commission may, by means of implementing acts, designate European Union reference centres that shall support the activities of the Commission and of the Member States in relation to the application of the rules referred to in point (f) of Article 1(2). | **Possibly acceptable** |
| 2. The designations provided for in paragraph 1 shall:<br>a) follow a public selection process;<br>(b) be reviewed regularly. | | 2. The designations provided for in paragraph 1 shall:<br>(a) follow a public selection process;<br>(b) be **limited in time or** | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | reviewed regularly. | |
| 3. European Union reference centres for animal welfare shall: | | 3. European Union reference centres for animal welfare shall: | |
| | | **(aa) act impartially as regards the exercise of their tasks as European Union reference centres;** | |
| (a) possess a high level of scientific and technical expertise in human-animal relationship, animal behaviour, animal physiology, animal health and nutrition related to animal welfare, and animal welfare aspects related to the commercial and scientific use of animals; | **AMD 226**<br>(a) possess ***suitably qualified staff with*** a high level of scientific and technical expertise in human-animal relationship, animal behaviour, animal physiology, animal health and nutrition related to animal welfare, and animal welfare aspects related to the commercial and scientific use of animals***, taking ethical aspects into consideration***; | (a) possess a high level of scientific and technical expertise in human-animal relationship, animal behaviour, animal physiology, **animal genetics,** animal health and nutrition related to animal welfare, and animal welfare aspects related to the commercial and scientific use of animals; | **Not acceptable** |
| (b) ***have suitably qualified*** | **AMD 227** | (b) have suitably qualified staff with adequate training in the | **Not acceptable** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| ***staff with adequate training in the areas referred to in point (a) and in ethical issues related to animals and support staff as appropriate;*** | ***deleted*** | areas referred to in point (a) and in ethical issues related to animals and support staff as appropriate; | |
| (c) possess or have access to the infrastructure, the equipment and products necessary to carry out the tasks assigned to them; | | (c) possess or have access to the infrastructure, the equipment and products necessary to carry out the tasks assigned to them; | |
| (d) ensure that their staff have good knowledge of international standards and practices in the areas referred to in point (a) and that the latest developments in research at national, Union and international level in those areas are taken into account in their work. | | (d) ensure that their staff have good knowledge of international standards and practices in the areas referred to in point (a) and that the latest developments in research at national, Union and international level in those areas are taken into account in their work. | |
| *Article 96*<br>*Responsibilities and tasks of European* | *Article 96*<br>*Responsibilities and tasks of European* | *Article 96*<br>*Responsibilities and tasks of European Union* | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| *Union reference centres for animal welfare* | *Union reference centres for animal welfare* | *reference centres for animal welfare* | |
| The European Union reference centres designated in accordance with Article 95(1) shall be responsible, in accordance with annual or multiannual work programmes approved by the Commission for the following tasks: | | The European Union reference centres designated in accordance with Article 95(1) shall be responsible **for the following supporting tasks insofar as they are included in the reference centres'** ~~in accordance with~~ annual or multiannual work programmes **established in conformity with the objectives and priorities of the relevant work programmes adopted** ~~approved~~ by the Commission **in accordance with Article 36 of Regulation (EU) No 652/2014** ~~for the following tasks~~: | |
| (a) providing scientific and technical expertise within the scope of their mission to the national scientific support networks or bodies provided for in Article 20 of Regulation (EC) No 1099/2009; | | (a) providing scientific and technical expertise within the scope of their mission to the national scientific support networks or bodies provided for in Article 20 of Regulation (EC) No 1099/2009; | |
| (b) providing scientific and technical expertise for the development and application of the animal welfare indicators referred to in point (f) of Article 18(3); | | (b) providing scientific and technical expertise for the development and application of the animal welfare indicators referred to in point (f) of Article 18(3); | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | **AMD 228**<br><br>**Article 96 – paragraph 1 – point b a (new)**<br><br>***(ba) coordinating a network of institutions with recognised knowledge on animal welfare that could assist the competent authorities and stakeholders in implementing relevant EU legislation.*** | | **Not acceptable; too burdensome task which might impede delivery of results on the main tasks of these EU reference centres.** |
| (c) ***developing or coordinating the development of*** methods for the assessment of the level of welfare of animals and of methods for the improvement of the welfare of animals; | **AMD 229**<br>(c) ***helping to develop and coordinate*** methods for the assessment of the level of welfare of animals and methods for the improvement of the welfare of animals; | (c) developing or coordinating the development of methods for the assessment of the level of welfare of animals and of methods for the improvement of the welfare of animals; | **Not acceptable** |
| (d) carrying out scientific and technical studies on the welfare of animals used for commercial or scientific purposes; | **AMD 230**<br>(d) ***coordinating the*** carrying out ***of*** scientific and technical studies on the welfare of animals used for commercial or scientific purposes; | (d) carrying out scientific and technical studies on the welfare of animals used for commercial or scientific purposes; | **Not acceptable** |
| (e) conducting training courses for the benefit of staff of the national scientific support networks or bodies referred to in point (a), of staff of the | | (e) conducting training courses for the benefit of staff of the national scientific support networks or bodies referred to in point (a), of staff of the competent | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| competent authorities and of experts from third countries; | | authorities and of experts from third countries; | |
| (f) disseminating research findings and technical innovations and collaborating with Union research bodies in the fields within the scope of their mission. | | (f) disseminating research findings and technical innovations and collaborating with Union research bodies in the fields within the scope of their mission. | |
| | **AMD 231**<br><br>**Article 96 a (new)**<br><br>***Article 96a*** | ***Article 96a***[1] | **Acceptable** |
| | **AMD 231**<br><br>**Article 96 a - introductory part (new)**<br><br>***Designation of European Union reference centres for the authenticity and integrity of the agri-food chain*** | ***Designation of European Union reference centres for the authenticity and integrity of the agri-food chain*** | **Acceptable** |
| | **AMD 231**<br><br>**Article 96 a - paragraph 1 (new)**<br><br>***1. The Commission may, by means of implementing acts, designate*** | **1. The Commission may, by means of** | **Acceptable as reworded** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | ***European Union reference centres that shall support the activities of the Commission and of the Member States to prevent, detect and combat any intentional violations of the rules referred to in Article 1(2).*** | **implementing acts, designate European Union reference centres that shall support the activities of the Commission and of the Member States to prevent, detect and combat any violations of the rules referred to in Article 1(2) perpetrated through fraudulent deceptive practices.** | |
| | **AMD 231**<br><br>**Article 96 a - paragraph 2 (new)**<br><br>***2. The designations provided for in paragraph 1(a) shall follow a public selection process and be reviewed regularly.*** | **2. The designations provided for in paragraph 1 shall:**<br><br>**(a) follow a public selection process;**<br><br>**(b) be limited in time or reviewed regularly.** | **Acceptable as reworded** |
| | **AMD 231**<br><br>**Article 96 a - paragraph 3 (new)**<br><br>***3. European Union reference centres for the authenticity and integrity of the agri-food chain shall:*** | **3. European Union reference centres for the authenticity and integrity of the agri-food chain shall:** | **Acceptable** |
| | | **(aa) act impartially as regards the exercise of their tasks as European Union reference centres;** | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | **AMD 231**<br><br>**Article 96 a - paragraph 3 - point (a) (new)**<br><br>***(a) possess a high level of scientific and technical expertise in the sectors governed by the rules referred to in Article 1(2) and in applied forensic science in those sectors, thus having the ability to carry out or coordinate research at the highest levels on the authenticity and integrity of goods and to develop, apply and validate the methods to be used for the detection of intentional violations of the rules referred to in Article 1(2);*** | **(a) possess a high level of scientific and technical expertise in the sectors governed by the rules referred to in Article 1(2) and in applied forensic science in those sectors, thus having the ability to carry out or coordinate research at the highest levels on the authenticity and integrity of goods and to develop, apply and validate the methods to be used for the detection of violations of the rules referred to in Article 1(2) perpetrated through fraudulent deceptive practices;** | **Acceptable** |
| | **AMD 231**<br><br>**Article 96 a - paragraph 3 - point (b) (new)**<br><br>***(b) have suitably qualified staff with adequate training in the areas referred to in point (a) and the necessary support staff;*** | **(b) have suitably qualified staff with adequate training in the areas referred to in point (a) and the necessary support staff;** | **Acceptable** |
| | **AMD 231**<br><br>**Article 96 a - paragraph 3 - point (c) (new)** | **(c) possess or have access to the infrastructure, the equipment and the products necessary to carry out the tasks** | **Acceptable** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | ***(c) possess or have access to the infrastructure, the equipment and the products necessary to carry out the tasks assigned to them;*** | **assigned to them;** | |
| | **AMD 231**<br><br>**Article 96 a - paragraph 3 - point (d) (new)**<br><br>***(d) ensure that their staff have good knowledge of international standards and practices in the subjects referred to in point (a) and that the latest research developments at national, Union and international level in those areas are taken into account in their work.*** | **(d) ensure that their staff have good knowledge of international standards and practices in the subjects referred to in point (a) and that the latest research developments at national, Union and international level in those areas are taken into account in their work.** | **Acceptable** |
| | **AMD 232**<br>**Article 96 b (new)**<br>***Article 96b*** | ***Article 96b*** | **Acceptable** |
| | **AMD 232**<br>**Article 96 b - introductory part (new)**<br>***Responsibilities and tasks of European Union reference centres for the authenticity and integrity of the agri-food chain*** | ***Responsibilities and tasks of European Union reference centres for the*** **authenticity and integrity*****-of the agri-food chain*** | **Acceptable** |
| | **AMD 232**<br>**Article 96 b - paragraph 1 (new)** | **The European Union reference centres** | **Acceptable as reworded** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | ***1. The European Union reference centres designated under Article 96a(1) shall be responsible, in accordance with the annual or multiannual work programmes approved by the Commission, for the following activities:*** | **designated in accordance with Article 96a(1) shall be responsible for the following supporting tasks insofar as they are included in the reference centres' annual or multiannual work programmes established in conformity with the objectives and priorities of the relevant work programmes adopted by the Commission in accordance with Article 36 of Regulation (EU) No 652/2014:** | |
| | **AMD 232**<br>**Article 96 b - paragraph 1- point (a) (new)**<br>***(a) providing specific knowledge of the authenticity and integrity of goods and methods for detecting intentional violations of the rules referred to in Article 1(1), in relation to the forensic science applied to the areas governed by these rules;*** | **(a) providing specialised knowledge in relation to the authenticity and integrity of the agri-food chain and to the methods for detecting violations of the rules referred to in Article 1(2) perpetrated through fraudulent deceptive practices, in relation to the forensic science applied to the areas governed by these rules;** | **Acceptable as reworded** |
| | **AMD 232**<br>**Article 96 b - paragraph 1- point (b) (new)**<br>***(b) providing specific analyses designed to identify the segments of the agri-food chain that are*** | **(b) providing specific analyses designed to identify the segments of the agri-food chain that are potentially subject to violations of the rules referred to in Article 1(2) perpetrated through** | **Acceptable as reworded** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | ***potentially subject to intentional violations, for economic reasons, of the rules referred to in Article 1(2) and helping to develop specific official control techniques and protocols;*** | **fraudulent deceptive practices and helping to develop specific official control techniques and protocols;** | |
| | **Article 96 b - paragraph 1- point (c) (new)**<br>***(c) where necessary, performing the tasks referred to in Article 92(2), points (a) to (g);*** | **(c) where necessary, performing the tasks referred to in Article 92(2), points (a) to (g), avoiding duplication with the tasks of European Union reference laboratories designated in accordance with Article 91;** | **Acceptable as reworded** |
| | **Article 96 b - paragraph 1- point (d) (new)**<br>***(d) where necessary, establishing and storing collections or databases of authenticated reference materials, to be used to verify the authenticity or integrity of goods;*** | **(d) where necessary, establishing and maintaining collections or databases of authenticated reference materials, to be used to detect violations of the rules referred to in Article 1(2) ) perpetrated through fraudulent deceptive practices;** | **Acceptable as reworded** |
| | **Article 96 b - paragraph 1- point (e) (new)**<br>***(e) disseminating research findings and technical innovations in the fields within the scope of their missions.*** | **(e) disseminating research findings and technical innovations in the fields within the scope of their missions.** | **Acceptable** |
| *Article 97*<br>*Obligations of the Commission* | *Article 97*<br>*Obligations of the Commission* | *Article 97*<br>*Obligations of the Commission* | |
| 1. The Commission shall publish and update, whenever necessary, | | 1. The Commission shall publish and | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| the list of: | | update, whenever necessary, the list of: | |
| (a) European Union reference laboratories provided for in Article 91; | | (a) European Union reference laboratories provided for in Article 91; | |
| (b) ***European Union reference centres for plant reproductive material provided for in Article 93;*** | **AMD 233**<br><br>***deleted*** | ~~(b) European Union reference centres for plant reproductive material provided for in Article 93;~~ | **Acceptable; PRM out of scope.** |
| (c) European Union reference centres for animal welfare provided for in Article 95. | | (c) European Union reference centres for animal welfare provided for in Article 95; | |
| | | **(d) European Union reference centres for the authenticity and integrity of the agri-food chain, provided for in Article 96(a).** | |
| 2. The Commission shall be empowered to adopt delegated acts in accordance with Article | **AMD 234**<br>2. The Commission shall be empowered to adopt delegated | 2. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning the establishment of requirements, responsibilities and tasks for the | **Acceptable as reworded** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| 139 concerning the establishment of requirements, responsibilities and tasks for the European Union reference laboratories, ***the European Union reference centres for plant reproductive material*** and the European Union reference centres for animal welfare in addition to those laid down in Articles 91(3), 92, 93(3), 95(3) and 96. | acts in accordance with Article 139 concerning the establishment of requirements, responsibilities and tasks for the European Union reference laboratories, and the European Union reference centres for animal welfare in addition to those laid down in Articles 91(3), 92, 95(3) and 96. | European Union reference laboratories~~, the European Union reference centres for plant reproductive material, and~~ the European Union reference centres for animal welfare **and European Union reference centres for the authenticity and integrity of the agri-food chain** in addition to those laid down in Articles 91(3), 92,~~93(3)~~, 95(3)**, 96, 96a (3)** and 96**b. Such delegated acts shall be limited to situations of new or emerging risks, new or emerging animal diseases or pests of plants and or new legal requirements so warrant.** | |
| 3. European Union reference laboratories and European Union reference centres shall be subject to Commission controls to verify compliance with the requirements of Articles 91(3), 92, ***93(3)***, 95(3) and 96. | **AMD 235**<br>3. European Union reference laboratories and European Union reference centres shall be subject to Commission controls to verify compliance with the requirements of Articles 91(3), 92, 95(3) and 96. | 3. European Union reference laboratories and European Union reference centres shall be subject to Commission controls to verify compliance with the requirements of Articles 91(3), 92, ~~93(3)~~, 95(3) and 96**a(3)**. | **Acceptable as reworded** |
| 4. If the Commission controls referred to in paragraph 3 show non-compliance with the requirements laid down in Articles 91(3), 92, 93(3), 95(3) and 96, the Commission shall, after having received the comments of the European Union reference laboratory or | | 4. If the Commission controls referred to in paragraph 3 show non-compliance with the requirements laid down in Articles 91(3), 92**,** ~~93(3)~~, 95(3) and 96**a(3)**, the Commission shall, after having received the comments of the European Union reference laboratory or European Union reference centre: | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| European Union reference centre: | | | |
| (a) withdraw the designation of that laboratory or centre; or, | | (a) **by means of an implementing act** withdraw the designation of that laboratory or centre; or, | |
| (b) take any other appropriate measure. | | (b) take any other appropriate measure. | |
| *Article 98*<br>*Designation of national reference laboratories* | *Article 98*<br>*Designation of national reference laboratories* | *Article 98*<br>*Designation of national reference laboratories* | |
| 1. Member States shall designate one or more national reference laboratories for each European Union reference laboratory designated in accordance with Article 91(1). | | 1. Member States shall designate one or more national reference laboratories for each European Union reference laboratory designated in accordance with Article 91(1). | |
| | | **Member States may designate a national reference laboratory also in the cases where there is no corresponding European Union reference laboratory**. | |
| A Member State may designate a laboratory situated in another Member State or in a third country that is a Contracting Party to the European Free Trade Association (EFTA). | | A Member State may designate a laboratory situated in another Member State or in a third country that is a Contracting Party to the European Free Trade Association (EFTA). | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| A single laboratory may be designated as a national reference laboratory for more than one Member State | | A single laboratory may be designated as a national reference laboratory for more than one Member State. | |
| 2. The requirements provided for in point (e) of Article 36(4), Articles 36(5), 38 and 41(1), points (a) and (b) of Article 41(2) and Article 41(3) shall apply to national reference laboratories. | | 2. The requirements provided for in point (e) of Article 36(4), Articles 36(5), 38 and 41(1), points (a) and (b) of Article 41(2) and Article 41(3) shall apply to national reference laboratories. | |
| | | **By derogation from point (e) of Article 36(4), competent authorities may designate official laboratories, designated as such by the competent authorities on the basis of a derogation adopted pursuant to Article 40, as national reference laboratories irrespective of whether they fulfill the condition provided for in that point.** | |
| 3. National reference laboratories shall: | | 3. National reference laboratories shall: | |
| (a) be impartial and free of conflict of interests as regards the exercise of its tasks as national reference | **AMD 236**<br>(a) be ***independent,*** impartial and free of conflict of interests as regards the exercise of its tasks as national reference laboratories; | (a) be impartial and free of conflict of interests as regards the exercise of its tasks as national reference laboratories; | **Not acceptable** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| laboratories; | | | |
| (b) have suitably qualified staff with adequate training in analytical, testing and diagnostic techniques in their area of competence, and support staff as appropriate; | | (b) have **or have contractual access to** suitably qualified staff with adequate training in analytical, testing and diagnostic techniques in their area of competence, and support staff as appropriate; | |
| (c) possess or have access to the infrastructure equipment and products needed to carry out the tasks assigned to them; | | (c) possess or have access to the infrastructure equipment and products needed to carry out the tasks assigned to them; | |
| (d) ensure that their staff have good knowledge of international standards and practices and that the latest developments in research at national, Union and international level are taken into account in their work; | | (d) ensure that their staff **and any contractually engaged staff** have good knowledge of international standards and practices and that the latest developments in research at national, Union and international level are taken into account in their work; | |
| (e) be equipped to perform their tasks in emergency situations; | | (e) be equipped **or have access to the necessary equipment** to perform their tasks in emergency situations; | |
| (f) where relevant, be equipped to comply with | | (f) where relevant, be equipped to comply with | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| biosecurity standards. | | biosecurity standards. | |
| 4. Member States shall: | | 4. Member States shall: | |
| (a) communicate the name and address of each national reference laboratory to the Commission, the relevant European Union reference laboratory and other Member States; and, | | (a) communicate the name and address of each national reference laboratory to the Commission, the relevant European Union reference laboratory and other Member States; and, | |
| (b) make that information available to the public; | | (b) make that information available to the public; | |
| (c) update that information whenever necessary. | | (c) update that information whenever necessary. | |
| 5. Member States that have more than one national reference laboratory for a European Union reference laboratory shall ensure that such laboratories work closely together, so as to ensure efficient coordination between | | 5. Member States that have more than one national reference laboratory for a European Union reference laboratory shall ensure that such laboratories work closely together, so as to ensure efficient coordination between them, with other national laboratories and with the European Union reference | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| them, with other national laboratories and with the European Union reference laboratory. | | laboratory. | |
| 6. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning the establishment of requirements for national reference laboratories in addition to those laid down in paragraphs 2 and 3. | | 6. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning the establishment of requirements for national reference laboratories in addition to those laid down in paragraphs 2 and 3. **Such delegated acts shall be limited to ensuiring coherence with any additional requirements adopted in accordance with Article 97(2).** | |
| | **AMD 237**<br><br>**Article 98 – paragraph 6 a (new)**<br><br>***6a. This Article shall apply without prejudice to Article 32, second paragraph, of Regulation (EC) No 1829/2003 and the rules adopted under the fourth and fifth paragraphs of Article 32 of that Regulation, in addition to Annex II to Regulation (EC) No 1831/2003 and the rules adopted under the third and fourth paragraphs of Article 21 of that Regulation.*** | | **Possibly acceptable, but further clarification needed . see also Article 91 new(4)** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| *Article 99*<br>*Responsibilities and tasks of national reference laboratories* | *Article 99*<br>*Responsibilities and tasks of national reference laboratories* | *Article 99*<br>*Responsibilities and tasks of national reference laboratories* | |
| 1. National reference laboratories shall, in their area of competence: | | 1. National reference laboratories shall, in their area of competence: | |
| (a) collaborate with the European Union reference laboratories, and participate in training courses and in inter-laboratory comparative tests organised by these laboratories; | | (a) collaborate with the European Union reference laboratories, and participate in training courses and in inter-laboratory comparative tests organised by these laboratories; | |
| (b) coordinate the activities of official laboratories designated in accordance with Article 36(1) with a view of harmonising and improving the methods of laboratory analysis, test or diagnosis and their use; | | (b) coordinate the activities of official laboratories designated in accordance with Article 36(1) with a view of harmonising and improving the methods of laboratory analysis, test or diagnosis and their use; | |
| (c) where appropriate, organise inter-laboratory comparative tests between official laboratories, ensure an appropriate follow-up of such tests | | (c) where appropriate, organise inter-laboratory comparative ~~tests~~ **testing or proficiency tests** between official laboratories, ensure an appropriate follow-up of such tests and inform | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| and inform the competent authorities of the results of such tests and follow-up; | | the competent authorities of the results of such tests and follow-up; | |
| (d) ensure the dissemination to the competent authorities and official laboratories of information that the European Union reference laboratory supplies; | | (d) ensure the dissemination to the competent authorities and official laboratories of information that the European Union reference laboratory supplies; | |
| (e) provide within the scope of their mission scientific and technical assistance to the competent authorities for the implementation of coordinated control plans adopted in accordance with Article 111; | | (e) provide within the scope of their mission scientific and technical assistance to the competent authorities for the implementation of **multi-annual national control plans referred to in Article 107 and of** coordinated control plans adopted in accordance with Article 111; | |
| (f) where relevant, establish and maintain up-to-date lists of available reference substances and reagents and of manufacturers and suppliers of such substances and reagents. | | (f) where relevant, validate the reagents and lots of reagents, establish and maintain up-to-date lists of available reference substances and reagents and of manufacturers and suppliers | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | of such substances and reagents;~~.~~ | |
| | | **(g) where necessary, conduct training courses for the staff of official laboratories designated pursuant to Article 36(1);** | |
| | **AMD 238**<br><br>**Article 99 – paragraph 1 – point f a (new)**<br><br>***(fa) assist actively in the diagnosis of outbreaks on national territory of animal, foodborne or zoonotic diseases by carrying out confirmatory diagnosis, characterisation and epizootic or taxonomic studies on pathogen isolates or pest specimens, as specified for the national reference laboratories of the Union in Article 92(2)( h).*** | **(h) assist actively the Member State having designated them, in the diagnosis of outbreaks of animal diseases, foodborne or zoonotic diseases or of pests of plants by carrying out confirmatory diagnoses, characterisation and epizootic or taxonomic studies on pathogen isolates or pest specimens.** | **Partially acceptable as reworded.** |
| 2. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning the establishment of responsibilities and tasks for national reference laboratories in addition to those provided in paragraph 1. | | 2. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning the establishment of responsibilities and tasks for national reference laboratories in addition to those provided in paragraph 1. **Such delegated acts shall be limited to ensuring** | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | **coherence with any additional responsibilities and tasks adopted in accordance with Article 97(2).** | |
| | **AMD 239**<br><br>**Article 99 – paragraph 2 a (new)**<br><br>***This Article shall apply without prejudice to Article 32, second paragraph, of Regulation (EC) No 1829/2003 and the rules adopted under the fourth and fifth paragraphs of Article 32 of that Regulation, in addition to Annex II to Regulation (EC) No 1831/2003 and the rules adopted under the third and fourth paragraphs of Article 21 of that Regulation.*** | | **Possibly acceptable, but further clarification needed . see also Article 91 new(4)** |
| **Title IV**<br>**Administrative assistance and cooperation** | **Title IV**<br>**Administrative assistance and cooperation** | **Title IV**<br>**Administrative assistance and cooperation** | |
| *Article 100*<br>*General rules* | *Article 100*<br>*General rules* | *Article 100*<br>*General rules* | |
| 1. The competent authorities in the Member States concerned shall provide each other with administrative assistance in accordance with Articles 102 to | | 1. The competent authorities in the Member States concerned shall provide each other with administrative assistance in accordance with Articles 102 to 105, in order to ensure the correct application of | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| 105, in order to ensure the correct application of the rules referred to in Article 1(2) in cases which have relevance in more than one Member State. | | the rules referred to in Article 1(2) in cases which have relevance in more than one Member State. | |
| ***2. Administrative assistance shall include, where appropriate, participation by the competent authorities of a Member State in on-the-spot official controls that the competent authorities of another Member State perform.*** | **AMD 240**<br><br>***deleted*** | 2. Administrative assistance shall include**,** where appropriate, **and, by agreement between the competent authorities concerned,** participation by the competent authorities of a Member State in on-the-spot official controls that the competent authorities of another Member State perform. | **Not acceptable;**<br><br>**it might be appropriate in some instances and it is s anyway subject to an agreement between concerned competent authorities.** |
| 3. The provisions of this Title shall not prejudice national rules: | | 3. The provisions of this Title shall not prejudice national rules: | |
| (a) applicable to the release of documents that are the object of, or related to, judicial proceedings; | | (a) applicable to the release of documents **and information** that are the object of, or related to, judicial **investigations and court** proceedings, **including criminal investigations**; | |
| (b) aimed at the protection of natural or legal persons' | | (b) aimed at the protection of natural or legal | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| commercial interests. | | persons' commercial interests. | |
| (c) | | **3a. Member States shall take measures to facilitate the transmission from other law enforcement authorities, public prosecutors and judicial authorities, to the competent authorities of information on possible non-compliance with the rules referred to in Article 1(2) which are relevant for the application of this Title and which may constitute:** | |
| | | **(a) a risk to human, animal or plant health, or to animal welfare, or, as regards GMOs and plant protection products, to the environment; or** | |
| | | **(b) a possible violation of those rules perpetrated through deceptive fraudulent practices.** | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| 4. All communications between competent authorities in accordance with Articles 102 to 105 shall be in writing. | | 4. All communications between competent authorities in accordance with Articles 102 to 105 shall be in writing **on paper or in electronic form**. | |
| ***5. In order to streamline and simplify communication exchanges, the Commission shall, by means of implementing acts, establish a standard format for:*** | **AMD 241**<br><br>***deleted*** | 5. In order to streamline and simplify communication exchanges, the Commission shall, by means of implementing acts, establish a standard format for: | **Not acceptable ; it is necessary to keep this provision.** |
| (a) ***the requests for assistance provided for in Article 102(1);*** | | (a) the requests for assistance provided for in Article 102(1); | |
| (b) ***the communication of common and recurrent notifications and responses.*** | | (b) the communication of common and recurrent notifications and responses. | |
| ***Those implementing acts shall be adopted in accordance with the examination procedure*** | | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2). | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| ***referred to in Article 141(2).*** | | | |
| | **AMD 242**<br><br>**Article 100 – paragraph 5 a (new)**<br><br>***5a. Communications between competent authorities conducted in accordance with the provisions of this title shall be without prejudice to the provisions of Commission Regulation (EU) No 16/2011 of 10 January 2011 laying down implementing measures for the Rapid Alert System for Food and Feed (RASFF) regarding communications through the RASFF system.*** | | **Not acceptable. RASFF system is a system gathering different information than the administrative assistance system.** |
| *Article 101*<br>*Liaison bodies* | *Article 101*<br>*Liaison bodies* | *Article 101*<br>*Liaison bodies* | |
| 1. Each Member State shall designate one or more liaison bodies responsible for the exchange of communications between competent authorities in accordance with Articles 102 to 105. | | 1. Each Member State shall designate one or more liaison bodies **acting as contact points** responsible for **facilitating** the exchange of communications between competent authorities in accordance with Articles 102 to 105. | |
| 2. The designation of liaison bodies shall not preclude direct contacts, exchange of | | 2. The designation of liaison bodies shall not preclude direct contacts, | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| information or cooperation between the staff of competent authorities in different Member States. | | exchange of information or cooperation between the staff of competent authorities in different Member States. | |
| 3. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning the establishment of minimum requirements that liaison bodies designated in accordance with paragraph 1 are required to comply with. | | 3. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning the establishment of minimum requirements that liaison bodies designated in accordance with paragraph 1 are required to comply with. | |
| 4. Member States shall communicate to the Commission and other Member States the details of their liaison bodies designated in accordance with paragraph 1, and any subsequent modification of those details. | | 4. Member States shall communicate to the Commission and other Member States the details of their liaison bodies designated in accordance with paragraph 1, and any subsequent modification of those details. | |
| 5. The Commission shall publish and update the list of liaison bodies communicated to it by the Member States in accordance with paragraph 4 on its website. | | 5. The Commission shall publish and update the list of liaison bodies communicated to it by the Member States in accordance with paragraph 4 on its website. | |
| 6. All requests for assistance pursuant to Article 102(1), and | | 6. All requests for assistance pursuant to Article 102(1), and notifications and | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| notifications and communications pursuant to Articles 103, 104 and 105 shall be transmitted by a liaison body to its correspondent in the Member State to which the request or the notification is addressed. | | communications pursuant to Articles 103, 104 and 105 shall be transmitted by a liaison body to its correspondent in the Member State to which the request or the notification is addressed. | |
| ***7. The Commission shall, by means of implementing acts, establish the specifications of the technical tools and the procedures for communication between liaison bodies designated in accordance with paragraph 1.***<br><br>***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).*** | **AMD 243**<br>***deleted*** | 7. The Commission shall, by means of implementing acts, establish the specifications of the technical tools and the procedures for communication between liaison bodies designated in accordance with paragraph 1.<br><br>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2). | **Not acceptable** |
| *Article 102*<br>*Assistance on request* | *Article 102*<br>*Assistance on request* | *Article 102*<br>*Assistance on request* | |
| 1. Where the competent authorities in a Member State consider that, for the performance of official controls or for the effective follow-up to such controls in | | 1. Where the competent authorities in a Member State consider that, for the performance of official controls or for the effective follow-up to such controls in their territory, they require data or information from | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| their territory, they require data or information from the competent authorities of another Member State, they shall issue a motivated request for administrative assistance to the competent authorities of that Member State. The requested competent authorities shall: | | the competent authorities of another Member State, they shall issue a motivated request for administrative assistance to the competent authorities of that Member State. The requested competent authorities shall: | |
| (a) acknowledge receipt of the request without delay; | | (a) acknowledge receipt of the request without delay; | |
| (b) indicate within ***ten*** days from the date of receipt of the request, the time necessary to provide an informed response to the request; | **AMD 244**<br>b) indicate within ***15*** days from the date of receipt of the request, the time necessary to provide an informed response to the request; | (b) **where the requesting competent authority so specifies,** indicate within ten days from the date of receipt of the request, the **estimated** time necessary to provide an informed response to the request; | **Not acceptable** |
| (c) perform official controls or investigations necessary to provide the requesting competent authorities without delay with all necessary information and documents to enable them to take informed decisions and verify compliance | | (c) perform official controls or investigations necessary to provide the requesting competent authorities without delay with all necessary information and documents to enable them to take informed decisions and verify compliance with Union rules within their jurisdiction. | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| with Union rules within their jurisdiction. | | | |
| 2. Documents may be transmitted in their original form or copies may be provided. | | 2. Documents may be transmitted in their original form or copies may be provided. | |
| 3. By agreement between the requesting competent authorities and the requested competent authorities, staff designated by the former may be present during the official controls and investigations referred to in point (c) of paragraph 1 performed by the requested competent authorities. | | 3. By agreement between the requesting competent authorities and the requested competent authorities, staff designated by the former may be present during the official controls and investigations referred to in point (c) of paragraph 1 performed by the requested competent authorities. | |
| In such cases the staff of the requesting competent authorities: | | In such cases the staff of the requesting competent authorities: | |
| (a) shall at all times be able to produce written authority stating their identity and their official capacity; | | (a) shall at all times be able to produce written authority stating their identity and their official capacity; | |
| (b) shall have access to the same premises and documents as the staff of the requested competent | | (b) shall **be granted** ~~have~~ access **by the operator** to the same premises and documents as the staff of the requested competent authorities, | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| authorities, through their intermediary, and for the sole purpose of the administrative enquiry being carried out; | | through their intermediary, and for the sole purpose of the administrative enquiry being carried out; | |
| (c) may not, on their own initiative, exercise the powers of enquiry conferred on officials of the requested competent authorities. | | (c) may not, on their own initiative, exercise the powers of enquiry conferred on officials of the requested competent authorities. | |
| *Article 103*<br>*Assistance without request* | *Article 103*<br>*Assistance without request* | *Article 103*<br>*Assistance **in the event of non-compliance**without request* | |
| 1. When the competent authorities in a Member State become aware of a non-compliance, and if such non-compliance may have implications for another Member State, they shall notify such information to the competent authorities of that other Member State without being requested to do so and without delay. | | 1. When the competent authorities in a Member State become aware of a non-compliance, and if such non-compliance may have implications for another Member State, they shall notify such information to the competent authorities of that other Member State without being requested to do so and without **undue** delay. | |
| 2. The competent authorities notified in accordance with | | 2. The competent authorities notified | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| paragraph 1: | | in accordance with paragraph 1: | |
| (a) shall acknowledge receipt of the notification without delay; | | (a) shall acknowledge receipt of the notification without **undue** delay; | |
| (b) shall indicate within ***ten*** days from the date of receipt of the notification: | **AMD 24**<br>b) shall indicate within ***15 working*** days from the date of receipt of the notification: | (b) **shall, where the notifying competent authority so specifies,** ~~shall~~ indicate within ten days from the date of receipt of the notification: | **Not acceptable** |
| (i) what investigations they intend to carry out; or, | | (i) what investigations they intend to carry out; or, | |
| (ii) the reasons why they consider that no investigations are necessary; | | (ii) the reasons why they consider that no investigations are necessary; | |
| (c) where investigations referred to in point (b) are considered necessary, they shall investigate the | | (c) **shall,** where investigations referred to in point (b) are considered necessary, ~~they shall~~ investigate the matter and inform the notifying competent | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| matter and inform the notifying competent authorities without delay of the results and, where appropriate, of any measures taken. | | authorities without delay of the results and, where appropriate, of any measures taken. | |
| *Article 104*<br>*Assistance in the event of non-compliance* | *Article 104*<br>*Assistance in the event of non-compliance* | *Article 104*<br>*Assistance in the event of non-compliance* ***creating a risk or a repeated or potential serious infringement*** | |
| 1. Where, during official controls performed on animals or goods originating in another Member State, the competent authorities establish that such animals or goods do not comply with the rules referred to in Article 1(2) in such a way as to create a risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, to the environment, or to constitute a serious infringement of those rules, they shall, without delay, notify the competent authorities of the Member State of dispatch and of any other concerned | | 1. Where, during official controls performed on animals or goods originating in another Member State, the competent authorities establish that such animals or goods do not comply with the rules referred to in Article 1(2) in such a way as to create a risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, also to the environment, or to constitute a **potential** serious infringement of those rules, they shall, without delay, notify the competent authorities of the Member State of dispatch and of any other concerned Member State in order to enable them to undertake appropriate investigations. | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| Member State in order to enable them to undertake appropriate investigations. | | | |
| | **AMD 246**<br>**Article 104 – paragraph 1 a (new)**<br>***1a. The other concerned Member States referred to in paragraph 1 shall, in the case of infringements of Regulation (EC) No 1/2005 on the protection of animals during transport include:***<br><br>***(a) the one that granted the authorisation to the transporter;***<br><br>***(b) where a deficiency in the means of transport is involved in the failure to observe the requirements of the Regulation, the one that granted the certificate of approval of the means of transport;***<br><br>***(c) where the driver is involved in the failure to observe the requirements of the Regulation, the one that issued the driver's certificate of competence.*** | | **Not acceptable ; it is a matter to be dealt with in Regulation 1/2005** |
| 2. The notified competent authorities shall without delay: | | 2. The notified competent authorities shall without delay: | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | | |
| (a) acknowledge receipt of the notification; | | (a) acknowledge receipt of the notification; | |
| (b) indicate what investigations they intend to carry out; | | (b) where the notifying competent authority so specifies, indicate what investigations they intend to carry out; | |
| (c) investigate the matter, take all necessary measures and inform the notifying competent authorities of the nature of the investigations and official controls performed, of the decisions taken and of the reasons for such decisions. | | (c) investigate the matter, take all necessary measures and inform the notifying competent authorities of the nature of the investigations and official controls performed, of the decisions taken and of the reasons for such decisions. | |
| | **AMD 247**<br><br>**Article 104 – paragraph 2 – point c a (new)**<br><br>***(ca) inform all relevant, concerned stakeholders, as specified in national food safety contingency plans.*** | | **Not acceptable; additional administrative burden .** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| 3. If the notifying competent authorities have reason to believe that the investigations performed or the measures taken by the notified competent authorities do not adequately address the non-compliance established, they shall request the notified competent authorities to complement the official controls performed or the measures taken. In such cases: | | 3. If the notifying competent authorities have reason to believe that the investigations performed or the measures taken by the notified competent authorities do not adequately address the non-compliance established, they shall request the notified competent authorities to complement the official controls performed or the measures taken. In such cases: | |
| (a) the competent authorities from the two Member States shall seek an agreed approach with the aim of appropriately addressing the non-compliance, including through joint official controls and investigations performed in accordance with Article 102(3); | | (a) the competent authorities from the two Member States shall seek an agreed approach with the aim of appropriately addressing the non-compliance, including through joint official controls and investigations performed in accordance with Article 102(3); | |
| (b) they shall inform the Commission without delay where they are not able to agree on appropriate measures. | | (b) they shall inform the Commission without delay where they are not able to agree on appropriate measures. | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| 4. When official controls performed on animals or goods originating in another Member State show repeated cases of non-compliance with the rules referred to in Article 1(2), the competent authorities of the Member State of destination shall inform the Commission and the competent authorities of the other Member States without delay. | | 4. When official controls performed on animals or goods originating in another Member State show repeated cases of non-compliance **as referred to in paragraph (1)** ~~with the rules referred to in Article 1(2)~~, the competent authorities of the Member State of destination shall inform the Commission and the competent authorities of the other Member States without delay. | |
| *Article 105*<br>*Assistance by third countries* | *Article 105*<br>*Assistance by third countries* | *Article 105*<br>*Assistance **on the basis of information provided** by third countries* | |
| 1. When competent authorities receive information from a third country indicating non-compliance or a risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, to the environment, they shall, without delay: | | 1. When competent authorities receive information from a third country indicating non-compliance **with rules referred to Article 1(2)** or a risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, to the environment, they shall, without delay: | |
| (a) notify such information to the competent authorities | | (a) notify such information to the | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| in other concerned Member States; | | competent authorities in other concerned Member States; | |
| (b) communicate such information to the Commission where it is or may be relevant at Union level. | | (b) communicate such information to the Commission where it is or may be relevant at Union level. | |
| 2. Information obtained through official controls and investigations performed in accordance with this Regulation may be communicated to the third country referred to in paragraph 1, provided that: | | 2. Information obtained through official controls and investigations performed in accordance with this Regulation may be communicated to the third country referred to in paragraph 1, provided that: | |
| (a) the competent authorities which have provided the information consent to such communication; | | (a) the competent authorities which have provided the information consent to such communication; | |
| (b) the third country has undertaken to provide the assistance necessary to gather evidence of practices that are or appear to be non- | | (b) the third country has undertaken to provide the assistance necessary to gather evidence of practices that are or appear to be non-compliant with Union rules or that pose a risk to | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| compliant with Union rules or that pose a risk to humans, animals or plants or the environment; | | humans, animals or plants or the environment; | |
| (c) relevant Union and national rules applicable to the communication of personal data to third countries are complied with. | | (c) relevant Union and national rules applicable to the communication of personal data to third countries are complied with. | |
| *Article 106*<br>*Coordinated assistance and follow-up by the Commission* | *Article 106*<br>*Coordinated assistance and follow-up by the Commission* | *Article 106*<br>*Coordinated assistance and follow-up by the Commission* | |
| 1. The Commission shall coordinate without delay the measures and actions undertaken by competent authorities in accordance with this Title where: | | 1. The Commission shall coordinate without delay the measures and actions undertaken by competent authorities in accordance with this Title where: | |
| (a) information available to the Commission reports activities that are, or appear to be, non-compliant with the rules referred to in Article 1(2), and such activities have, or might have, ramifications in more than one Member State; or, | | (a) information available to the Commission reports activities that are, or appear to be, non-compliant with the rules referred to in Article 1(2), and such activities have, or might have, ramifications in more than one Member State; or, | |
| (b) information available to the Commission indicates that | | (b) information available to the | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| the same, or similar, activities that are, or appear to be, non-compliant with the rules referred to in Article 1(2) might be taking place in more than one Member State; and, | | Commission indicates that the same, or similar, activities that are, or appear to be, non-compliant with the rules referred to in Article 1(2) might be taking place in more than one Member State; and, | |
| (c) the competent authorities in the Member States concerned are unable to agree on appropriate action to address the non-compliance with the rules referred to in Article 1(2). | | (c) the competent authorities in the Member States concerned are unable to agree on appropriate action to address the non-compliance with the rules referred to in Article 1(2). | |
| 2. In the cases referred to in paragraph 1 the Commission may: | | 2. In the cases referred to in paragraph 1 the Commission may: | |
| (a) in collaboration with the Member State concerned, send an inspection team to perform an on-the-spot official control; | | (a) in collaboration with the Member State concerned, send an inspection team to perform an on-the-spot official control; | |
| (b) request, by means of implementing acts, that the competent authorities in the Member State of dispatch and, where appropriate, in other Member States concerned, appropriately intensify | | (b) request, by means of implementing acts, that the competent authorities in the Member State of dispatch and, where appropriate, in other Member States concerned, appropriately intensify official controls and report to | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| official controls and report to it on the measures taken by them; | | it on the measures taken by them; | |
| (c) take any other appropriate measure in accordance with the rules referred to in Article 1(2). | | (c) take any other appropriate measure in accordance with the rules referred to in Article 1(2). | |
| 3. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 to establish rules for the rapid exchange of information in the cases referred to in paragraph 1. | | 3. The Commission **may** ~~shall be empowered to~~ adopt **implementing** ~~delegated~~ acts ~~in accordance with Article 139~~ to establish rules for the rapid exchange of information in the cases referred to in paragraph 1. | |
| | | **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).** | |
| **Title V**<br>**Planning and reporting** | **Title V**<br>**Planning and reporting** | **Title V**<br>**Planning and reporting** | |
| *Article 107*<br>*Multi-annual national control plans (MANCP) and single authority for the MANCP* | *Article 107*<br>*Multi-annual national control plans (MANCP) and single authority for the MANCP* | *Article 107*<br>*Multi-annual national control plans (MANCP) and single* ***body*** ~~*authority*~~ *for the MANCP* | |
| 1. Member States shall ensure that official controls governed by this Regulation are performed by | | 1. Member States shall ensure that official controls governed by this | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| the competent authorities on the basis of a multi-annual national control plan, the preparation and implementation of which are coordinated across their territory. | | Regulation are performed by the competent authorities on the basis of a multi-annual national control plan, the preparation and implementation of which are coordinated across their territory. | |
| 2. Member States shall designate ***a single*** authority responsible for: | **AMD 248**<br>2. Member States shall designate ***the*** authority ***or authorities*** responsible for: | 2. Member States shall designate a single ~~authority~~ **body tasked with**~~responsible for~~: | **Not acceptable** |
| (a) the coordination of the preparation of the plan referred to in paragraph 1 across all competent authorities responsible for the official controls; | | (a) ~~the~~ coordinati**ng** ~~on~~ the preparation of the plan referred to in paragraph 1 across all competent authorities responsible for the official controls; | |
| (b) ensuring that such plan is coherent and consistently implemented. | | (b) ensuring that such plan is coherent ~~and consistently implemented~~**;** | |
| | | **(c) collecting the information on the implementation of the plan in view of submitting the annual reporting referred to in Article 112 and of its review and update as necessary in accordance with Article 109 (2)**. | |
| *Article 108*<br>*Content of the multi-annual national control plans* | *Article 108*<br>*Content of the multi-annual national control plans* | *Article 108*<br>*Content of the multi-annual national control plans* | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| 1. Multi-annual national control plans shall be prepared so as to ensure that: | | 1. Multi-annual national control plans shall be prepared so as to ensure that~~:~~ | |
| (a) official controls are planned in all the areas governed by the rules referred to in Article 1(2) and in accordance with the criteria laid down in Article 8 and in the rules provided for in Articles 15 to 24; | | ~~(a)~~ official controls are planned in all the areas governed by the rules referred to in Article 1(2) and in accordance with the criteria laid down in Article 8 and in the rules provided for in Articles 15 to 24**a**~~;~~ | |
| (b) there is efficient prioritisation of official controls and efficient allocation of control resources. | | ~~(b) there is efficient prioritisation of official controls and efficient allocation of control resources.~~ | |
| 2. Multi-annual national control plans shall contain general information on the structure and organisation of the systems of official control in the Member State concerned, and shall contain at least information on the following: | **AMD 249**<br>2. Multi-annual national control plans shall contain general information on the structure and organisation of the systems of official control in the Member State concerned ***for each of the sectors concerned*** and shall contain at least information on | 2. Multi-annual national control plans shall contain general information on the structure and organisation of the systems of official control in the Member State concerned **in each of the areas covered**, and shall contain at least information on the following: | **Possibly acceptable as reworded;**<br><br>**the term ' *sector*' is not used in this Regulation** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | the following: | | |
| (a) the strategic objectives of the multi-annual national control plan and on how the prioritisation of official controls and allocation of resources reflect these objectives; | | (a) the strategic objectives of the multi-annual national control plan and on how the prioritisation of official controls and allocation of resources reflect these objectives; | |
| (b) the risk categorisation of the official controls; | | (b) the risk categorisation of the official controls; | |
| | | **(ba) the indication on how the requirements on uniform minimum frequencies of official controls referred to in Articles 15 to 19 and 21 to 24a are implemented;** | |
| (c) the designation of competent authorities and their tasks at central, regional and local level, and on resources available to those authorities; | | (c) the designation of competent authorities and their tasks at central, regional and local level, and on resources available to those authorities; | |
| (d) where appropriate, the delegation of tasks to delegated bodies; | | (d) where appropriate, the delegation of tasks to delegated bodies; | |
| (e) the general organisation and management of official controls at national, regional and local level, including official controls | | (e) the general organisation and management of official controls at national, regional and local level, including official | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| in individual establishments; | | controls in individual establishments; | |
| (f) control systems applied to different sectors and coordination between the different services of competent authorities responsible for official controls in those sectors; | | (f) control systems applied to different sectors and coordination between the different services of competent authorities responsible for official controls in those sectors; | |
| (g) procedures and arrangements in place to ensure compliance with the obligations of the competent authorities provided for in Article 4(1); | | (g) procedures and arrangements in place to ensure compliance with the obligations of the competent authorities provided for in Article 4(1); | |
| (h) the training of staff of the competent authorities; | | (h) the training of staff of the competent authorities | |
| (i) the documented procedures provided for in Article 11(1); | | (i) the documented procedures provided for in Article 11(1); | |
| (j) the organisation and operation of contingency plans in accordance with the rules referred to Article 1(2); | | (j) the **general** organisation and operation of contingency plans in accordance with the rules referred to Article 1(2); | |
| (k) the organisation of cooperation and mutual assistance between competent authorities in | | (k) the **general** organisation of cooperation and mutual assistance between competent authorities in the Member States. | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| the Member States. | | | |
| *Article 109*<br>*Preparation and implementation of multi-annual control plans* | *Article 109*<br>*Preparation and implementation of multi-annual control plans* | *Article 109*<br>*Preparation**, update** and **review**~~implementation~~ of multi-annual control plans* | |
| 1. Member States shall ensure that the multi-annual national control plan provided for in Article 107(1) is made available to the public, with the exception of those parts of the plan the disclosure of which could undermine the effectiveness of official controls. | | 1. Member States shall ensure that the multi-annual national control plan provided for in Article 107(1) is made available to the public, with the exception of those parts of the plan the disclosure of which could undermine the effectiveness of official controls. | |
| | **AMD 250**<br><br>**Article 109 – paragraph 1 a (new)**<br><br>***1a. such plans may be prepared in consultation with relevant operators, with a view to ensuring a risk-based approach to official controls.*** | | **Not acceptable.**<br><br>**It is the responsibility of the competent authorities to prepare, implement and review MANCPs, to show their compliance with the rules of this Regulation.** |
| 2. The multi-annual national control plan shall be updated every time it is necessary to adjust it to changes to the rules referred to in Article 1(2), and shall be reviewed on a regular basis to take account at least of the following factors: | | 2. The multi-annual national control plan shall be **regularly** updated ~~every time it is necessary~~ to adjust it to changes to the rules referred to in Article 1(2), and ~~shall be~~ reviewed ~~on a regular basis~~ to take account at least of the following factors: | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (a) the emergence of new diseases, pests of plants or other risks to human, animal or plant health, animal welfare or, ***in the case of GMOs and plant protection products,*** to the environment; | **AMD 251**<br>(a) the emergence of new diseases, pests of plants or other risks to human or plant animal health, animal welfare or to the environment; | (a) the emergence of new diseases, pests of plants or other risks to human, animal or plant health, animal welfare or, in the case of GMOs and plant protection products, also to the environment; | **Not acceptable.** |
| (b) significant changes to the structure, management or operation of the competent authorities in the Member State; | | (b) significant changes to the structure, management or operation of the competent authorities in the Member State; | |
| (c) the results of Member States' official controls; | | (c) the results of Member States' official controls; | |
| (d) the results of Commission controls performed in the Member State in accordance with Article 115(1); | | (d) the results of Commission controls performed in the Member State in accordance with Article 115(1); | |
| (e) delegated acts adopted by the Commission in accordance with Article 110; | | ~~(e) delegated acts adopted by the Commission in accordance with Article 110;~~ | **Consistency with proposed deletion of Article110** |
| (f) scientific findings; | | (~~f~~**e**) scientific findings | |
| (g) the outcome of official controls performed by the | | (~~g~~**f**) the outcome of official controls performed by the competent authorities of third country in a | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| competent authorities of third country in a Member State. | | Member State. | |
| 3. Member States shall provide the Commission with an up-to-date version of their multi-annual national control plan on request. | | 3. Member States shall provide the Commission with **the latest** ~~an~~ up-to-date version of their multi-annual national control plan on request. | |
| ***Article 110*** | ***Article 110*** | ~~*Article 110*~~ | |
| ***Delegated powers for multi-annual national control plans*** | **AMD 252**<br><br>***deleted*** | ~~*Delegated powers for multi-annual national control plans*~~ | **Acceptable** |
| ***The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning the multi-annual national control plans provided for in Article 107(1).*** | | **Deleted (Article110)** | |
| ***Those delegated acts shall lay down rules on:*** | | | |
| ***(a) criteria for the risk categorisation of the operators' activities;*** | | | |
| ***(b) priorities for official controls based on the criteria laid down in Article 8 and in the rules provided for in Articles 15 to 24;*** | | | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| ***(c) procedures to maximise the effectiveness of official controls;*** | | | |
| ***(d) the main performance indicators to be applied by the competent authorities in assessing the multi-annual national control plan and its implementation.*** | | | |
| *Article 111*<br>*Coordinated control plans and information and data collection* | *Article 111*<br>*Coordinated control plans and information and data collection* | *Article 111*<br>*Coordinated control **programmes** ~~plans~~ and information and data collection* | |
| With a view to conducting Union wide targeted assessment of the state of application of the rules referred to in Article 1(2) or establishing the prevalence of certain hazards across the Union, the Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning: | | With a view to conducting Union wide targeted assessment of the state of application of the rules referred to in Article 1(2) or establishing the prevalence of certain hazards across the Union, the Commission **may** ~~shall be empowered to~~ adopt ~~delegated~~ **implementing** acts ~~in accordance with Article 139~~ concerning | **Not acceptable.**<br><br>**More appropriate to develop those rules, as necessary, through implementing acts to respond quickly to such specific hazards requiring coordinated approach.** |
| (a) the organisation and the implementation of coordinated control plans of limited duration in one of the areas governed by the rules referred to in Article 1(2); | **AMD 253**<br>(a) the ***preparation,*** organisation and the implementation of coordinated control plans of limited duration in one of the areas governed by the rules referred to in Article 1(2); | (a) ~~the organisation and~~ the implementation of coordinated control **programmes** ~~plans~~ of limited duration in one of the areas governed by the rules referred to in Article 1(2); | **Not acceptable.** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (b) the organisation, on an ad hoc basis, of the collection of data and information in relation to the ***application of a specific set of the rules referred to in Article 1(2) or regarding the*** prevalence of certain hazards. | **AMD 254**<br>b) the organisation, on an ad hoc basis, of the collection of data and information in relation to the prevalence of certain hazards. | (b) the organisation, on an ad hoc basis, of the collection of data and information in relation to the application of a specific set of the rules referred to in Article 1(2) or regarding the prevalence of certain hazards. | |
| | **AMD 255**<br><br>**Article 111 – paragraph 1 – point b a (new)**<br><br>***(ba) the role of stakeholders in the development and implementation of the coordinated control plans.*** | | **Not acceptable.**<br><br>**It is a matter between competent authorities and COM to agree on the need of coordinated control plans; however COM usually consults stakeholders when drafting implementing acts.** |
| | | **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).** | |
| *Article 112*<br>*Annual reports by the Member States* | *Article 112*<br>*Annual reports by the Member States* | *Article 112*<br>*Annual reports by the Member States* | |
| 1. By 30th June every year, each Member State shall submit to | | 1. By ~~30th June~~ **31st August** every year, each Member State shall submit to the | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| the Commission a report setting out: | | Commission a report setting out: | |
| (a) any amendments made to its multi-annual national control plan to take account of the factors referred to in Article 109(2); | | (a) any amendments made to its multi-annual national control plan to take account of the factors referred to in Article 109(2); | |
| (b) the results of official controls performed in the previous year under its multi-annual national control plan; | | (b) the results of official controls performed in the previous year under its multi-annual national control plan; | |
| (c) the type and number of cases of non-compliance with the rules referred to in Article 1(2) detected in the previous year by the competent authorities; | **AMD 256**<br>(c) the type and number of cases of non-compliance with the rules referred to in Article 1(2) detected in the previous year by the competent authorities***, specified per sector, and in an adequate level of detailedness***; | (c) the type and number of cases of non-compliance with the rules referred to in Article 1(2) detected in the previous year by the competent authorities; | **Not acceptable;**<br><br>**administrative burden for competent authorities not providing additionnal added value to the reporting of type and number of cases of non-compliance.**<br><br>**Furthermore paragraph 2 provides uniform presentation as necessary;** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (d) measures taken to ensure the effective operation of its multi-annual national control plan, including enforcement action and the results of such measures. | | (d) **the** measures taken to ensure the effective operation of its multi-annual national control plan, including enforcement action and the results of such measures. | |
| | **AMD 257**<br><br>**Article 112 – paragraph 1 – point d a (new)**<br><br>***(da) the information on fees referred to in paragraph 2 of Article 83 on transparency.*** | | **Not acceptable ; administrative burden duplicating the obligation on competent authorities as foreseen on transparency of fees (new Article 81 (2))** |
| 2. In order to ensure the uniform presentation of the annual reports provided for in paragraph 1, the Commission shall, by means of implementing acts, adopt and update as necessary standard model forms for the submission of the information and data referred to in paragraph 1. | | 2. In order to ensure the uniform presentation of the annual reports provided for in paragraph 1, the Commission **may** ~~shall~~, by means of implementing acts, adopt and update as necessary standard model forms for the submission of the information and data referred to in paragraph 1. | |
| Those implementing acts shall, whenever possible, allow the use of the standard model forms | | Those implementing acts shall, whenever possible, allow the use of the standard model forms adopted by the Commission for the submission of other reports on | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| adopted by the Commission for the submission of other reports on official controls that the competent authorities are required to submit to the Commission in accordance with the rules referred to in Article 1(2). | | official controls that the competent authorities are required to submit to the Commission in accordance with the rules referred to in Article 1(2). | |
| Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2). | | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2). | |
| *Article 113*<br>*Annual reports by the Commission* | *Article 113*<br>*Annual reports by the Commission* | *Article 113*<br>*Annual reports by the Commission* | |
| 1. The Commission shall make available to the public an annual report on the operation of official controls in the Member States, taking into account: | **AMD 258**<br>1. The Commission shall***, by 31st December every second year after the entry into force of this Regulation,*** make available to the public an annual report on the operation of official controls in the Member States, taking into account: | 1. **Five months from the date referred to in Article 112 (1), the** Commission shall make available to the public an annual report on the operation of official controls in the Member States, taking into account: | **Not acceptable; consistency with the obligation of competent authorities to report annually to COM** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (a) the annual reports submitted by the Member States in accordance with Article 112; | **AMD 259**<br>(a) the annual reports submitted by the Member States in accordance with Article 112***, which shall include the information on fees referred to in paragraph 2 of Article 83 on transparency***; | (a) the annual reports submitted by the Member States in accordance with Article 112; | **Not acceptable ; administrative burden duplicating the obligation on competent authorities as foreseen on transparency of fees (new Article 81 (2))** |
| (b) the results of Commission controls performed in accordance with Article 115(1); | | (b) the results of Commission controls performed in accordance with Article 115(1)**;** | |
| (c) any other relevant information. | | ~~(c) any other relevant information.~~ | |
| 2. The annual report provided for in paragraph 1 ***may, where appropriate,*** include recommendations on possible improvements to official control systems in Member States and specific official controls in certain areas. | **AMD 260**<br>2. The annual report provided for in paragraph 1 ***shall*** include recommendations on possible improvements to official control systems in Member States and specific official controls in certain areas. | 2. The annual report provided for in paragraph 1 may, where appropriate, include recommendations on possible improvements to official control systems in Member States and ~~specific~~**certain** official controls in certain areas. | **Not acceptable . Recommendations will not be always needed.** |
| *Article 114*<br>*Contingency plans for food and feed* | *Article 114*<br>*Contingency plans for food and feed* | *Article 114*<br>*Contingency plans for food and feed* | |
| 1. For the application of the general plan for crisis | | 1. For the application of the general plan | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| management provided for in Article 55(1) of Regulation (EC) No 178/2002, Member States shall draw up operational contingency plans for food and feed setting out measures to be applied without delay when food or feed is found to pose a serious risk to human or animal health either directly or through the environment. | | for crisis management provided for in Article 55(1) of Regulation (EC) No 178/2002, Member States shall draw up ~~operational~~ contingency plans for food and feed setting out measures to be applied without delay when food or feed is found to pose a serious risk to human or animal health either directly or through the environment. | |
| 2. The contingency plans for food and feed provided for in paragraph 1 shall specify: | | 2. The contingency plans for food and feed provided for in paragraph 1 shall specify: | |
| (a) the competent authorities to be involved; | | (a) the competent authorities to be involved; | |
| (b) the powers and responsibilities of the authorities referred to in point (a); | | (b) the powers and responsibilities of the authorities referred to in point (a); | |
| (c) channels and procedures for sharing information between competent authorities and other parties concerned as appropriate. | | (c) channels and procedures for sharing information between competent authorities and other parties concerned as appropriate. | |
| 3. Member States shall review their contingency plans for food and | | 3. Member States shall review their | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| feed regularly to take into account changes in the organisation of the competent authorities and experience gained from implementing the plan and simulation exercises. | | contingency plans for food and feed regularly to take into account changes in the organisation of the competent authorities and experience gained from implementing the plan and simulation exercises. | |
| 4. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning: | | 4. The Commission ~~shall be empowered to~~ **may** adopt **implementing** ~~delegated~~ acts ~~in accordance with Article 139~~ concerning: | |
| (a) rules for the establishment of the contingency plans provided for in paragraph 1 to the extent necessary to ensure the consistent and efficient use of the general plan for crisis management provided for in Article 55(1) of Regulation (EC) No 178/2002; | | (a) rules for the establishment of the contingency plans provided for in paragraph 1 to the extent necessary to ensure the consistent and **effective** ~~efficient~~ use of the general plan for crisis management provided for in Article 55(1) of Regulation (EC) No 178/2002; | |
| (b) the role of stakeholders in the establishment and operation of those contingency plans. | | (b) the role of stakeholders in the establishment and operation of those contingency plans. | |
| | | **Those implementing acts shall be adopted in accordance with the examination procedure referred to in** | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | **Article 141(2).** | |
| **Title VI**<br>**Union activities** | **Title VI**<br>**Union activities** | **Title VI**<br>**Union activities** | |
| **Chapter I**<br>**Commission controls** | **Chapter I**<br>**Commission controls** | **Chapter I**<br>**Commission controls** | |
| *Article 115*<br>*Commission controls in Member States* | *Article 115*<br>*Commission controls in Member States* | *Article 115*<br>*Commission controls in Member States* | |
| 1. Commission experts shall perform controls in each Member State to: | | 1. Commission experts shall perform controls**, including audits,** in each Member State to: | |
| (a) verify the application of the rules referred to in Article 1(2) and those provided for in this Regulation; | | (a) verify the application of the rules referred to in Article 1(2) and those provided for in this Regulation; | |
| (b) verify the functioning of national control systems and of the competent authorities which operate them; | | (b) verify the functioning of national control systems **in the areas governed by the rules referred to in Article 1(2) and those of this Regulation** and of the competent authorities which operate them; | |
| (c) investigate and collect information: | | (c) investigate and collect information: | |
| (i) on official controls and enforcement practices; | | (i) on official controls and enforcement practices **in the areas governed by the rules** | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | **referred to in Article 1(2) and those of this Regulation**; | |
| (ii) on important or recurring problems with the application or enforcement of the rules referred to in Article 1(2); | | (ii) on important or recurring problems with the application or enforcement of the rules referred to in Article 1(2); | |
| (iii) in relation to emergency situations, emerging problems or new developments in the Member States. | | (iii) in relation to emergency situations, emerging problems or new developments in the Member States **in the areas governed by the rules referred to in Article 1(2) and those of this Regulation**. | |
| 2. The controls provided for in paragraph 1 shall be organised in cooperation with the competent authorities of the Member States and be performed on a regular basis. | | 2. The controls provided for in paragraph 1 shall be organised in cooperation with the competent authorities of the Member States and be performed on a regular basis. | |
| 3. The controls provided for in paragraph 1 may include on the spot verifications. The Commission experts may accompany the staff of the competent authorities performing official controls. | | 3. The controls provided for in paragraph 1 may include on the spot verifications. The Commission experts may accompany the staff of the competent authorities performing official controls. | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| 4. Experts from the Member States may assist the Commission experts. National experts accompanying Commission experts shall be given the same rights of access as the Commission experts. | | 4. Experts from the Member States may assist the Commission experts. National experts accompanying Commission experts shall be given the same rights of access as the Commission experts. | |
| *Article 116*<br>*Reports by the Commission on controls by its experts in Member States* | *Article 116*<br>*Reports by the Commission on controls by its experts in Member States* | *Article 116*<br>*Reports by the Commission on controls by its experts in Member States* | |
| 1. The Commission shall: | | ~~1.~~ The Commission shall: | |
| (a) prepare a draft report on the findings of controls performed in accordance with Article 115(1); | | (a) prepare a draft report on the findings ~~of~~ **and on recommendations addressing the shortcomings identified by its experts during** controls performed in accordance with Article 115(1); | |
| (b) send to the Member State where those controls were performed a copy of the draft report provided for in point (a) for its comments; | | (b) send to the Member State where those controls were performed a copy of the draft report provided for in point (a) for its comments; | |
| (c) take the comments of the Member State referred to in point (b) into account | | (c) take the comments of the Member State referred to in | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| in preparing the final report on the findings of the controls performed by its experts in the Member States as provided for in Article 115(1); | | point (b) into account in preparing the final report on the findings of the controls performed by its experts in the Member States as provided for in Article 115(1); | |
| (d) make publicly available the final report referred to in point (c) and the comments of the Member State referred to in point (b). | | (d) make publicly available the final report referred to in point (c) and the comments of the Member State referred to in point (b). | |
| 2. Where appropriate, the Commission may recommend in its final reports provided for in paragraph 1 corrective or preventive action to be taken by the Member States to address the specific or systemic shortcomings identified by its experts during controls performed in accordance with Article 115(1). | | ~~2. Where appropriate, the Commission may recommend in its final reports provided for in paragraph 1 corrective or preventive action to be taken by the Member States to address the specific or systemic shortcomings identified by its experts during controls performed in accordance with Article 115(1).~~ | |
| *Article 117*<br>*Programme of the Commission controls in Member States* | *Article 117*<br>*Programme of the Commission controls in Member States* | *Article 117*<br>*Programme of the Commission controls in Member States* | |
| 1. The Commission shall, by means of implementing acts: | | 1. The Commission shall, by means of implementing acts: | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | | |
| (a) establish an annual or multiannual control programme for the controls to be performed by its experts in the Member States as provided for in Article 115(1); | | (a) establish an annual or multiannual control programme for the controls to be performed by its experts in the Member States as provided for in Article 115(1); | |
| (b) by the end of each year, communicate to the Member States the annual control programme or any update to the multiannual control programme for the following year. | | (b) by the end of each year, communicate to the Member States the annual control programme or any update to the multiannual control programme for the following year. | |
| 2. The Commission may, by means of implementing acts, amend its control programme to take account of developments in the areas governed by the rules referred to in Article 1(2). Any such amendment shall be communicated to the Member | **AMD 261**<br>2. The Commission may, by means of implementing acts, amend its control programme to take account of developments in the areas governed by the rules referred to in Article 1(2). Any such amendment shall be | 2. The Commission may, by means of implementing acts, amend its control programme to take account of developments in the areas governed by the rules referred to in Article 1(2). Any such amendment | **Acceptable as reworded** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| States. | communicated to the Member States ***sufficiently well in advance***. | shall be communicated to the Member States**, without delay**. | |
| *Article 118*<br>*Obligations of the Member States as regards Commission controls* | *Article 118*<br>*Obligations of the Member States as regards Commission controls* | *Article 118*<br>*Obligations of the Member States as regards Commission controls* | |
| Member States shall: | | Member States shall: | |
| (a) take appropriate follow-up measures to remedy any specific or systemic shortcomings identified by the controls performed by the Commission experts in accordance to Article 115(1); | | (a) take appropriate follow-up measures to remedy any specific or systemic shortcomings identified by the controls performed by the Commission experts in accordance to Article 115(1); | |
| (b) give all necessary assistance and provide all documentation and other technical support that Commission experts request to enable them to perform controls efficiently and effectively; | | (b) give **the** ~~all~~ necessary **technical** assistance and provide **the** ~~all~~ **available** documentation and other technical support that Commission experts request to enable them to perform controls efficiently and effectively; | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (c) ensure that Commission experts have access to all premises or parts of premises, animals and goods, and to information, including computing systems, relevant for the execution of their duties. | | (c) **give the necessary assistance to** ensure that Commission experts have access to all premises or parts of premises, animals and goods, and to information, including computing systems, relevant for the execution of their duties. | |
| *Article 119*<br>*Commission controls in third countries* | *Article 119*<br>*Commission controls in third countries* | *Article 119*<br>*Commission controls in third countries* | |
| 1. Commission experts may perform controls in third countries in order to: | | 1. Commission experts may**, as appropriate,** perform controls in third countries **of their control system** in order to: | |
| (a) verify the compliance or equivalence of third-country legislation and systems, including official certification and the issuance of official certificates, official labels, official marks and other official attestations, with the requirements laid down in the rules referred to in Article 1(2); | | (a) verify the compliance or equivalence of third-country legislation and systems, including official certification and the issuance of official certificates, official labels, official marks and other official attestations, with the requirements laid down in the rules referred to in Article 1(2); | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (b) verify the capacity of the third country control system to ensure that consignments of animals and goods exported to the Union comply with relevant requirements established by the rules referred to in Article 1(2) or with requirements recognised to be at least equivalent thereto; | | (b) verify the capacity of the third country control system to ensure that consignments of animals and goods exported to the Union comply with relevant requirements established by the rules referred to in Article 1(2) or with requirements recognised to be at least equivalent thereto; | |
| (c) collect information and data to elucidate the causes of recurring or emerging problems in relation to exports of animals and goods from a third country. | | (c) collect information and data to elucidate the causes of recurring or emerging problems in relation to exports of animals and goods from a third country. | |
| 2. The controls provided for in paragraph 1 shall have particular regard to: | | 2. The controls provided for in paragraph 1 shall have particular regard to: | |
| (a) the legislation of the third country; | | (a) the legislation of the third country; | |
| (b) the organisation of the third country's competent | | (b) the organisation of the third | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| authorities, their powers and independence, the supervision to which they are subject and the authority they have to enforce the applicable legislation effectively; | | country's competent authorities, their powers and independence, the supervision to which they are subject and the authority they have to enforce the applicable legislation effectively; | |
| (c) the training of staff in the performance of official controls; | | (c) the training of staff **of the competent authority of the third country** in the performance of ~~official~~ controls; | |
| (d) the resources including analytical, testing and diagnostic facilities available to competent authorities; | | (d) the resources including analytical, testing and diagnostic facilities available to competent authorities; | |
| (e) the existence and operation of documented control procedures and control systems based on priorities; | | (e) the existence and operation of documented control procedures and control systems based on priorities; | |
| (f) where applicable, the situation regarding animal health, zoonoses ***and plant health,*** and | **AMD 263**<br>(f) where applicable, the situation regarding animal health, zoonoses**,** and procedures for notifying the Commission and relevant international bodies of | (f) where applicable, the situation regarding animal health, **animal welfare,** zoonoses and plant health, and procedures for notifying the Commission | **Not acceptable. Pest of plants is covered in Article1(2) (g) .** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| procedures for notifying the Commission and relevant international bodies of outbreaks of animal diseases ***and pests of plants;*** | outbreaks of animal diseases; | and relevant international bodies of outbreaks of animal diseases and pests of plants; | |
| (g) the extent and operation of official controls performed on animals, plants and their products arriving from other third countries; | | (g) the extent and operation of ~~official~~ controls performed **by the competent authority of the third country** on animals, plants and their products arriving from other third countries; | |
| (h) the assurances which the third country can give regarding compliance with, or equivalence to, the requirements laid down in the rules referred to in Article 1(2). | | (h) the assurances which the third country can give regarding compliance with, or equivalence to, the requirements laid down in the rules referred to in Article 1(2). | |
| 3. In order to facilitate the efficiency and effectiveness of the controls provided for in paragraph 1, the Commission may, prior to performing such controls, request that the third | | 3. In order to facilitate the efficiency and effectiveness of the controls provided for in paragraph 1, the Commission may, prior to performing such controls, request that the third country concerned provide: | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| country concerned provide: | | | |
| (a) the information referred to in Article 124(1); | | (a) the **necessary** information referred to in Article 124(1); | |
| (b) where appropriate, the written records on the official controls it performs. | | (b) where appropriate **and necessary,** the written records on the ~~official~~ controls it**s competent authorities** perform~~s~~. | |
| 4. The Commission may appoint experts from Member States to assist its own experts during the controls provided for in paragraph 1. | | 4. The Commission may appoint experts from Member States to assist its own experts during the controls provided for in paragraph 1. | |
| *Article 120*<br>*Frequency of Commission controls in third countries* | *Article 120*<br>*Frequency of Commission controls in third countries* | *Article 120*<br>*Frequency of Commission controls in third countries* | |
| The frequency of Commission controls in third countries shall be determined on the basis of: | | The frequency of Commission controls in third countries **referred to in Article 119** shall be determined on the basis of **the following criteria**: | |
| (a) a risk assessment of the animal and goods exported to the Union from them; | | (a) a risk assessment of the animal**s** and goods exported to the Union from them; | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (b) the rules referred to in Article 1(2); | | (b) the rules referred to in Article 1(2); | |
| (c) the volume and nature of animals and goods entering the Union from the third country concerned; | | (c) the volume and nature of animals and goods entering the Union from the third country concerned; | |
| (d) the results of controls already performed by the Commission experts or by other inspection bodies; | | (d) the results of controls already performed by the Commission experts or by other inspection bodies; | |
| (e) the results of official controls on animals and goods entering the Union from the third country and of any other official controls that competent authorities of Member States have performed; | | (e) the results of official controls on animals and goods entering the Union from the third country and of any other official controls that competent authorities of Member States have performed; | |
| (f) information received from the European Food Safety Authority or similar bodies; | | (f) information received from the European Food Safety Authority or similar bodies; | |
| (g) information received from internationally recognised bodies such as: | | (g) information received from internationally recognised bodies such as: | |
| (i) the World Health Organisation; | | (i) the World Health Organisation; | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (ii) the Codex Alimentarius Commission; | | (ii) the Codex Alimentarius Commission; | |
| (iii) the World Organisation for Animal Health; | | (iii) the World Organisation for Animal Health; | |
| (iv) European and Mediterranean Plant Protection Organisation; | | (iv) European and Mediterranean Plant Protection Organisation **and any other regional plant protection organisations established under the International Plant Protection Convention**; | |
| (v) the secretariat of the International Plant Protection Convention; | | (v) the secretariat of the International Plant Protection Convention; | |
| (vi) Organisation for Economic Co-operation and Development; | | (vi) Organisation for Economic Co-operation and Development; | |
| (vii) United Nations Economic Commission for Europe; | | (vii) United Nations Economic Commission for Europe; | |
| (viii) the secretariat of the Cartagena Protocol on Biosafety to the Convention on Biological Biodiversity; | | (viii) the secretariat of the Cartagena Protocol on Biosafety to the Convention on Biological | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | Biodiversity; | |
| (h) evidence of emerging disease situations or other circumstances that might result in animals and goods entering the Union from a third country presenting health or environmental risks; | | (h) evidence of emerging disease situations or other circumstances that might result in animals and goods entering the Union from a third country presenting health or environmental risks; | |
| | **AMD 264**<br><br>**Article 120 – paragraph 1 – point h a (new)**<br><br>***(ha) the likelihood of fraudulent practices which might deceive consumer expectations regarding nature, quality and composition of foods and goods;*** | | **Possibly acceptable but already partailly covered by paragragh 1-point h)** ***'others circumstances'*** |
| (i) the need to investigate or respond to emergency situations in individual third countries. | | (i) the need to investigate or respond to emergency situations in individual third countries. | |
| *Article 121*<br>*Reports by the Commission on controls by its experts in third countries* | *Article 121*<br>*Reports by the Commission on controls by its experts in third countries* | *Article 121*<br>*Reports by the Commission on controls by its experts in third countries* | |
| The Commission shall report on the findings of each control performed in accordance with Articles 119 and 120. | | The Commission shall report on the findings of each control performed in accordance with Articles 119 and 120. | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | | |
| Its report shall, where appropriate, contain recommendations. | | Its report shall, where appropriate, contain recommendations. | |
| The Commission shall make its reports publicly available. | | The Commission shall make its reports publicly available. | |
| *Article 122*<br>*Programme of the Commission controls in third countries* | *Article 122*<br>*Programme of the Commission controls in third countries* | *Article 122*<br>*Programme of the Commission controls in third countries* | |
| The Commission shall communicate its programme of controls in third countries to Member States in advance and report on the results. The Commission may amend that programme to take account of developments in the areas governed by the rules referred to in Article 1(2). Any such amendment shall be communicated to the Member States. | | The Commission shall communicate its programme of controls in third countries to Member States in advance and report on the results. The Commission may amend that programme to take account of developments in the areas governed by the rules referred to in Article 1(2). Any such amendment shall be communicated to the Member States **in advance**. | |
| *Article 123*<br>*Third-country controls in Member States* | *Article 123*<br>*Third-country controls in Member States* | *Article 123*<br>*Third-country controls in Member States* | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| 1. Member States shall inform the Commission of: | | 1. Member States shall inform the Commission of~~:~~ | |
| (a) planned controls in their territory by the competent authorities of third countries; | | ~~(a)~~ planned controls in **the areas referred to in Article 1(2) on** their territory**,** by the competent authorities of third countries~~;~~ | |
| (b) the intended schedule and scope of such controls. | | ~~(b) the intended schedule and scope of such controls~~. | |
| 2. Commission experts may participate in the controls referred to in paragraph 1, at the request of either of the following: | | 2. Commission experts may participate in the controls referred to in paragraph 1, at the request of ~~either of the following:~~ | |
| (a) the competent authorities of Member States where those controls are being performed; | | ~~(a)~~ the competent authorities of Member States where those controls are being performed~~.~~ | |
| (b) the competent authorities of the third country performing those controls. | | ~~(b) the competent authorities of the third country performing those controls.~~ | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| The participation by Commission experts and the final schedule and scope of the controls referred to in paragraph 1 shall be organised in close cooperation between the Commission and the competent authorities of the Member State where those controls are being performed. | | ~~The participation by Commission experts and the final schedule and scope of the controls referred to in paragraph 1 shall be organised in close cooperation between the Commission and the competent authorities of the Member State where those controls are being performed.~~ | |
| 3. The participation by Commission experts in the controls referred to in paragraph 1 shall serve in particular to: | | 3. The participation by Commission experts in the controls referred to in paragraph 1 shall serve in particular to: | |
| (a) provide advice on the rules referred to in Article 1(2); | | (a) provide advice on the rules referred to in Article 1(2); | |
| (b) provide information and data available at Union level that may be useful for the control performed by the competent authorities of the third country; | | (b) provide information and data available at Union level that may be useful for the control performed by the competent authorities of the third country; | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (c) ensure uniformity with regard to controls performed by the competent authorities of third countries. | | (c) ~~ensure~~ **facilitate consistency and** uniformity with regard to controls performed by the competent authorities of third countries **in different Member States.** | |
| **Chapter II**<br>**Conditions for the entry into the Union of animals and goods** | **Chapter II**<br>**Conditions for the entry into the Union of animals and goods** | **Chapter II**<br>**Conditions for the entry into the Union of animals and goods** | |
| *Article 124*<br>*Information on third countries' control systems* | *Article 124*<br>*Information on third countries' control systems* | *Article 124*<br>*Information on third countries' control systems* | |
| 1. The Commission shall request third countries intending to export animals and goods to the Union to provide the following accurate and up-to-date information on the general organisation and management of sanitary and phytosanitary control systems in their territory: | | 1. The Commission shall request third countries intending to export animals and goods to the Union to provide the following accurate and up-to-date information on the general organisation and management of sanitary and phytosanitary control systems in their territory: | |
| (a) any sanitary or phytosanitary regulations adopted or proposed within their territory; | | (a) any sanitary or phytosanitary regulations adopted or proposed within their territory; | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (b) risk-assessment procedures and factors taken into consideration for the assessment of risks and for the determination of the appropriate level of sanitary or phytosanitary protection; | | (b) risk-assessment procedures and factors taken into consideration for the assessment of risks and for the determination of the appropriate level of sanitary or phytosanitary protection; | |
| (c) any control and inspection procedures and mechanisms, including, where relevant, on animals or goods arriving from other third countries; | | (c) any control and inspection procedures and mechanisms, including, where relevant, on animals or goods arriving from other third countries; | |
| (d) official certification mechanisms; | | (d) official certification mechanisms; | |
| (e) where appropriate, any measures taken following recommendations provided for in the second paragraph of Article 121; | | (e) where appropriate, any measures taken following recommendations provided for in the second paragraph of Article 121; | |
| (f) where relevant, results of official controls performed on animals and | | (f) where relevant, results of ~~official~~ controls performed on | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| goods intended to be exported to the Union; | | animals and goods intended to be exported to the Union;[2] | |
| (g) where relevant, information on changes made to the structure and functioning of control systems adopted to meet Union sanitary or phytosanitary requirements or recommendations provided for in the second paragraph of Article 121. | | (g) where relevant, information on changes made to the structure and functioning of control systems adopted to meet Union sanitary or phytosanitary requirements or recommendations provided for in the second paragraph of Article 121. | |
| 2. The request for information referred to in paragraph 1 shall be proportionate, taking account of the nature of the animals and goods to be exported to the Union and of the specific situation and structure of the third country. | | 2. The request for information referred to in paragraph 1 shall be proportionate, taking account of the nature of the animals and goods to be exported to the Union and of the specific situation and structure of the third country. | |
| *Article 125*<br>*Establishment of additional conditions for entry into the Union of animals and goods* | *Article 125*<br>*Establishment of additional conditions for entry into the Union of animals and goods* | *Article 125*<br>*Establishment of additional conditions for entry into the Union of animals and goods* | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| 1. The Commission shall be empowered to adopt delegated acts, in accordance with Article 139 concerning the conditions to be respected by animals and goods entering the Union from third countries where these are necessary to ensure that the animals and goods comply with the relevant requirements established by the rules referred to in Article 1(2), with the exception of points (d), (e), (g) and (h) of Article 1(2) and of Article 6 of Regulation (EC) No 853/2004, or with requirements recognised to be at least equivalent. | | 1. The Commission shall be empowered to adopt delegated acts, in accordance with Article 139 concerning the conditions to be respected by animals and goods entering the Union from third countries where these are necessary to ensure that the animals and goods comply with the relevant requirements established by the rules referred to in Article 1(2), with the exception of points (d), (e), (g),**and (i)** ~~and (h)~~ of Article 1(2) ~~and of Article 6 of Regulation (EC) No 853/2004~~, or with requirements recognised to be at least equivalent | |
| 2. The conditions referred to in paragraph 1 shall identify animals and goods by referring to their codes from the Combined Nomenclature and may include: | | 2. The conditions referred to in paragraph 1 shall identify animals and goods by referring to their codes from the Combined Nomenclature and may include: | |
| (a) the requirement that certain animals and goods shall only enter the Union from a third country or region of a third country which | | (a) the requirement that certain animals and goods shall only enter the Union from a third country or region of a third | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| appears on a list drawn up by the Commission for that purpose; | | country which appears on a list drawn up by the Commission for that purpose; | |
| (b) the requirement that consignments of certain animals and goods from third countries be dispatched from and obtained or prepared in establishments which comply with the relevant requirements referred to in paragraph 1 or with requirements recognised to be at least equivalent; | | (b) the requirement that consignments of certain animals and goods from third countries be dispatched from and obtained or prepared in establishments which comply with the relevant requirements referred to in paragraph 1 or with requirements recognised to be at least equivalent; | |
| (c) the requirement that consignments of certain animals and goods be accompanied by an official certificate, an official attestation, or by any other evidence that the consignments comply with the relevant requirements referred to in paragraph 1 or with requirements recognised | | (c) the requirement that consignments of certain animals and goods be accompanied by an official certificate, an official attestation, or by any other evidence that the consignments comply with the relevant requirements referred to in paragraph 1 or with | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| to be at least equivalent; | | requirements recognised to be at least equivalent**, including the results of the analysis performed by an accredited laboratory**; | |
| (d) the obligation to provide the evidence referred to in point (c) in accordance with a specific format; | | (d) the obligation to provide the evidence referred to in point (c) in accordance with a specific format; | |
| (e) any other requirement necessary to ensure that certain animals and goods ***offer a level of protection of health and, as regards GMOs and plant protection products, of the environment, equivalent to that ensured by*** the requirements referred to in paragraph 1. | **AMD 266**<br>(e) any other requirement necessary to ensure that certain animals and goods ***comply with*** the requirements referred to in paragraph 1. | (e) any other requirement necessary to ensure that certain animals and goods offer a level of protection of health and, as regards GMOs and plant protection products, also of the environment, equivalent to that ensured by the requirements referred to in paragraph 1. | **Possibly acceptable** |
| 3. Where, in case of risks arising from animals and goods entering | | 3. Where, in case of **serious** risks arising from animals and goods | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| the Union from third countries to human health, animal health or, as regards GMOs and plant protection products, to the environment, imperative grounds of urgency so require, the procedure provided for in Article 140 shall apply to delegated acts adopted pursuant to paragraph 1. | | entering the Union from third countries to human health, animal health or, as regards GMOs and plant protection products, to the environment, imperative grounds of urgency so require, the procedure provided for in Article 140 shall apply to delegated acts adopted pursuant to paragraph 1. | |
| 4. The Commission may, by means of implementing acts, lay down rules concerning the format and type of official certificates, official attestations or evidence required in accordance with the rules provided for in point (c) of paragraph (2). | | 4. The Commission may, by means of implementing acts, lay down rules concerning the format and type of official certificates, official attestations or evidence required in accordance with the rules provided for in point (c) of paragraph (2). | |
| Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2). | | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2). | |
| *Article 126*<br>*Inclusion in the list of third countries referred to in Article 125(2)(a)* | *Article 126*<br>*Inclusion in the list of third countries referred to in Article 125(2)(a)* | *Article 126*<br>*Inclusion in the list of third countries referred to in Article 125(2)(a)* | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| 1. The inclusion of a third country or region thereof in the list referred to in point (a) of Article 125(2) shall be made in accordance with paragraphs 2 and 3 of this Article. | | 1. The inclusion of a third country or region thereof in the list referred to in point (a) of Article 125(2) shall be made in accordance with paragraphs 2 and 3 of this Article. | |
| 2. The Commission shall approve, by means of implementing acts, the request transmitted to it for that purpose by the third country concerned, accompanied by appropriate evidence and guarantees that the concerned animals and goods from that third country comply with the relevant requirements referred to in Article 125(1) or with requirements equivalent thereto. Those implementing acts shall be adopted and updated in accordance with the examination procedure referred to in Article 141(2). | | 2. The Commission shall approve, by means of implementing acts, the request transmitted to it for that purpose by the third country concerned, accompanied by appropriate evidence and guarantees that the concerned animals and goods from that third country comply with the relevant requirements referred to in Article 125(1) or with requirements equivalent thereto. Those implementing acts shall be adopted and updated in accordance with the examination procedure referred to in Article 141(2). | |
| 3. The Commission shall decide on the request referred to in paragraph 2 taking into account, as appropriate: | | 3. The Commission shall decide on the request referred to in paragraph 2 taking into account, as appropriate: | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (a) the third country's legislation in the sector concerned; | | (a) the third country's legislation in the sector concerned; | |
| (b) the structure and organisation of the competent authorities of the third country and its control services, the powers available to them, the guarantees that can be provided with regard to the application and enforcement of the legislation of the third country applicable to the sector concerned, and the reliability of the official certification procedures; | | (b) the structure and organisation of the competent authorities of the third country and its control services, the powers available to them, the guarantees that can be provided with regard to the application and enforcement of the legislation of the third country applicable to the sector concerned, and the reliability of the official certification procedures; | |
| (c) the performance by the competent authorities of the third country of adequate official controls and other activities to assess the presence of hazards for human, animal or plant health, for animal welfare or for the environment in relation to GMOs and plant protection products; | | (c) the performance by the competent authorities of the third country of adequate official controls and other activities to assess the presence of hazards for human, animal or plant health, for animal welfare or also for the environment in relation to GMOs ~~and plant protection products.~~ | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
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| (d) the regularity and rapidity of information supplied by the third country on the presence of hazards for human, animal or plant health, for animal welfare or for the environment in relation to GMOs and plant protection products; | | (d) the regularity and rapidity of information supplied by the third country on the presence of hazards for human, animal or plant health, for animal welfare or also for the environment in relation to GMOs and ~~plant protection products~~; | |
| (e) the guarantees given by a third country that: | | (e) the guarantees given by **the** ~~a~~ third country that: | |
| (i) conditions applied to the establishments from which animals or goods are exported to the Union comply with requirements that are equivalent to those referred to in Article 125(1); | | (i) conditions applied to the establishments from which animals or goods are exported to the Union comply with requirements that are equivalent to those referred to in Article 125(1); | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | | |
| (ii) a list of the establishments referred to in point (i) is drawn up and kept up to date; | | (ii) a list of the establishments referred to in point (i) is drawn up and kept up to date; | |
| (iii) the list of establishments referred to in point (i) and its updated versions are communicated to the Commission without delay; | | (iii) the list of establishments referred to in point (i) and its updated versions are communicated to the Commission without delay; | |
| (iv) the establishments referred to in point (i) are the subject of regular and effective controls by the competent authorities of the third country; | | (iv) the establishments referred to in point (i) are the subject of regular and effective controls by the competent authorities of the third country; | |
| | | **(ea) the findings of controls performed by the Commission in the third country in accordance with** | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | **Article 119(1);** | |
| (f) any other information or data on the capability of the third country to ensure that only animals or goods which offer the same or an equivalent level of protection as that afforded by the relevant requirements referred to in Article 125(1) enter the Union. | | (f) any other information or data on the capability of the third country to ensure that only animals or goods which offer the same or an equivalent level of protection as that afforded by the relevant requirements referred to in Article 125(1) enter the Union. | |
| (g) | | **4. The Commission shall delete a third country or a region of a third country from the list referred to in point (a) of Article 125(2) where the conditions for inclusion on the list cease to be met. The procedure referred to in paragraph 2 shall apply.** | |
| *Article 127*<br>*Establishment of special measures regarding the entry into the Union of certain animals and goods* | *Article 127*<br>*Establishment of special measures regarding the entry into the Union of certain animals and goods* | *Article 127*<br>*Establishment of special measures regarding the entry into the Union of certain animals and goods* | |
| 1. Where, in cases other than those referred to in Article 53 of Regulation (EC) No 178/2002, Article 249 of Regulation (EU) | **AMD 267**<br>1. Where, in cases other than those referred to in Article 53 of Regulation (EC) No 178/2002, | 1. Where, in cases other than those referred to in Article 53 of Regulation (EC) No 178/2002, Article 249 of Regulation (EU) No | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| No XXX/XXXX [*Office of Publications, please insert number of the Regulation on animal health*] and in Articles 27(1), 29(1), 40(2), 41(2), 47(1), 49(2) and 50(2) of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of the Regulation on protective measures against pests of plants*], there is evidence that the entry into the Union of certain animals or goods originating from a third country, a region thereof or a group of third countries, may pose a risk to human, animal ***or plant*** health or***, as regards GMOs and plant protection products,*** to the environment, or where there is evidence that widespread serious non-compliance with the rules referred to in Article 1(2) might be taking place, the Commission shall adopt, by means of ***implementing*** acts, the measures necessary to contain such risk or put an end to the identified non-compliance. ***Those implementing acts shall be*** | Article 249 of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of the Regulation on animal health], and in Articles 27(1), 29(1), 40(2), 41(2), 47(1), 49(2) and 50(2) of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of the Regulation on protective measures against pests of plants], there is evidence that the entry into the Union of certain animals or goods originating from a third country, a region thereof or a group of third countries, may pose a risk to human ***or*** animal health or to the environment, or where there is evidence that widespread serious non-compliance with the rules referred to in Article 1(2) might be taking place, the Commission shall adopt, by means of ***delegated*** acts ***in accordance with Article 139***, the measures necessary to contain such risk or put an end to the identified non-compliance. | XXX/XXXX [*Office of Publications, please insert number of the Regulation on animal health*] ~~and in Articles 27(1), 29(1), 40(2), 41(2), 47(1), 49(2) and 50(2) of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of the Regulation on protective measures against pests of plants*],~~ there is evidence that the entry into the Union of certain animals or goods originating from a third country, a region thereof or a group of third countries, ~~may~~ pose a risk to human, animal or plant health or, as regards GMOs and plant protection products, also to the environment, or where there is evidence that widespread serious non-compliance with the rules referred to in Article 1(2) ~~might be~~ **is** taking place, the Commission shall adopt, by means of implementing acts, the measures necessary to contain such risk or put an end to the identified non-compliance. Those implementing acts shall be adopted in accordance with the examination procedure | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| ***adopted in accordance with the examination procedure referred to in Article 141(2).*** | | referred to in Article 141(2). | |
| 2. The measures referred to in paragraph 1 shall identify animals and goods by referring to their codes from the Combined Nomenclature and may include: | | 2. The measures referred to in paragraph 1 shall identify animals and goods by referring to their codes from the Combined Nomenclature and may include: | |
| (a) the prohibition of entry into the Union of the animals and goods referred to in paragraph 1 originating or dispatched from the concerned third countries or regions thereof; | | (a) the prohibition of entry into the Union of the animals and goods referred to in paragraph 1 originating or dispatched from the concerned third countries or regions thereof; | |
| (b) the requirement that the animals and goods referred to in paragraph 1 originating or dispatched from certain third countries or regions thereof be subject, prior to dispatch, to specific treatment or controls; | | (b) the requirement that the animals and goods referred to in paragraph 1 originating or dispatched from certain third countries or regions thereof be subject, prior to dispatch, to specific treatment or controls; | |
| (c) the requirement that the animals and goods referred to in paragraph 1 originating or dispatched from certain third | | (c) the requirement that the animals and goods referred to in paragraph 1 originating or dispatched from certain third | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| countries or regions thereof be subject, upon entry into the Union, to specific treatment or controls; | | countries or regions thereof be subject, upon entry into the Union, to specific treatment or controls; | |
| (d) the requirement that consignments of the animals and goods referred to in paragraph 1 originating or dispatched from certain third countries or regions thereof, be accompanied by an official certificate, an official attestation, or by any other evidence that the consignment complies with requirements established by the rules referred to in Article 1(2) or with requirements recognised to be at least equivalent; | | (d) the requirement that consignments of the animals and goods referred to in paragraph 1 originating or dispatched from certain third countries or regions thereof, be accompanied by an official certificate, an official attestation, or by any other evidence that the consignment complies with requirements established by the rules referred to in Article 1(2) or with requirements recognised to be at least equivalent; | |
| (e) the requirement that the evidence referred to in point (d) be provided in accordance with a specific format; | | (e) the requirement that the evidence referred to in point (d) be provided in accordance with a specific format; | |
| (f) other measures necessary to contain the risk. | | (f) other measures necessary to contain the risk. | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| 3. When adopting the measures referred to in paragraph 2, account shall be taken of: | | 3. When adopting the measures referred to in paragraph 2, account shall be taken of: | |
| (a) the information collected in accordance with Article 124; | | (a) the information collected in accordance with Article 124; | |
| (b) any other information that the third countries concerned have provided; | | (b) any other information that the third countries concerned have provided; | |
| (c) where necessary, the results of Commission controls provided for in Article 119(1). | | (c) where necessary, the results of Commission controls provided for in Article 119(1). | |
| 4. On duly justified imperative grounds of urgency relating to human health and animal health or, as regards GMOs and plant protection products, to the protection of the environment, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 141(3). | | 4. On duly justified imperative grounds of urgency relating to human health and animal health or, as regards GMOs and plant protection products, to the protection of the environment, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 141(3). | |
| *Article 128*<br>*Equivalence* | *Article 128*<br>*Equivalence* | *Article 128*<br>*Equivalence* | |
| 1. In the areas governed by the rules referred to in Article 1(2), with the exclusion of points (d), (e), (g) and (h) of Article 1(2), | | 1. In the areas governed by the rules referred to in Article 1(2), with the exclusion of points (d), (e), (g), and (h) **and (i)** of Article 1(2), the Commission | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| the Commission may, by means of implementing acts, recognise that measures applied in a third country, or regions thereof, are equivalent to the requirements laid down in those rules, on the basis of: | | may, by means of implementing acts, recognise that measures applied in a third country, or regions thereof, are equivalent to the requirements laid down in those rules, on the basis of: | |
| (a) a thorough examination of information and data provided by the third country concerned pursuant to Article 124(1); | | (a) a thorough examination of information and data provided by the third country concerned pursuant to Article 124(1); | |
| (b) where appropriate, the satisfactory outcome of a control performed in accordance with Article 119(1); | | (b) where appropriate, the satisfactory outcome of a control performed in accordance with Article 119(1); | |
| Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2). | | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2). | |
| 2. The implementing acts referred to in paragraph 1 shall set out the modalities governing the entry of animals and goods into the Union from the third country concerned, or regions thereof, and may include: | | 2. The implementing acts referred to in paragraph 1 shall set out the modalities governing the entry of animals and goods into the Union from the third country concerned, or regions thereof, and may include: | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (a) the nature and content of the official certificates or attestations that must accompany the animals or goods; | | (a) the nature and content of the official certificates or attestations that must accompany the animals or goods; | |
| (b) specific requirements applicable to the entry into the Union of the animals or goods and the official controls to be performed at entry into the Union; | | (b) specific ~~requirements~~**modalities** applicable to the entry into the Union of the animals or goods and the official controls to be performed at entry into the Union; | |
| (c) where necessary, procedures for drawing up and amending lists of regions or establishments in the third country concerned from which the entry of animals and goods into the Union is permitted. | | (c) where necessary, procedures for drawing up and amending lists of regions or establishments in the third country concerned from which the entry of animals and goods into the Union is permitted. | |
| 3. The Commission shall, by means of implementing acts, repeal without delay the implementing acts provided for in paragraph 1 where any of the conditions for the recognition of equivalence cease to be fulfilled. | | 3. The Commission shall, by means of implementing acts, repeal without delay the implementing acts provided for in paragraph 1 where any of the conditions for the recognition of equivalence cease to be fulfilled. | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2). | | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2). | |
| | **AMD 268**<br>**Article 128 a (new)**<br>***Article 128a*** | | **Not acceptable as already covered by provisions of Article 129 ( 3). BTSF open to third countries experts.** |
| | ***Supporting developing countries***<br>***1. With a view to ensuring that developing countries can comply with the provisions of this Regulation, measures may be taken, and may be implemented for as long as they continue to have a demonstrable impact, to support the following activities:***<br>***- compliance with the conditions governing the entry into the Union of animals and goods;***<br>***- drafting of guidelines on the organisation of official controls on products to be exported to the Union;***<br>***- drafting of guidelines on the organisation of official controls on*** | | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | ***products to be exported to the Union;***<br><br>***- sending of European Union or Member State experts to developing countries to assist with the organisation of official controls;***<br><br>***- involvement of control staff from developing countries in training programmes or courses.***<br><br>***2. The Commission shall be empowered, pursuant to Article 139, to adopt delegated acts setting out provisions covering the forms of support for developing countries referred to in paragraph 1.*** | | |
| **Chapter III**<br>**Training of staff of the competent authorities** | **Chapter III**<br>**Training of staff of the competent authorities** | **Chapter III**<br>**Training of staff of the competent authorities** | |
| *Article 129*<br>*Training and exchange of staff of the competent authorities* | *Article 129*<br>*Training and exchange of staff of the competent authorities* | *Article 129*<br>*Training and exchange of staff of the competent authorities* | |
| 1. The Commission may organise training activities for the staff of the competent authorities and, where appropriate, for staff of other authorities of the Member States involved in investigations of possible violations of the provisions of this Regulation | **AMD 269**<br><br>The Commission ***shall*** organise training activities for the staff of the competent authorities and, where appropriate, for staff of other authorities of the Member States involved in investigations of possible violations of the provisions of this | 1. The Commission may organise training activities for the staff of the competent authorities and, where appropriate, for staff of other authorities of the Member States involved in investigations of possible violations of the provisions of this Regulation and of the rules referred to in Article 1(2). | **Not acceptable as it might not be necessary to organise training activities for each area. It is only necessary *'where appropriate'*** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| and of the rules referred to in Article 1(2). | Regulation and of the rules referred to in Article 1(2). | | |
| The Commission ***may*** organise those activities in cooperation with Member States. | **AMD 270**<br><br>The Commission ***shall*** organise those activities in cooperation with Member States. | The Commission may organise those activities in cooperation with Member States. | **Not acceptable as it might not be necessary to organise training activities for each area. It is only necessary *'where appropriate'*** |
| 2. The training activities referred to in paragraph 1 shall facilitate the development of a harmonised approach to official controls and other official activities in Member States. They shall include, as appropriate, training on: | | The training activities referred to in paragraph 1 shall facilitate the development of a harmonised approach to official controls and other official activities in Member States. They shall include, as appropriate, training on: | |
| (a) this Regulation and the rules referred to in Article 1(2); | | (a) this Regulation and the rules referred to in Article 1(2); | |
| (b) control methods and techniques relevant for the official controls and for the other official activities of the competent authorities; | | (b) control methods and techniques relevant for the official controls and for the other official activities of the competent authorities; | |
| (c) production, processing and marketing methods and techniques. | | (c) production, processing and marketing methods and techniques. | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| 3. The training activities referred to in paragraph 1 may be open to staff of the competent authorities of third countries and may be organised outside the Union. | | 3. The training activities referred to in paragraph 1 may be open to staff of the competent authorities of third countries and may be organised outside the Union. | |
| 4. Competent authorities shall ensure that the knowledge acquired through the training activities referred to in paragraph 1 is disseminated as necessary and appropriately used in the staff training activities referred to in Article 4(2) and (3). | | 4. Competent authorities shall ensure that the knowledge acquired through the training activities referred to in paragraph 1 is disseminated as necessary and appropriately used in the staff training activities referred to in Article 4(2) and (3). | |
| Training activities aimed at disseminating such knowledge shall be included in the training programmes referred to in Article 4(2). | | Training activities aimed at disseminating such knowledge shall be included in the training programmes referred to in Article 4(2). | |
| 5. The Commission may organise in cooperation with the Member States programmes for the exchange of staff of the competent authorities performing official controls or other official activities between two or more Member States. | | 5. The Commission may organise in cooperation with the Member States programmes for the exchange of staff of the competent authorities performing official controls or other official activities between two or more Member States. | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| Such exchange may take place through the temporary secondment of staff of the competent authorities from one Member State to the other or through the exchange of such staff between the relevant competent authorities. | | Such exchange may take place through the temporary secondment of staff of the competent authorities from one Member State to the other or through the exchange of such staff between the relevant competent authorities. | |
| 6. The Commission shall, by means of implementing acts, lay down rules for the organisation of the training activities referred to in paragraph 1 and of the programmes referred to in paragraph 5. | | 6. The Commission ~~shall~~ **may**, by means of implementing acts, lay down rules for the organisation of the training activities referred to in paragraph 1 and of the programmes referred to in paragraph 5. | |
| Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2). | | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2). | |
| **Chapter IV**<br>**Information management systems** | **Chapter IV**<br>**Information management systems** | **Chapter IV**<br>**Information management systems** | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| *Article 130*<br>*Information management system for official controls (IMSOC)* | *Article 130*<br>*Information management system for official controls (IMSOC)* | *Article 130*<br>*Information management system for official controls (IMSOC)* | |
| 1. The Commission shall set up and manage a computerised information management system for the integrated operation of the mechanisms and tools through which data, information and documents concerning official controls are managed and handled ('the IMSOC'). | **AMD 271**<br>1. The Commission shall set up and manage a computerised information management system for the integrated operation of the mechanisms and tools through which data, information and documents concerning official controls are ***automatically forwarded from databases in the Member States and*** managed and handled ***and automatically exchanged*** ('the IMSOC'), ***taking into account existing national systems***. | 1. The Commission shall set up and manage a computerised information management system for the integrated operation of the mechanisms and tools through which data, information and documents concerning official controls **and other official activities** are managed ~~and~~ handled**, and automatically exchanged** ('the IMSOC'). | **Not acceptable ; Administrative burden that would oblige Member States not having in place national databases to develop them instead of using the EU systems directly . Additionally in Article 133 (a) foresees that implementing acts be developed including for the electronic data exchange mechanism for exchanges with national databases** |
| | **AMD 272**<br><br>**Article 130 – paragraph 1 a (new)**<br><br>***1a. When forwarding electronic certificates or other electronic documents, the Commission and Member States shall use standard international programming languages, message structures and transmission protocols and safe*** | | **Possibly acceptable , however partially covered by Article 133 (a)** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | ***transmission procedures.*** | | |
| | | **2. The processing of personal data by the Member States and the Commission through the IMSOC and any one of its components shall only be carried out for the purpose of performing official controls and other official activities in accordance with this Regulation and with the rules referred to in Article 1(2).** | |
| 2. The IMSOC shall: | | ~~2. The IMSOC shall:~~ | |
| (a) integrate fully and provide the necessary updates to the TRACES system as established by Decision 2003/24/EC; | | ~~(a) integrate fully and provide the necessary updates to the TRACES system as established by Decision 2003/24/EC;~~ | |
| (b) integrate fully and provide the necessary updates to existing computerised systems managed by the Commission and used for the rapid exchange of data, information and documents in relation to risks to human, animal health and welfare, and plant health, as established by Article 50 of Regulation (EC) | | ~~(b) integrate fully and provide the necessary updates to existing computerised systems managed by the Commission and used for the rapid exchange of data, information and documents in relation to risks to human, animal health and welfare, and plant health, as established by Article 50 of Regulation (EC) No 178/2002, Article 20 of Regulation (EU) XXX/XXXX [*Office of Publications, please insert number of the Regulation on animal health*] and Article 97 of Regulation (EU) XXX/XXXX [*Office of Publications, please insert number of the Regulation on* | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| No 178/2002, Article 20 of Regulation (EU) XXX/XXXX [*Office of Publications, please insert number of the Regulation on animal health*] and Article 97 of Regulation (EU) XXX/XXXX [*Office of Publications, please insert number of the Regulation on protective measures against pests of plants*]; | | ~~*protective measures against pests of plants*~~]; | |
| (c) provide appropriate linkages between the TRACES system and the systems referred to in point (b) to allow, as necessary, the efficient exchange and update of data between those systems and between the TRACES system and those systems. | | ~~(c ) provide appropriate linkages between the TRACES system and the systems referred to in point (b) to allow, as necessary, the efficient exchange and update of data between those systems and between the TRACES system and those systems.~~ | |
| | **AMD 273**<br><br>**Article 130 – paragraph 2 a (new)**<br><br>***2a. When exchanging electronic data, such as electronic certificates, the Commission and the competent*** | | **Possibly acceptable , however partially covered by Article 133 (a)** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | ***authorities of the Member States shall use internationally standardised language, message structure and exchange protocols.*** | | |
| *Article 131*<br>*General functionalities of the IMSOC* | *Article 131*<br>*General functionalities of the IMSOC* | *Article 131*<br>*General functionalities of the IMSOC* | |
| The IMSOC shall: | | The IMSOC shall: | |
| (a) allow for the computerised handling and exchange of information, data and documents necessary for the performance of official controls, resulting from the performance of official controls or the recording of the performance or outcome of official controls in all cases where the rules referred to in Article 1(2) and the delegated acts provided for in Articles 15 to 24 provide for the exchange among competent authorities, between the competent authorities and the Commission, and where appropriate with other authorities and the operators, of such information, data and documents; | | (a) allow for the computerised handling and exchange of information, data and documents necessary for the performance of official controls, resulting from the performance of official controls or the recording of the performance or outcome of official controls in all cases where **this Regulation,** the rules referred to in Article 1(2) **or** ~~and~~ the delegated **and implementing** acts provided for in **Section II of Chapter II of Title II** ~~Articles 15 to 24~~ provide for the exchange among competent authorities, between the competent authorities and the Commission, and where appropriate with other authorities and the operators, of such information, data and documents; | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (b) provide a mechanism for the exchange of data and information in accordance with the provisions of Title IV; | | (b) provide a mechanism for the exchange of data**,** ~~and~~ information **and documents** in accordance with the provisions of Title IV; | |
| (c) provide a tool to collect and manage the reports on official controls provided by the Member States to the Commission; | | (c) provide a tool to collect and manage the reports on official controls provided by the Member States to the Commission; | |
| (d) allow for the production, handling and transmission, including in electronic form, of the journey log referred to in Article 5(4) of Regulation (EC) No 1/2005, of the records obtained by the navigation system referred to in Article 6(9) of Regulation (EC) No 1/2005, of official certificates and of the common health entry document referred to in Article 54 of this Regulation. | | (d) allow for the production, handling and transmission, including in electronic form, of the journey log referred to in Article 5(4) of Regulation (EC) No 1/2005, of the records obtained by the navigation system referred to in Article 6(9) of Regulation (EC) No 1/2005, of official certificates and of the common health entry document referred to in Article 54 of this Regulation. | |
| | | **(e) integrate the existing computerised systems managed by the Commission and used for the rapid exchange of data, information and documents in relation to risks to human, animal health and welfare, and plant** | **See ex Article130 (2) (b)** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | **health, as established by Article 50 of Regulation (EC) No 178/2002, Article 20 of Regulation (EU) XXX/XXXX [*Office of Publications, please insert number of the Regulation on animal health*] and Article 97 of Regulation (EU) XXX/XXXX [*Office of Publications, please insert number of the Regulation on protective measures against pests of plants*] and provide appropriate linkages between those systems and its other components.** | |
| *Article 132*<br>*Use of the IMSOC in case of animals and goods subject to specific official controls* | *Article 132*<br>*Use of the IMSOC in case of animals and goods subject to specific official controls* | *Article 132*<br>*Use of the IMSOC in case of animals and goods subject to **certain**~~specific~~ official controls* | |
| 1. In case of animals or goods whose movements within the Union or placing on the market are subject to specific requirements or procedures established by the rules referred to in Article 1(2), the IMSOC shall enable the competent authorities at the place of dispatch and other competent authorities responsible for | | 1. In case of animals or goods whose movements within the Union or placing on the market are subject to specific requirements or procedures established by the rules referred to in Article 1(2), the IMSOC shall enable the competent authorities at the place of dispatch and other competent authorities responsible for performing official controls on | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| performing official controls on those animals or goods to exchange in real time data, information and documents concerning animals or goods being moved from one Member State to another and on official controls performed. | | those animals or goods to exchange in real time data, information and documents concerning animals or goods being moved from one Member State to another and on official controls performed. | |
| The first subparagraph shall not apply to goods subject to the rules referred to in Article 1(2)(g) and (h). | | The first subparagraph shall not apply to goods subject to the rules referred to in Article 1(2)(g) ~~and~~ ~~(h)~~ **and (i)**. | |
| However, the Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning when and to what extent the first subparagraph shall apply to the goods referred to in the second subparagraph. | | ~~However, the Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning when and to what extent the first subparagraph shall apply to the goods referred to in the second subparagraph.~~ | |
| 2. In case of exported animals and goods for which Union rules apply in relation to the issuance of the export certificate, the IMSOC shall enable the | | 2. In case of exported animals and goods for which Union rules apply in relation to the issuance of the export certificate, the IMSOC shall | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| competent authorities of the place of dispatch and other competent authorities responsible for performing official controls to exchange in real time data, information and documents concerning such animals and goods and the result of controls performed on those animals and goods. | | enable the competent authorities of the place of dispatch and other competent authorities responsible for performing official controls to exchange in real time data, information and documents concerning such animals and goods and the result of controls performed on those animals and goods. | |
| 3. In case of animals or goods subject to the official controls referred to in Title II, Chapter V, Sections I and II, the IMSOC shall: | | 3. In case of animals or goods subject to the official controls referred to in Title II, Chapter V, Sections I and II, the IMSOC shall: | |
| (a) enable the competent authorities at the border control posts and other competent authorities responsible for performing official controls on those animals or goods to exchange in real time data, information and documents concerning those animals and goods and on controls | | (a) enable the competent authorities at the border control posts and other competent authorities responsible for performing official controls on those animals or goods to exchange in real time data, information and documents concerning those animals | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| performed on those animals or goods; | | and goods and on controls performed on those animals or goods; | |
| (b) enable the competent authorities at the border control posts to share and exchange relevant data, information and documents with customs authorities and other authorities responsible for performing controls on animals or goods entering the Union from third countries, and with operators involved in entry procedures, in accordance with the rules adopted pursuant to Articles 14(4) and 73(2) and with other relevant Union rules; | | (b) enable the competent authorities at the border control posts to share and exchange relevant data, information and documents with customs authorities and other authorities responsible for performing controls on animals or goods entering the Union from third countries, and with operators involved in entry procedures, in accordance with the rules adopted pursuant to Articles 14(4) and 73(2) and with other relevant Union rules; | |
| (c) support and operate the procedures referred to in point (a) of Article 52(2) and in Article 63(6). | | (c) support and operate the procedures referred to in point (a) of Article 52(2) and in Article 63(6). | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | **4. The IMSOC shall, for the purpose of this Article, integrate the existing TRACES system.** | **See ex-Article 130 (2) (a)** |
| *Article 133*<br>*Empowerment for the adoption of rules for the functioning of the IMSOC* | *Article 133*<br>*Empowerment for the adoption of rules for the functioning of the IMSOC* | *Article 133*<br>*~~Empowerment for the adoption of~~* ***R****ules for the functioning of the IMSOC* | |
| The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning the establishment of: | | The Commission shall ~~be empowered to~~ adopt ~~delegated~~ **implementing** acts **for the functioning of IMSOC** ~~concerning the establishment~~**laying down** ~~of~~: | |
| (a) the technical specifications and the specific rules for the functioning of the IMSOC and of its components; | | (a) the technical specifications **of the IMSOC and its system components, including the electronic data exchange mechanism for exchanges with national databases, identification of applicable standards, definition of message structures, data dictionaries, exchange of protocols and procedures;** | |
| | | **(b) the specific rules for the functioning of the IMSOC and of its system components to ensure protection of personal data and** | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | **security of exchange of information;** | |
| | | **(c)** ~~and~~ ~~the~~ specific rules for the functioning **and use** of the IMSOC and of its components**, including the rules to update and create the necessary links between the systems referred to in Articles 131 (e) and 132(4)**; | |
| (b) contingency arrangements to be applied in case of unavailability of any of the functionalities of the IMSOC; | | **(d)** contingency arrangements to be applied in case of unavailability of any of the functionalities of the IMSOC; | |
| (c) the cases where and the conditions under which concerned third countries and international organisations may be granted partial access to the functionalities of the IMSOC and the modalities of such access; | | **(e)** the cases where and the conditions under which concerned third countries and international organisations may be granted partial access to the functionalities of the IMSOC and the modalities of such access; | |
| | | **(f) the cases where and the conditions under which the data, information and documents shall be transmitted using the IMSOC;** | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (e) the rules concerning an electronic system under which electronic certificates issued by the competent authorities of third countries shall be accepted by the competent authorities | | **(g)** the rules concerning an electronic system under which electronic certificates issued by the competent authorities of third countries shall be accepted by the competent authorities; | |
| (d) the cases where and the conditions under which exemptions from the use of the TRACES system can be granted to occasional users | | **(h)** the cases where and the conditions under which exemptions from the use of the **IMSOC** ~~TRACES system~~ can be granted to occasional users; | |
| | | **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2).** | |
| **Title VII**<br>**Enforcement action** | **Title VII**<br>**Enforcement action** | **Title VII**<br>**Enforcement action** | |
| **Chapter I**<br>**Action by the competent authorities and penalties** | **Chapter I**<br>**Action by the competent authorities and penalties** | **Chapter I**<br>**Action by the competent authorities and penalties** | |
| | | ***Article 133a***[3]<br>***Data protection*** | |

[3] **A new Recital 74 b underlining the need for consulting the EDPS when developing new functionalities of IMSOC could be added.**

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | **1. Directive 95/46/CE and Regulation (CE) No 45/2001 shall apply to the extent that the information processed through IMSOC contains personal data as defined in Article 2(a) of Directive 95/46/CE and in Article 2(a) of Regulation (EC) No 45/2001.** | |
| | | **2. In relation to their responsibilities to transmit the relevant information to IMSOC and the processing of any personal data that might result from that activity, the competent authorities of the Member States shall be regarded as controllers as defined in Article 2(d) of Directive 95/46/EC.** | |
| | | **3. In relation to its responsibility to manage IMSOC and the processing of any personal data that might result from that activity, the Commission shall be regarded as controller as defined in Article 2(d) of Regulation (EC) No 45/2001.** | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | **4. Member States may restrict the rights and obligations under Article 6(1), Article 10, Article 11(1) and Article 12 of Directive 95/46/EC as necessary to safeguard the interest referred to in Article 13(1)(d) and (f) of that Directive.** | |
| | | **5. The Commission may restrict the rights and obligations under Article 4(1), Article 11, Article 12(1) and Articles 13 to 17 of Regulation (EC) No 45/2001 where such restriction constitutes a necessary measure to safeguard the interests referred to in Article 20(1) (a) and (e) thereof during the period in which actions are being planned or performed to verify compliance with food or feed law or to ensure the enforcement of food or feed law in the specific case to which the information relates.** | |
| | | ***Article 133b*** | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | ***Data security*** | |
| | | **The Commission and Member States shall ensure that IMSOC complies with the rules on data security adopted by the Commission pursuant to Article 17 of Directive 95/46/EC and Article 22 of Regulation (EC) No 45/2001 respectively.** | |
| *Article 134*<br>*General obligations of the competent authorities as regards enforcement action* | *Article 134*<br>*General obligations of the competent authorities as regards enforcement action* | *Article 134*<br>*General obligations of the competent authorities as regards enforcement action* | |
| 1. When acting in accordance with this Chapter, the competent authorities shall give priority to action to be taken to eliminate or contain risks to human, animal and plant health, animal welfare and, as regards GMOs and plant protection products, to the environment. | **AMD 336**<br>1. When acting in accordance with this Chapter, the competent authorities shall give priority to action to be taken to eliminate or contain risks to human, animal and plant health, animal welfare and, as regards GMOs and plant protection products, to the environment. ***Given the increasing frequency of fraud in the food area, more emphasis shall be put on tackling practices which mislead consumers as to the nature or the quality of the food they purchase and consume.*** | 1. When acting in accordance with this Chapter, the competent authorities shall give priority to action to be taken to eliminate or contain risks to human, animal and plant health, animal welfare and, as regards GMOs and plant protection products, to the environment. | **Not acceptable.**<br><br>**Already covered by proposed changes in Article 8 (2)** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| 2. In case of suspicion of non-compliance, the competent authorities shall perform an investigation in order to confirm or to eliminate that suspicion. | | 2. In case of suspicion of non-compliance, the competent authorities shall **investigate** ~~perform an investigation in order~~ to confirm or to eliminate that suspicion. | |
| 3. Where necessary for its purposes, the investigation referred to in paragraph 2 shall include: | | 3. Where necessary**, actions taken according to** ~~for its purposes, the investigation referred to in~~ paragraph 2 shall include: | |
| (a) the performance of intensified official controls on animals, goods and operators for an appropriate period; | **AMD 274**<br>a) the performance of intensified official controls on animals, goods and operators for an appropriate period***, in keeping with the nature of the risk***; | (a) the performance of intensified official controls on animals, goods and operators for an appropriate period; | **Not acceptable as redundant with Article 8 (1) principles** |
| (b) the official detention of animals and goods and of any unauthorised substances or products as appropriate. | | (b) the official detention of animals and goods and of any unauthorised substances or products as appropriate. | |
| *Article 135*<br>*Investigations and measures in case of established non-compliance* | *Article 135*<br>*Investigations and measures in case of established non-compliance* | *Article 135*<br>~~*Investigations and measures*~~ ***Actions*** *in case of established non-compliance* | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| 1. Where the non-compliance is established, the competent authorities shall: | | 1. Where the non-compliance is established, the competent authorities shall **take**: | |
| (a) perform any further investigation necessary to determine the origin and extent of the non-compliance and to establish the operator's responsibilities; | | (a) ~~perform~~ any ~~further investigation~~ **action** necessary to determine the origin and extent of the non-compliance and to establish the operator's responsibilities; | |
| (b) take appropriate measures to ensure that the operator remedies the non-compliance and ***prevents*** further occurrences of it. | **AMD 275**<br>(b) take appropriate measures to ensure that the operator remedies the non-compliance and ***establishes systems to prevent*** further occurrences of it. | (b) ~~take~~ appropriate measures to ensure that the operator **concerned** remedies the non-compliance and prevents further occurrences of it. | **Not acceptable. Operators shall prevent further occurrence .** |
| When deciding which measures to take, the competent authorities shall take account of the nature of the non-compliance and the operator's past record with regard to compliance. | | When deciding which measures to take, the competent authorities shall take account of the nature of the non-compliance and the operator's past record with regard to compliance. | |
| 2. When acting in accordance with paragraph 1, competent authorities shall, as appropriate: | | 2. When acting in accordance with paragraph 1, competent authorities shall **take any measure they deem** | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | **appropriate to ensure compliance with the rules referred to in Article 1(2), including but not limited, to**: | |
| (a) order or perform treatments on animals; | | (a) order or perform treatments on animals; | |
| | **AMD 276**<br><br>**Article 135 – paragraph 2 – point a a (new)**<br><br>***(aa) where the outcome of the official controls on journey logs provided for in point (i) of paragraph (b) of Article 18 (1) is not satisfactory, require the organiser to change the arrangements for the intended long journey so that it complies with Regulation (EC) No 1/2005;*** | | **Not acceptable;. Article 18 ( 1) point (i) of Regulation No (EC). 1/2005 remains in place.** |
| (b) order the unloading, transfer to another means of transport, holding ***and*** care of animals, quarantine periods, the postponement of the slaughter of animals; | **AMD 277**<br>(b) order the unloading, transfer to another means of transport, holding ***in suitable accommodation with appropriate*** care of animals, quarantine periods, the postponement of the slaughter of animals***, that veterinary assistance must be sought if*** | (b) order the unloading, transfer to another means of transport, holding and care of animals, quarantine periods, the postponement of the slaughter of animals; | **Acceptable** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | ***necessary***; | | |
| (c) order treatments on goods, the alteration of labels or corrective information to be provided to consumers; | | (c) order treatments on goods, the alteration of labels or corrective information to be provided to consumers; | |
| (d) restrict or prohibit the placing on the market, the movement, the entry into the Union or the export of animals and goods, prohibit their return to the Member State of dispatch or order their return to the Member State of dispatch; | | (d) restrict or prohibit the placing on the market, the movement, the entry into the Union or the export of animals and goods, prohibit their return to the Member State of dispatch or order their return to the Member State of dispatch; | |
| (e) order that the operator increases the frequency of own controls; | | (e) order that the operator increases the frequency of own controls; | |
| | **AMD 278**<br><br>**Article 135 – paragraph 2 – point e a (new)**<br><br>***(ea) require business operators carrying out the killing of animals or any related operations falling within the scope of Regulation (EC) No 1099/2009 to amend their standard*** | | **Not acceptable; Rules of Reg 1099/2009 remains in place** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | ***operating procedures and, in particular, slow down or stop production;*** | | |
| (f) order that certain activities of the operator concerned be subject to increased or systematic official controls; | | (f) order that certain activities of the operator concerned be subject to increased or systematic official controls; | |
| (g) order the recall, withdrawal, removal and destruction of goods, authorising, where appropriate, the use of the goods for purposes other than those for which they were originally intended; | | (g) order the recall, withdrawal, removal and destruction of goods, authorising, where appropriate, the use of the goods for purposes other than those for which they were originally intended; | |
| (h) order the isolation or closure, for an appropriate period of time, of all or part of the business of the operator concerned, or its establishments, holdings or other premises; | | (h) order the isolation or closure, for an appropriate period of time, of all or part of the business of the operator concerned, or its establishments, holdings or other premises; | |
| (i) order the cessation for an appropriate period of time of all or part of the | | (i) order the cessation for an appropriate period of time of all or part of the activities of | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| activities of the operator concerned and, where relevant, of the Internet sites it operates or employs; | | the operator concerned and, where relevant, of the Internet sites it operates or employs; | |
| (j) order the suspension or withdrawal of the approval of the establishment, plant, holding or means of transport concerned, or of the authorisation of a transporter; | **AMD 279**<br>(j) order the suspension or withdrawal of the approval of the establishment, plant, holding or means of transport concerned, or of the authorisation of a transporter ***or of the certificate of competence of the driver***; | (j) order the suspension or withdrawal of the **registration or** approval of the establishment, plant, holding or means of transport concerned, or of the authorisation of a transporter; | **Not acceptable ; Concerned rule of Reg 1/2005 remains in place** |
| (k) order the slaughter or killing of animals provided that this is the most appropriate measure to safeguard human health and animal health and welfare; | | (k) order the slaughter or killing of animals provided that this is the most appropriate measure to safeguard human health and animal health and welfare.~~;~~ | |
| (l) take any other measure the competent authorities deem appropriate to | | ~~(l) take any other measure the competent authorities deem appropriate to ensure~~ | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| ensure compliance with the rules referred to in Article 1(2). | | ~~compliance with the rules referred to in Article 1(2)~~. | |
| 3. The competent authorities shall provide the operator concerned, or its representative, with: | | 3. The competent authorities shall provide the operator concerned, or its representative, with: | |
| (a) written notification of their decision concerning the action or measure to be taken in accordance with paragraphs 1 and 2, together with the reasons for that decision; and, | | (a) written notification of their decision concerning the action or measure to be taken in accordance with paragraphs 1 and 2, together with the reasons for that decision; and, | |
| (b) information on rights of appeal against such decisions and on the applicable procedure and time limits. | | (b) information on **any** right~~s~~ of appeal against such decisions and on the applicable procedure and time limits. | |
| 4. All expenditure incurred pursuant to this Article shall be borne by the responsible operators. | | 4. All expenditure incurred pursuant to this Article shall be borne by the responsible operators**.** | |
| *Article 136*<br>*Penalties* | *Article 136*<br>*Penalties* | *Article 136*<br>*Penalties* | |
| 1. Member States shall lay down the rules on penalties applicable | | 1. Member States shall lay down the rules on penalties applicable to | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| to infringements of the provisions of this Regulation and take all measures necessary to ensure that they are applied. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by the date referred to in the second subparagraph of Article 162(1) and shall notify it without delay of any subsequent amendment affecting them. | | infringements of the provisions of this Regulation and take all measures necessary to ensure that they are applied. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by the date referred to in the second subparagraph of Article 162(1) and shall notify it without delay of any subsequent amendment affecting them. | |
| | **AMD 280**<br><br>**Article 136 – paragraph 1 – subparagraph 1 (new)**<br><br>***Irrespective of the financial advantage sought, the severity of the penalties should also reflect the degree of risk of damage to consumers' health.*** | | |
| 2. Member States shall ensure that financial penalties applicable to intentional violations of the provisions of this Regulation and of the rules referred to in | **AMD 281**<br>2. Member States shall ensure that financial penalties applicable to intentional violations of the provisions of this Regulation | 2. **When setting the related financial penalties, in case of violations of the rules referred to Article 1(2) perpetrated through fraudulent deceptive practices, Member** | **Not acceptable; it might be extremely challenging if not impossible to exactly calculate the economic advantage sought through** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| Article 1(2) at least ***offset*** the economic advantage sought through the violation. | and of the rules referred to in Article 1(2) ***are set at*** at least ***double*** the economic advantage sought through the violation. | **States shall take into account the economic advantage sought or gained by the operator,** ~~Member States shall ensure that financial penalties applicable to intentional violations of the provisions of this Regulation and of the rules referred to in Article 1(2) at least offset the economic advantage sought through the violation.~~ | **the violation.** |
| 3. Member States shall ensure in particular that penalties are provided for in the following cases: | | ~~3. Member States shall ensure in particular that penalties are provided for in the following cases:~~ | |
| (a) where operators fail to cooperate during official controls or other official activities; | | ~~(a) where operators fail to cooperate during official controls or other official activities;~~ | |
| (b) false or misleading official certification; | **AMD 282**<br>(b) false or misleading official certification ***and declarations***; | ~~(b) false or misleading official certification;~~ | **Not acceptable** |
| (c) fraudulent production or use of official certificates, official labels, official marks and other official attestations. | | ~~(c) fraudulent production or use of official certificates, official labels, official marks and other official attestations.~~ | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | **AMD 283**<br><br>**Article 136 – paragraph 3 – point c a (new)**<br><br>***(ca) where consumers' health is damaged.*** | | **Not acceptable** |
| | **AMD 284**<br>**Article 136 a (new)**<br>***Article 136a***<br>***Reporting of breaches***<br><br>***1. Member States shall ensure that competent authorities establish effective and reliable mechanisms to encourage reporting of potential or actual breaches of this Regulation and of national provisions related to this Regulation to competent authorities.***<br>***2. The mechanisms referred to in paragraph 1 shall include at least:***<br><br>***(a) specific procedures for the receipt of reports on breaches and their follow-up;***<br><br>***(b) appropriate protection for employees of institutions who report breaches committed within the institution against retaliation,*** | | **To further clarified and discussed . It seems to potentially create administrative burden without real added value for the agri-food chain. Consequently might be better left to subsidiarity.** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | ***discrimination or other types of unfair treatment at a minimum;***<br><br>***(c) protection of personal data concerning both the person who reports the breaches and the natural person who is allegedly responsible for a breach, in accordance with Directive 95/46/EC;***<br><br>***(d) clear rules that ensure that confidentiality is guaranteed in all cases in relation to the person who reports the breaches committed within the institution, unless disclosure is required by national law in the context of further investigations or subsequent judicial proceedings.***<br><br>***3. Member States shall require institutions to have in place appropriate procedures for their employees to report breaches internally through a specific, independent and autonomous channel. Such a channel may also be provided through arrangements provided for by social partners. The same protection as referred to in points (b), (c) and (d) of paragraph 2 shall apply.*** | | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
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| **Chapter II**<br>**Union enforcement measures** | **Chapter II**<br>**Union enforcement measures** | **Chapter II**<br>**Union enforcement measures** | |
| *Article 137*<br>*Serious failure in a Member State's control system* | *Article 137*<br>*Serious failure in a Member State's control system* | *Article 137*<br>*Serious ~~failure~~**disruption** in a Member State's control system* | |
| 1. Where the Commission has evidence of a serious failure in a Member State's control systems and such failure may constitute a possible and widespread risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, to the environment, or result in a widespread infringement of the rules referred to in Article 1(2), it shall, by means of implementing acts, adopt one or more of the following measures, to be applied until the failure in the control system is eliminated: | | 1. Where the Commission has evidence of a serious **disruption**~~failure~~ in a Member State's control system~~s~~ and such **disruption**~~failure~~ may constitute a ~~possible and~~ widespread risk to human, animal or plant health, animal welfare or, as regards GMOs and plant protection products, to the environment, or result in a widespread infringement of the rules referred to in Article 1(2), it shall, by means of implementing acts, adopt one or more of the following measures, to be applied until **such**~~the~~ **disruption** ~~failure in the control system~~ is eliminated: | |
| (a) the prohibition to make available on the market or to transport, move or otherwise handle certain animals or goods | | (a) the prohibition to make available on the market or to transport, move or otherwise handle certain animals or | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| concerned by the failure in the official control system; | | goods concerned by the **disruption**~~failure~~ in the ~~official~~ control system; | |
| (b) special conditions for the activities, animals or goods referred to in point (a); | | (b) special conditions for the activities, animals or goods referred to in point (a); | |
| (c) the suspension of the operation of official controls in border control posts or other control points concerned by the failure in the official control system or the withdrawal of such border control posts or other control points; | | (c) the suspension of the operation of official controls in border control posts or other control points concerned by the ~~failure~~ **disruption** in the ~~official~~ control system or the withdrawal of such border control posts or other control points; | |
| (d) other appropriate temporary measures necessary to contain that risk until the failure in the control system is eliminated. | | (d) other appropriate temporary measures necessary to contain that risk until the **disruption**~~failure~~ in the control system is eliminated. | |
| Those implementing acts shall be adopted in accordance with the examination procedure | | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(2). | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| referred to in Article 141(2). | | | |
| 2. The measures referred to in paragraph 1 shall be adopted only after the Member State concerned has failed to correct the situation upon request and within the time limit set by the Commission. | | 2. The measures referred to in paragraph 1 shall be adopted only **where** ~~after~~ the Member State concerned has **not** ~~failed to~~ correct**ed** the situation upon request and within the **appropriate** time limit set by the Commission. | |
| 3. On duly justified imperative grounds of urgency relating to human and animal health or, as regards GMOs and plant protection products, to the protection of the environment, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 141(3). | | 3. On duly justified imperative grounds of urgency relating to human and animal health or, as regards GMOs and plant protection products, also to the protection of the environment, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 141(3). | |
| **Title VIII<br>Common provisions** | **Title VIII<br>Common provisions** | **Title VIII<br>Common provisions** | |
| **Chapter I<br>Procedural provisions** | **Chapter I<br>Procedural provisions** | **Chapter I<br>Procedural provisions** | |
| *Article 138<br>Amendment of Annexes and references to European standards* | *Article 138<br>Amendment of Annexes and references to European standards* | *Article 138<br>Amendment of Annexes and references to European standards* | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| 1. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning amendments to Annexes II and III to this Regulation, in order to take into account changes to the rules referred to in Article 1(2), technical progress and scientific developments. | | 1. The Commission shall be empowered to adopt delegated acts in accordance with Article 139 concerning amendments to Annexes II and III to this Regulation, in order to take into account changes to the rules referred to in Article 1(2), technical progress and scientific developments. | |
| 2. In order to keep the references to the European standards referred to in point (b)(iv) of Article 26(1), point (e) of Article 36(4) and point (a) of Article 91(3) up-to-date, the Commission shall be empowered to adopt delegated acts amending those references in the event that CEN amends them. | | 2. ~~In order to keep the references to the European standards referred to in point (b)(iv) of Article 26(1), point (e) of Article 36(4) and point (a) of Article 91(3) up-to-date,~~ **T**he Commission shall be empowered to adopt delegated acts amending th~~ese~~ references **to the European standards referred to in point (b)(iv) of Article 26(1), point (e) of Article 36(4) and point (a) of Article 91(3)** in the event that CEN amends them. | |
| | | ***Article 138a***<br>***Data Protection*** | |
| | | **1. Member States shall apply Directive 95/46/EC[4] to the processing of personal data** | |

[4] ***Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).***

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | **carried out in the Member States pursuant to this Regulation.** | |
| | | **2. Regulation (EC) No 45/2001[5] shall apply to the processing of personal data carried out by the Commission pursuant to this Regulation.** | |
| *Article 139*<br>*Exercise of the delegation* | *Article 139*<br>*Exercise of the delegation* | *Article 139*<br>*Exercise of the delegation* | |
| 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. | | 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. | |
| | | **1a It is of particular importance that the Commission carries out consultations with experts, including Member States' experts, before adopting those delegated acts.** | |
| 2. The delegation of power referred to in Articles 4(3), 15(2), 16, 17, | **AMD 285**<br>2. The delegation of power referred to in Articles 4(3), 15(2), 16, 17, | 2.The **power to adopt delegated acts** ~~delegation of power~~ referred to in-Articles ~~4(3)~~**,** 15(**6**), ~~16,~~ ~~17~~, 18**a**(**1**), ~~19~~, ~~20~~, ~~21~~, ~~22, 23(1)~~, | **Acceptable ((Standard wording )** |

[5] ***Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1–22).***

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| 18(3), 19, 20, 21, 22, 23(1), 24(1), 25(3), 26(2), 40, 43(4), 45(3), 46, 49, 51(1), 52(1) and (2), 56(2), 60(3), 62(2), 69(3), 75(1) and (2), 97(2), 98(6), 99(2), 101(3), 106(3), 110, 111, 114(4) and 125(1), the third subparagraph of Article 132(1), Articles 133, 138(1) and (2), 143(2), 144(3), 151(3), 153(3) and 159(3) shall be conferred for ***an indeterminate*** period of ***time*** from the date of entry into force of this ***Regulation***. | 18(3), 19, 20, 21, 22, 23(1), 24(1), 25(3), 26(2), 40, 43(4), 45(3), 46, 49, 51(1), 52(1) and (2), 56(2), 60(3), 62(2), 69(3), 75(1) and (2), 97(2), 98(6), 99(2), 101(3), 106(3), 110, 111, 114(4) and 125(1), the third subparagraph of Article 132(1), Articles 133, 138(1) and (2), 143(2), 144(3), 151(3), 153(3) and 159(3) shall be conferred ***on the Commission*** for ***a*** period of ***5 years*** from ***(Publications Office is to fill in*** the date of entry into force of this ***amending Act).*** | ~~24(1), 25(3)~~, ~~26(2),~~ 40, 43(4), 45(3), 46, **48(4),** 49, 51(1), ~~52(1) and (2), 56(2),~~ 60(3), 62(2) **and (5)**, ~~69(3~~), 75(1) and (2), 97(2), 98(6), 99(2), 101(3),~~ 106(3), 110, 111, 114(4)~~ 125(1), ~~the third subparagraph of Article 132(1),~~ ~~Articles 133~~, 138(1) and (2), 143(2), 144(3), **150(3),**151(3) **and 152 (3)** ~~153(3)~~ ~~and 159(3)~~ shall be conferred **on the Commission** for ~~an indeterminate~~ **a** period of ~~time~~ **five years** from the date of entry into force of this Regulation. | |
| | **AMD 285**<br>**Article 139 - paragraph 2 - subparagraph (new)**<br>***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of identical duration unless the European Parliament or Council opposes such an extension not later than 3 months before the end of each period***. | **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.** | **Acceptable as reworded (Standard wording )** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | **AMD 286**<br>**Article 139 – paragraph 2 a (new)**<br>***2a. For the period during which these delegated powers are exercised, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.*** | | **Acceptable but reworded and placed in new paragraph (1a).** |
| 3. The delegation of powers referred to in Articles 4(3), 15(2), 16, 17, 18(3), 19, 20, 21, 22, 23(1), 24(1), 25(3), 26(2), 40, 43(4), 45(3), 46, 49, 51(1), 52(1) and (2), 56(2), 60(3), 62(2), 69(3), 75(1) and (2), 97(2), 98(6), 99(2), 101(3), 106(3), 110, 111, 114(4) and 125(1), the third subparagraph of Article 132(1), Articles 133, 138(1) and (2), 143(2), 144(3), 151(3), 153(3) and 159(3) may be revoked at any time by the European Parliament or by the Council. A decision of | | 3. The **power to adopt delegated acts** ~~delegation of powers~~ referred to in Articles ~~4(3),~~ 15(**6**), ~~16, 17~~, 18**a**(**1**), ~~19~~, ~~20~~, ~~21~~, ~~22, 23(1)~~, ~~24(1), 25(3)~~, ~~26(2),~~ 40, 43(4), 45(3), 46, **48(4),** 49, 51(1), ~~52(1) and (2), 56(2),~~ 60(3), 62(2) **and (5)**, ~~69(3~~), 75(1) and (2), 97(2), 98(6), 99(2), 101(3),~~106(3), 110, 111, 114(4) and~~ 125(1), ~~the third subparagraph of Article 132(1),~~ ~~Articles 133~~, 138(1) and (2), 143(2), 144(3), **150(3),** 151(3) **and 152 (3)** ~~153(3) and 159(3)~~ may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal* | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. | | *of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. | |
| 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. | | 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. | |
| 5. A delegated act adopted pursuant to Articles 4(3), 15(2), 16, 17, 18(3), 19, 20, 21, 22, 23(1), 24(1), 25(3), 26(2), 40, 43(4), 45(3), 46, 49, 51(1), 52(1) and (2), 56(2), 60(3), 62(2), 69(3), 75(1) and (2), 97(2), 98(6), 99(2), 101(3), 106(3), 110, 111, 114(4) and 125(1), the third subparagraph of Article 132(1), Articles 133, 138(1) and (2), 143(2), 144(3), 151(3), 153(3) and 159(3) shall enter into force only if no objection has been expressed either by the | | 5. A delegated act adopted pursuant to Articles Articles ~~4(3)~~**,** 15(**6**), ~~16,~~ ~~17~~, 18**a**(**1**), ~~19~~, ~~20~~, ~~21~~, ~~22, 23(1)~~, ~~24(1), 25(3)~~, ~~26(2),~~ 40, 43(4), 45(3), 46, **48(4),** 49, 51(1), ~~52(1) and (2), 56(2),~~ 60(3), 62(2) **and (5)**, ~~69(3~~), 75(1) and (2), 97(2), 98(6), 99(2), 101(3),~~ 106(3), 110, 111, 114(4)~~ 125(1), ~~the third subparagraph of Article 132(1),~~ ~~Articles 133~~, 138(1) and (2), 143(2), 144(3), **150(3),** 151(3) **and 152 (3)** ~~153(3)~~ ~~and 159(3)~~ shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council. | | informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council. | |
| *Article 140*<br>*Urgency procedure* | *Article 140*<br>*Urgency procedure* | *Article 140*<br>*Urgency procedure* | |
| 1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure. | | 1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure. | |
| 2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 139(5). In such a case, the Commission shall repeal the | | 2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 139(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| act without delay following the notification of the decision to object by the European Parliament or by the Council. | | European Parliament or by the Council. | |
| *Article 141*<br>*Committee* | *Article 141*<br>*Committee* | *Article 141*<br>*Committee* | |
| 1. The Commission shall be assisted by the Standing Committee on Plants, Animals, Food and Feed established by Article 58(1) of Regulation (EC) No 178/2002. That Committee is a Committee in the meaning of Regulation (EU) No 182/2011. | **AMD 287**<br>1. The Commission shall be assisted by the Standing Committee on Plants, Animals, Food and Feed established by Article 58(1) of Regulation (EC) No 178/2002. That Committee is a Committee in the meaning of Regulation (EU) No 182/2011. ***This shall apply with the exception of cases covered by Article 23, which requires the Commission to be assisted by committees set up under Regulation (EC) No 834/2007 on organic production, Regulation (EU) No 1151/2012 regarding DOP, PGI and TSG food product designations, Regulation (EC) No 1234/2007 regarding DOP and PGI wine designations and Regulation (EC) No 110/2008 regarding the geographical indications of spirit drinks.*** | 1. The Commission shall be assisted by the Standing Committee on Plants, Animals, Food and Feed established by Article 58(1) of Regulation (EC) No 178/2002**, except in respect of Articles 23a and 24a for which the Commission shall be assisted, respectively, by the Committee established pursuant to Regulation (EC) No 1151/2012 for protected designations of origin, protected geographical indications and traditional specialities guaranteed for agri-food products, to Regulation (EC) No 1308/2013 for protected designations of origin and protected geographical indications for wines, and by the Committee established pursuant to Regulation (EU) No 1308/2013 for Common Organisation of the Agricultural Markets, and** | **Acceptable as reworded** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | **Regulation (EU) No 1379/2013 for fishery and aquaculture products. Those** Committee**s are** Committee**s** in the meaning of Regulation (EU) No 182/2011. | |
| 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. | | 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. | |
| Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request. | | **Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.**<br><br>~~Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request~~. | |
| 3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply. | | 3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply. | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| **Chapter II**<br>**Transitional and final provisions** | **Chapter II**<br>**Transitional and final provisions** | **Chapter II**<br>**Transitional and final provisions** | |
| *Article 142*<br>*Repeals* | *Article 142*<br>*Repeals* | *Article 142*<br>*Repeals* | |
| 1. Regulation (EC) No 882/2004, Directives 89/608/EEC and 96/93/EC and Decision 92/438/EEC are repealed as from [*Office of Publications, please insert date of entry into force of this Regulation + 1 year]*. | | 1. Regulation (EC) No 882/2004, Directives 89/608/EEC and 96/93/EC and Decision 92/438/EEC are repealed as from [*Office of Publications, please insert date of entry into force of this Regulation + 1 year]*. | |
| However, Articles 14 to 17 and 26 to 29 of Regulation (EC) No 882/2004 shall continue to apply until *[Office of Publications, please insert date of entry into force of this Regulation + 3 years]*. | | However, Articles 14 to 17 and 26 to 29 **,and Article 31** of Regulation (EC) No 882/2004 shall continue to apply until *[Office of Publications, please insert date of entry into force of this Regulation + 3 years]*. | |
| | **AMD 288**<br><br>**Article 142 – paragraph 1 – subparagraph 2 a (new)**<br><br>***The designation of each of the European Union reference laboratories referred to in Annex VII*** | ***[The designation of each of the European Union reference laboratories referred to in Annex VII to Regulation (EC) No 882/2004 shall remain effective until a designation of a European Union reference laboratory, in the same area takes place according to Article 91 of this Regulation.]*** | **Possibly acceptable as reworded but further clarification needed.** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | ***to Regulation (EC) No 882/2004 shall continue to apply until the designation, in each of the areas concerned, of a European Union reference laboratory pursuant to Article 91(2) of this Regulation.*** | | |
| | **AMD 289**<br><br>**Article 142 – paragraph 1 a (new)**<br><br>***1a. The designation of each of the European Union reference laboratories referred to in Annex VII to Regulation (EC) No 882/2004 shall continue to apply until such time as, in each of the areas concerned, a European Union reference laboratory is designated in accordance with Article 91(2) of this Regulation, without prejudice to Article 91(3a) thereof.*** | | **Possibly acceptable as reworded above.**<br><br>**AM 289 seems to duplicate AM 288. Further clarification needed.** |
| 2. ***Regulation (EC) No 854/2004 and*** Directives 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC and 97/78/EC are repealed as from *[Office of Publications, please insert date of entry into force of this Regulation + 3 years]*. | **AMD 290**<br>2. Directives 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC and 97/78/EC are repealed as from [Office of Publications, please insert date of entry into force of this Regulation + 3 years]. | 2. Regulation (EC) No 854/2004 and Directives 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC and 97/78/EC are repealed as from *[Office of Publications, please insert date of entry into force of this Regulation + 3 years]*. | **Not acceptable; Regulation (EC) No 854/2004 is repealed by this Regulation.** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| 3. References to the repealed acts shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex IV. | | 3. References to the repealed acts shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex IV. | |
| *Article 143*<br>*Transitional measures related to the repeals of Directives 91/496/EEC and 97/78/EC* | *Article 143*<br>*Transitional measures related to the repeals of Directives 91/496/EEC and 97/78/EC* | *Article 143*<br>*Transitional measures related to the repeals of Directives 91/496/EEC and 97/78/EC* | |
| 1. The relevant provisions of Directives 91/496/EEC and 97/78/EC which govern matters referred to in Articles 45(2), 46, points (b), (c) and (d) of Article 49, 51(1)(a), 52(1) and (2), 56(1)(a) of this Regulation shall continue to apply until the date to be determined in the delegated act adopted in accordance with paragraph 2. | | 1. The relevant provisions of Directives 91/496/EEC and 97/78/EC which govern matters referred to in Articles 45(2), 46, points (b), (c) and (d) of Article 49, 51(1)(a), 52(1) and (2), 56(1)(a) of this Regulation shall continue to apply until **three years after the date of application referred to in Article 162(1) of this Regulation or an earlier** ~~the~~ date to be determined in the delegated act adopted in accordance with paragraph 2. | |
| 2. The Commission shall be empowered to adopt delegated acts in accordance to Article 139 concerning the date on which the provisions referred to in | | 2. The Commission shall be empowered to adopt delegated acts in accordance to Article 139 concerning the date ~~on which the provisions~~ referred to in | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| paragraph 1 shall no longer apply. That date shall be the date of the application of the corresponding rules to be established pursuant to the delegated or implementing acts provided for in Articles 45(2), 46, points (b), (c) and (d) of Article 49, 51(1)(a), 52(1) and (2), 56(1)(a) of this Regulation. | | paragraph 1 ~~shall no longer apply~~. That date shall be the date of the application of the corresponding rules to be established pursuant to the delegated or implementing acts provided for in Articles 45(2), 46, points (b), (c) and (d) of Article 49, 51(1)(a), 52(1) and (2), 56(1)(a) of this Regulation. | |
| *Article 144*<br>*Transitional measures related to the repeal of Directive 96/23/EC* | *Article 144*<br>*Transitional measures related to the repeal of Directive 96/23/EC* | *Article 144*<br>*Transitional measures related to the repeal of Directive 96/23/EC* | |
| 1. Competent authorities shall continue to perform the official controls necessary to detect the presence of the substances and groups of residues listed in Annex I to Directive 96/23/EC, in accordance to Annex II, III and IV to this Directive until the date to be determined in the delegated act adopted in accordance with paragraph 3. | | 1. Competent authorities shall continue to perform the official controls necessary to detect the presence of the substances and groups of residues listed in Annex I to Directive 96/23/EC, in accordance to Annex II, III and IV to this Directive until ~~the~~ **three years after the date of application referred to in Article 162(1) of this Regulation or an earlier date** to be determined in the delegated act adopted in accordance with paragraph 3. | |
| 2. Article 29(1) and (2) of Directive 96/23/EC shall continue to apply until the date | | 2. Article 29(1) and (2) of Directive 96/23/EC shall continue to apply until the date to be determined in the | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| to be determined in the delegated act adopted in accordance with paragraph 3. | | delegated act adopted in accordance with paragraph 3. | |
| 3. The Commission shall be empowered to adopt delegated acts in accordance to Article 139 concerning the date on which the competent authorities shall cease to perform official controls in accordance with the provisions referred to in paragraph 1, and on which Article 29(1) and (2) of Directive 96/23/EC shall no longer apply. That date shall be the date of the application of the corresponding rules to be established pursuant to the delegated or implementing acts provided for in Article 16 and 111 of this Regulation. | | 3. The Commission shall be empowered to adopt delegated acts in accordance to Article 139 concerning the date **referred to in paragraphs 1 and 2 of this Article** ~~on which the competent authorities shall cease to perform official controls in accordance with the provisions referred to in paragraph 1, and on which Article 29(1) and (2) of Directive 96/23/EC shall no longer apply~~. That date shall be the date of the application of the corresponding rules to be established pursuant to the ~~delegated or~~ implementing acts provided for in Article 16 and 111 of this Regulation. | |
| *Article 145*<br>*Amendments to Directive 98/58/EC* | *Article 145*<br>*Amendments to Directive 98/58/EC* | *Article 145*<br>*Amendments to Directive 98/58/EC* | |
| Directive 98/58/EC is amended as follows: | | Directive 98/58/EC is amended as follows: | |
| (a) Article 2 is amended as follows: | | (a) Article 2 is amended as follows: | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (i) point 3 is deleted; | | (i) point 3 is deleted; | |
| (ii) the following second subparagraph is added: | | (ii) the following second subparagraph is added: | |
| 'The definition of 'competent authorities' laid down in point (5) of Article 2 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*] shall also apply.'; | | 'The definition of 'competent authorities' laid down in point (5) of Article 2 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*] shall also apply.'; | |
| (b) Article 6 is amended as follows: | | (b) Article 6 is amended as follows: | |
| (i) paragraph 1 is deleted; | | (i) paragraph 1 is deleted; | |
| (ii) paragraph 2 is replaced by the following: | | (ii) paragraph 2 is replaced by the following: | |
| '2. Member States shall submit to the Commission by 30 June each year an annual report for the previous year | | 2. Member States shall submit to the Commission by ~~30 June~~ **31 August** each year an annual report for the previous year on the inspections carried out by the competent authority to check compliance | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| on the inspections carried out by the competent authority to check compliance with the requirements of this Directive. The report shall be accompanied by an analysis of the most serious findings of non–compliances and a national action plan to prevent or decrease their occurrence for the forthcoming years. The Commission shall submit summaries of those reports to the Member States.'; | | with the requirements of this Directive. The report shall be accompanied by an analysis of the most serious findings of non–compliances and a national action plan to prevent or decrease their occurrence for the forthcoming years. The Commission shall submit summaries of those reports to the Member States.'; | |
| (c) point (a) of paragraph 3 is deleted; | | (c) point (a) of paragraph 3 is deleted; | |
| (d) Article 7 is deleted. | | (d) Article 7 is deleted. | |
| *Article 146*<br>*Amendments to Directive 1999/74/EC* | *Article 146*<br>*Amendments to Directive 1999/74/EC* | *Article 146*<br>*Amendments to Directive 1999/74/EC* | |
| Directive 1999/74/EC is amended as | | Directive 1999/74/EC is amended as follows: | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| follows: | | | |
| (a) Article 8 is amended as follows: | | (a) Article 8 is amended as follows: | |
| (i) paragraph 1 is deleted; | | (i) paragraph 1 is deleted; | |
| (ii) paragraph 2 is replaced by the following: | | (ii) paragraph 2 is replaced by the following: | |
| 'Member States shall submit to the Commission by 30 June each year an annual report for the previous year on the inspections carried out by the competent authority to check compliance with the requirements of this Directive. The report shall be accompanied by an analysis of the most serious findings of non–compliances and a national action plan to | | 'Member States shall submit to the Commission by ~~30 June~~ **31 August** each year an annual report for the previous year on the inspections carried out by the competent authority to check compliance with the requirements of this Directive. The report shall be accompanied by an analysis of the most serious findings of non–compliances and a national action plan to prevent or decrease their occurrence for the forthcoming years. The Commission shall submit summaries of these reports to the Member States.'; | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| prevent or decrease their occurrence for the forthcoming years. The Commission shall submit summaries of these reports to the Member States.'; | | | |
| (iii) point (a) of paragraph 3 is deleted; | | (iii) point (a) of paragraph 3 is deleted; | |
| (b) Article 9 is deleted. | | (b) Article 9 is deleted. | |
| *Article 147*<br>*Amendments to Council Regulation (EC) No 999/2001* | *Article 147*<br>*Amendments to Council Regulation (EC) No 999/2001* | *Article 147*<br>*Amendments to Council Regulation (EC) No 999/2001* | |
| Regulation (EC) No 999/2001 is amended as follows: | | Regulation (EC) No 999/2001 is amended as follows: | |
| (a) Articles 19 and 21 are deleted; | | (a) Articles 19 and 21 are deleted; | |
| (b) In Annex X, Chapters A and B are deleted. | | (b) In Annex X, Chapters A and B are deleted. | |
| *Article 148*<br>*Amendments to Regulation (EC) No 1829/2003* | *Article 148*<br>*Amendments to Regulation (EC) No 1829/2003* | ~~*Article 148*~~<br>~~*Amendments to Regulation (EC) No 1829/2003*~~ | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| ***Regulation (EC) No 1829/2003 is amended as follows:*** | **AMD 291**<br><br>***deleted*** | **Deleted (Article 148)** | **Acceptable ; see Article 91** |
| ***(a) Article 32 is amended as follows:*** | | | |
| ***(i) the first and second subparagraphs are deleted*** | | | |
| ***(ii) the third subparagraph is replaced by the following:*** | | | |
| ***'Applicants for authorisation of genetically modified food and feed shall contribute to supporting the costs of the tasks of the European Union reference laboratory and the national reference laboratories designated in accordance with Articles 91(1) and 98(1) of*** | | | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| ***Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of this Regulation] for that area.'*** | | | |
| ***(iii) in the fifth subparagraph the words 'and the annex' shall be deleted.*** | | | |
| ***(iv) in the sixth subparagraph the words ' and adapting the Annex' shall be deleted.*** | | | |
| ***(b) the Annex is deleted.*** | | - | |
| *Article 149*<br>*Amendments to Regulation (EC) No 1831/2003* | *Article 149*<br>*Amendments to Regulation (EC) No 1831/2003* | ~~*Article 149*~~<br>~~*Amendments to Regulation (EC) No 1831/2003*~~ | |
| ***Regulation (EC) No 1831/2003 is amended as follows:*** | **AMD 292**<br><br>***deleted*** | **Deleted (Article 149)** | **Acceptable ; see Article 91** |
| ***(a) in Article 7, paragraph 3(f) is replaced by the following*** | | | |
| ***'a written statement that three samples of the feed additive have been sent by the applicant*** | | | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| ***directly to the European Union reference laboratory referred to in Article 21.'*** | | | |
| ***(b) Article 21 is amended as follows:*** | | | |
| ***(i) the first, third and forth paragraphs are deleted;*** | | | |
| ***(ii) paragraph 2 is replaced by the following:*** | | | |
| ***'Applicants for the authorisation of additives shall contribute to supporting the cost of the tasks of the European Union reference laboratory and the national reference laboratories designated in accordance with Articles 91(1) and 98(1) of Regulation (EU) No XXX/XXXX [Office of Publications, please insert number of this*** | | | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| ***Regulation] for that area.'*** | | | |
| ***(c) Annex II is deleted.*** | | | |
| *Article 150*<br>*Amendments to Regulation (EC) No 1/2005* | *Article 150*<br>*Amendments to Regulation (EC) No 1/2005* | *Article 150*<br>*Amendments to Regulation (EC) No 1/2005* ***and related transitional measures*** | |
| Regulation (EC) No 1/2005 is amended as follows: | | **1.** Regulation (EC) No 1/2005 is amended as follows: | |
| (a) Article 2 is amended as follows: | | (a) Article 2 is amended as follows: | |
| (i) points (d), (f), (i) and (p) are deleted; | | (i) points (d), (f), (i) and (p) are deleted; | |
| (ii) the following second subparagraph is added: | | (ii) the following second subparagraph is added: | |
| 'The definitions of 'competent authorities', 'border control post', 'official veterinarian' and 'exit point' laid down in points (5), (29), (32), and | | 'The definitions of 'competent authorities', 'border control post', 'official veterinarian' and 'exit point' laid down in points (5), (29), (32), and (36) of Article 2 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*]* shall also apply. | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (36) of Article 2 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*]* shall also apply. | | | |
| | | (**be**) Article 27 is amended as follows:<br><br>(i) paragraph 1 is deleted;<br><br>(ii) paragraph 2 is replaced by the following:<br><br>'2. Member States shall submit to the Commission by ~~30 June~~ **31 August** each year an annual report for the previous year on the inspections carried by the competent authority to verify compliance with the requirements of this Regulation. The report shall be accompanied by an analysis of the major deficiencies detected and an action plan to address them.'; | |
| | | (**c~~d~~**) Article 28 is deleted. | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (b) Articles 14, 15, 16, 21, 22(2), 23, 24 and 26 ***are deleted***; | **AMD 293**<br><br>(b) Articles 14, 15, 16, 21, 22(2), 23, 24 and 26 ***shall continue to apply until the legislative proposals referred to in Article 18 are established***; | **2.** Articles 14, 15, 16, 21, 22(2), 23, 24 and 26 ~~are deleted;~~ **shall continue to apply until three years after the date of application referred to in Article 162(1) of this Regulation or an earlier date to be determined in the delegated act adopted in accordance with paragragh 3.** | |
| (c) Article 27 is amended as follows: | | | |
| (i) paragraph 1 is deleted; | | | |
| (ii) paragraph 2 is replaced by the following:<br><br>'2. Member States shall submit to the Commission by 30 June each year an annual report for the previous year on the inspections carried by the competent authority to verify compliance with the requirements of this Regulation. The report shall be accompanied by an analysis of the major deficiencies detected and an action plan to address them.'; | | | |
| (d) Article 28 is deleted. | | | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | **3. The Commission shall be empowered to adopt delegated acts in accordance to Article 139 concerning the date referred to in paragraph 1. That date shall be the date of the application of the corresponding rules to be established pursuant to the delegated acts provided for in Article 18 of this Regulation.** | |
| *Article 151*<br>*Amendments to Regulation (EC) No 396/2005 and related transitional measures* | *Article 151*<br>*Amendments to Regulation (EC) No 396/2005 and related transitional measures* | *Article 151*<br>*Amendments to Regulation (EC) No 396/2005 and related transitional measures* | |
| 1. Regulation (EC) No 396/2005 is amended as follows: | | 1. Regulation (EC) No 396/2005 is amended as follows: | |
| (a) Articles 26, 27, 28(1) and (2) and 30 are deleted; | | (a) Articles 26, 27, 28(1) and (2) and 30 are deleted; | |
| (b) the introductory phrase of Article 31(1) is replaced by the following: | | (b) the introductory phrase of Article 31(1) is replaced by the following: | |
| '1. Member States shall submit the following information concerning the previous calendar year to the Commission, the | | '1. Member States shall submit the following information concerning the previous calendar year to the Commission, the Authority and the other Member States by ~~30 June~~ **31 August** each year:'; | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| Authority and the other Member States by 30 June each year:'; | | | |
| 2. Articles 26, 27(1) and 30 of Regulation (EC) No 396/2005 shall continue to apply until the date to be ***determined in the delegated act adopted in accordance with paragraph 3.*** | **AMD 294**<br>2. Articles 26, 27(1) and 30 of Regulation (EC) No 396/2005 shall continue to apply until the date ***of the application of the corresponding rules*** to be ***established pursuant to the legislative proposals referred to in Article 16 of this Regulation***. | 2. Articles 26, 27(1) and 30 of Regulation (EC) No 396/2005 shall continue to apply until ~~the date~~ **three years after the date of application referred to in Article 162(1) of this Regulation or an earlier date** to be determined in the delegated act adopted in accordance with paragraph 3. | |
| ***3. The Commission shall be empowered to adopt delegated acts in accordance to Article 139 concerning the date on which Articles 26, 27(1) and 30 referred to in paragraph 2 shall no longer apply. That date shall be the date of the application of the corresponding rules to be established pursuant to the delegated acts provided for in Article 16 of this Regulation.*** | **AMD 295**<br><br>***deleted*** | 3. The Commission shall be empowered to adopt delegated acts in accordance to Article 139 concerning the date ~~on which Articles 26, 27(1) and 30~~ referred to in paragraph 2 ~~shall no longer apply~~. That date shall be the date of the application of the corresponding rules to be established pursuant to the ~~delegated~~ **implementing** acts provided for in Article 16 of this Regulation. | |
| *Article 152*<br>*Amendments to Directive 2007/43/EC* | *Article 152*<br>*Amendments to Directive 2007/43/EC* | *Article 152*<br>*Amendments to Directive 2007/43/EC* | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| Directive 2007/43/EC is amended as follows: | | Directive 2007/43/EC is amended as follows: | |
| (a) Article 2 is amended as follows: | | (a) Article 2 is amended as follows: | |
| (i) in paragraph 1, points (c) and (d) are deleted; | | (i) in paragraph 1, points (c) and (d) are deleted; | |
| (ii) the following paragraph 3 is added: | | (ii) the following paragraph 3 is added: | |
| '3. The definitions of 'competent authorities' and of 'official veterinarian' laid down in points (5) and (32) of Article 2 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert* | | '3. The definitions of 'competent authorities' and of 'official veterinarian' laid down in points (5) and (32) of Article 2 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*]* shall also apply. | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| *number of this Regulation*]* shall also apply. | | | |
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| * OJ L …, …, p. …'; | | | |
| (b) Article 7 is amended as follows: | | (b) Article 7 is amended as follows: | |
| (i) paragraph 1 is deleted; | | (i) paragraph 1 is deleted; | |
| (ii) paragraph 2 is replaced by the following: | | (ii) paragraph 2 is replaced by the following: | |
| 'Member States shall submit to the Commission by 30 June each year an annual report for the previous year on the inspections carried out by the competent authority to check compliance with the requirements of this Directive. The report shall | | 'Member States shall submit to the Commission by ~~30 June~~ **31 August** each year an annual report for the previous year on the inspections carried out by the competent authority to check compliance with the requirements of this Directive. The report shall be accompanied by an analysis of the most serious findings of non–compliances and a national action plan to prevent or decrease their occurrence for the forthcoming years. The Commission shall submit summaries of those reports to the Member States.'. | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| be accompanied by an analysis of the most serious findings of non–compliances and a national action plan to prevent or decrease their occurrence for the forthcoming years. The Commission shall submit summaries of those reports to the Member States.'. | | | |
| *Article 153*<br>*Amendments to Regulation (EC) No 834/2007 and related transitional measures* | *Article 153*<br>*Amendments to Regulation (EC) No 834/2007 and related transitional measures* | ~~*Article 153*~~<br>~~*Amendments to Regulation (EC) No 834/2007 and related transitional measures*~~ | |
| 1. Regulation (EC) No 834/2007 is amended as follows: | | **Deleted (Article153)** | **See link to Organic Farming Proposal** |
| (a) Article 2 is amended as follows: | | | |
| (i) point (n) is replaced by the following: | | | |
| '(n) 'competent authorities' | | | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| means competent authorities as defined in point (5) of Article 2 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*]*. | | | |
| (ii) point (o) is deleted; | | | |
| (iii) point (p) is replaced by the following: | | | |
| '(p) 'control body' means a delegated body as defined in point (38) of Article 2 of Regulation (EU) No XXX/XXXX [*Office of Publications,* | | | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| *please insert number of this Regulation*]'; | | | |
| (b) in point (a) of Article 24(1), 'Article 27(10)' is replaced by 'Articles 3(3) and 25(4) of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*]'; | | | |
| (c) Article 27 is amended as follows: | | | |
| (i) paragraph 1 is replaced by the following: | | | |
| 'Official controls to verify compliance with this Regulation shall be performed in accordance with Regulation (EC) No 882/2004'; | | | |
| (ii) paragraphs ***2*** to 14 | **AMD 296** | | **Not acceptable** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| are deleted; | (ii) paragraphs ***3 to 6 and 8*** to 14 are deleted; | | |
| (d) in Article 29(1), 'Article 27(4)' is replaced by 'Articles 3(3) and 25(4) of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*]'; | | | |
| (e) in Article 30, paragraph 2 is deleted. | | | |
| 2. ***Articles*** 27 and 30***(2)*** of Regulation (EC) No 834/2007 shall continue to apply until the date to be determined in the delegated act to be adopted in accordance with paragraph 3. | **AMD 297**<br>2. ***Paragraphs 3 to 14 of Article*** 27 and ***paragraph 2 of Article*** 30 of Regulation (EC) No 834/2007 shall continue to apply until the date to be determined in the delegated act to be adopted in accordance with paragraph 3. | | **Not acceptable** |
| | **AMD 298**<br>5. Articles 27***(3 to 6) and (8 to 14)*** and 30(2) of Regulation (EC) No 834/2007 shall continue to apply until the date to be determined in the delegated act to be adopted in accordance with paragraph 3. | | **Not acceptable** |
| 3. The Commission shall be empowered to adopt delegated acts in accordance with Article | | | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| 139 concerning the date on which the provisions referred to in paragraph 2 shall no longer apply**.** That date shall be the date of the application of the corresponding rules to be established pursuant to the delegated acts provided for in Article 23(2) of this Regulation. | | | |
| *Article 154*<br>*Amendments to Directive 2008/119/EC* | *Article 154*<br>*Amendments to Directive 2008/119/EC* | *Article 154*<br>*Amendments to Directive 2008/119/EC* | |
| Directive 2008/119/EC is amended as follows: | | Directive 2008/119/EC is amended as follows: | |
| (a) Article 2 is amended as follows: | | (a) Article 2 is amended as follows: | |
| (i) point 2 is deleted; | | (i) point 2 is deleted; | |
| (ii) the following second subparagraph is added: | | (ii) the following second subparagraph is added: | |
| 'The definition of 'competent authorities' laid down in point (5) of Article 2 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of* | | 'The definition of 'competent authorities' laid down in point (5) of Article 2 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*]* shall also apply. | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| *this Regulation*]* shall also apply. | | | |
| (b) Article 7 is amended as follows: | | (b) Article 7 is amended as follows: | |
| (i) paragraphs 1 and 2 are deleted; | | (i) paragraphs 1 and 2 are deleted; | |
| (ii) paragraph 3 is replaced by the following: | | (ii) paragraph 3 is replaced by the following: | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| '3. Member States shall submit to the Commission by 30 June each year an annual report for the previous year on the inspections carried out by the competent authority to check compliance with the requirements of this Directive. The report shall be accompanied by an analysis of the most serious findings of non–compliances and a national action plan to prevent or decrease their occurrence for the forthcoming years. The Commission shall submit summaries of those reports to the Member States.'; | | '3. Member States shall submit to the Commission by ~~30 June~~ **31 August** each year an annual report for the previous year on the inspections carried out by the competent authority to check compliance with the requirements of this Directive. The report shall be accompanied by an analysis of the most serious findings of non–compliances and a national action plan to prevent or decrease their occurrence for the forthcoming years. The Commission shall submit summaries of those reports to the Member States.'; | |
| (c) Article 9 is deleted. | | (c) Article 9 is deleted. | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| *Article 155*<br>*Amendments to Directive 2008/120/EC* | *Article 155*<br>*Amendments to Directive 2008/120/EC* | *Article 155*<br>*Amendments to Directive 2008/120/EC* | |
| Directive 2008/120/EC is amended as follows: | | Directive 2008/120/EC is amended as follows: | |
| (a) Article 2 is amended as follows: | | (a) Article 2 is amended as follows: | |
| (i) point 10 is deleted; | | (i) point 10 is deleted; | |
| (ii) the following second subparagraph is added: | | (ii) the following second subparagraph is added: | |
| 'The definition of 'competent authorities' laid down in point (5) of Article 2 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*]* shall also apply. | | 'The definition of 'competent authorities' laid down in point (5) of Article 2 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*]* shall also apply. | |
| (b) Article 8 is amended as follows: | | (b) Article 8 is amended as follows: | |
| (i) paragraphs 1 and 2 are deleted; | | (i) paragraphs 1 and 2 are deleted; | |
| (ii) paragraph 3 is replaced by the following: | | (ii) paragraph 3 is replaced by the following: | |
| 'Member States shall submit to the Commission by 30 June each year an | | 'Member States shall submit to the Commission by ~~30 June~~ **31 August** each year an annual report for the | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| annual report for the previous year on the inspections carried out by the competent authority to check compliance with the requirements of this Directive. The report shall be accompanied by an analysis of the most serious findings of non–compliances and a national action plan to prevent or decrease their occurrence for the forthcoming years. The Commission shall submit summaries of those reports to the Member States.'; | | previous year on the inspections carried out by the competent authority to check compliance with the requirements of this Directive. The report shall be accompanied by an analysis of the most serious findings of non–compliances and a national action plan to prevent or decrease their occurrence for the forthcoming years. The Commission shall submit summaries of those reports to the Member States.'; | |
| (c) Article 10 is deleted. | | (c) Article 10 is deleted. | |
| *Article 156*<br>*Amendments to Regulation (EC) No 1099/2009* | *Article 156*<br>*Amendments to Regulation (EC) No 1099/2009* | *Article 156*<br>*Amendments to Regulation (EC) No 1099/2009* | |
| Regulation (EC) No 1099/2009 is amended as follows: | | Regulation (EC) No 1099/2009 is amended as follows: | |
| (a) Article 2 is amended as follows: | | (a) Article 2 is amended as follows: | |
| (i) point (q) is deleted; | | (i) point (q) is deleted; | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (ii) the following second subparagraph is added: | | (ii) the following second subparagraph is added: | |
| 'In addition to the definitions referred to in the first subparagraph, the definition of 'competent authorities' laid down in point (5) of Article 2 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*]* shall also apply. | | 'In addition to the definitions referred to in the first subparagraph, the definition of 'competent authorities' laid down in point (5) of Article 2 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*]* shall also apply. | |
| (b) Article 22 is deleted. | | (b) Article 22 is deleted. | |
| *Article 157*<br>*Amendments to Regulation (EC) No 1069/2009* | *Article 157*<br>*Amendments to Regulation (EC) No 1069/2009* | *Article 157*<br>*Amendments to Regulation (EC) No 1069/2009* | |
| Regulation (EC) No 1069/2009 is amended as follows: | | Regulation (EC) No 1069/2009 is amended as follows: | |
| (a) Article 3 is amended as follows: | | (a) Article 3 is amended as follows: | |
| (i) points 10 and 15 are deleted*;* | | (i) points 10 and 15 are deleted*;* | |
| (ii) the following second subparagraph is added: | | (ii) the following second subparagraph is added: | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| 'The definition of 'competent authorities' and 'transit' laid down in points (5) and (50) of Article 2 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*]* shall also apply. | | 'The definition of 'competent authorities' and 'transit' laid down in points (5) and (50) of Article 2 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*]* shall also apply. | |
| (b) Articles 45, 49 and 50 are deleted. | | Articles 45, 4 and 50 are deleted. | |
| *Article 158*<br>*Amendments to Regulation (EC) No 1107/2009* | *Article 158*<br>*Amendments to Regulation (EC) No 1107/2009* | *Article 158*<br>*Amendments to Regulation (EC) No 1107/2009* | |
| Article 68 of Regulation (EC) No 1107/2009 is amended as follows: | | ~~Article 68 of~~ Regulation (EC) No 1107/2009 is amended as follows: | |
| (a) the first paragraph is replaced by the following: | | **(a) Article 68 is amended as follows:** | |
| | | **(i)** ~~(a)~~ the first paragraph is replaced by the following: | |
| 'Member States shall finalise and submit to the Commission by 30 June each year a report on the scope and the results of the official controls performed in order to verify compliance with this Regulation.'; | | 'Member States shall finalise and submit to the Commission by ~~30 June~~ **31 August** each year a report, **for the previous year,** on the scope and the results of the official controls performed in order to verify compliance with this Regulation'; | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | | |
| (b) the second and third paragraphs are deleted. | | **(ii)** ~~(b)~~ the second and third paragraphs are deleted. | |
| | | **(b) Point (n) of Article 78(1) is deleted.** | |
| *Article 159*<br>*Amendments to Directive 2009/128/EC and related transitional measures* | *Article 159*<br>*Amendments to Directive 2009/128/EC and related transitional measures* | ~~*Article 159*~~<br>~~*Amendments to Directive 2009/128/EC and related transitional measures*~~ | |
| 1. Directive 2009/128/EC is amended as follows: | | **Deleted (Article 159)** | **See proposed new Recital (18a)** |
| (a) in Article 8, paragraph 1, the second subparagraph of paragraph 2 and paragraphs 3, 4, 6 and 7 are deleted; | | | |
| (b) Annex II is deleted. | | | |
| 2. Paragraph 1, the second subparagraph of paragraph 2 and paragraphs 3, 4 and 6 of Article 8 and Annex II of Directive 2009/128/EC shall continue to apply until the date ***to be determined in the delegated act*** to be ***adopted in accordance with paragraph 3.*** | **AMD 299**<br>2. Paragraph 1, the second subparagraph of paragraph 2 and paragraphs 3, 4 and 6 of Article 8 and Annex II of Directive 2009/128/EC shall continue to apply until the date ***of the application of the corresponding rules*** to be | | **Not acceptable** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | ***established pursuant to the legislative proposals referred to in Article 22 of this Regulation***. | | |
| ***3. The Commission shall be empowered to adopt delegated acts in accordance to Article 139 concerning the date on which the provisions referred to in paragraph 2 shall no longer apply. That date shall be the date of the application of the corresponding rules to be established pursuant to the delegated acts provided for in Article 22 of this Regulation.*** | **AMD 300**<br><br>***deleted*** | | **Acceptable** |
| *Article 160*<br>*Amendments to Regulation (EU) No 1151/2012* | *Article 160*<br>*Amendments to Regulation (EU) No 1151/2012* | *Article 160*<br>*Amendments to Regulation (EU) No 1151/2012* | |
| Regulation (EU) No 1151/2012 is amended as follows: | | Regulation (EU) No 1151/2012 is amended as follows: | |
| (a) Article 36 is amended as follows: | | (a) Article 36 is amended as follows: | |
| (i) the heading is replaced by the following: 'Content of official controls'; | | (i) the heading is replaced by the following: 'Content of official controls'; | |
| (ii) paragraphs 1 and 2 are deleted; | | (ii) paragraphs 1 and 2 are deleted; | |
| (iii) in paragraph 3, the introductory phrase is | | (iii) in paragraph 3, the introductory phrase is replaced by the | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| replaced by the following: | | following: | |
| '3. official controls performed in accordance with Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*]* shall cover: | | '3. official controls performed in accordance with Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*]* shall cover: | |
| (b) Article 37 is amended as follows: | | (b) Article 37 is amended as follows: | |
| (i) in paragraph 1, the first subparagraph is replaced by the following: | | (i) in paragraph 1, the first subparagraph is replaced by the following: | |
| '1. In respect of protected designations of origin, protected geographical indications and traditional specialities guaranteed that designate products originating within the Union, verification of compliance with | | '1. In respect of protected designations of origin, protected geographical indications and traditional specialities guaranteed that designate products originating within the Union, verification of compliance with the product specification, before placing the product on the market, shall be carried out by: | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| the product specification, before placing the product on the market, shall be carried out by: | | | |
| (a) the competent authorities designated in accordance with Article 3 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*]; or, | | (a) the competent authorities designated in accordance with Article 3 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*]; or, | |
| (b) delegated bodies within the meaning of point 38 of Article 2 of Regulation (EU) No XXX/XXXX | | (b) delegated bodies within the meaning of point 38 of Article 2 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*].'; | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| [*Office of Publications, please insert number of this Regulation*].'; | | | |
| (ii) in paragraph 3, the first subparagraph is deleted; | | (ii) in paragraph 3, the first subparagraph is deleted; | |
| (iii) in paragraph 4, the words 'paragraphs 1 and 2' are replaced by the words: 'paragraph 2'; | | (iii) in paragraph 4, the words 'paragraphs 1 and 2' are replaced by the words: 'paragraph 2'; | |
| (c) Articles 38 and 39 are deleted. | | (c) Article~~s~~ 38 ~~and 39 are~~ **is** deleted**:** | |
| | | **(d) Article 39 is amended as follows:** | |
| | | **(i) the heading is replaced by the following: 'Delegated bodies performing controls in third countries';** | |
| | | **(ii) paragraph 1 is replaced by the following:** | |
| | | **The delagated bodies performing controls in the third countries referred to in paragraph 2(b) or Article 37 shall be accredited to the relevant harmonised standard for 'Conformity assessment-** | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | | **Requirements for bodies certifying products, processes and services'. They may be accredited either by a national accreditation body outside the Union, in accordance with Regulation ( EC) No 765/2008, or by an accreditation body outside the Union that is a signatory of a multilateral recognition arrangement under the auspices of the International Accreditation Forum.'** | |
| | | **(iii) paragraphs 2 and 3 are deleted.** | |
| *Article 161*<br>*Amendments to Regulation (EU) No [….]/2013* | *Article 161*<br>*Amendments to Regulation (EU) No [….]/2013* | *Article 161*<br>*Amendments to Regulation (EU) No **652/2014** ~~[….]/2013~~* | |
| Regulation (EU) No [….]/2013 [*Office of Publications, please insert number of the Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material*] is amended as follows: | | Regulation (EU) No **652/2014**[6]~~[….]/2013 [*Office of Publications, please insert number of the Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material*]~~ is amended as follows: | |
| (a) Article 29 is amended as follows: | | (a) Article ~~29~~**30** is amended as follows: | |

[6] **OJ, L189, page 1, 27.06.2014**

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (i) the heading is replaced by the following: | | (i) the heading is replaced by the following: | |
| 'European Union reference laboratories and centres'; | | 'European Union reference laboratories and centres'; | |
| (ii) paragraph 1 is replaced by the following: | | (ii) paragraph 1 is replaced by the following: | |
| '1. To cover the costs they incur to implement the work programmes approved by the Commission, grants may be awarded to: | | '1. To cover the costs they incur to implement the work programmes approved by the Commission, grants may be awarded to: | |
| (a) the European Union reference laboratories referred to in Article 91 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*]*; | | (a) the European Union reference laboratories referred to in Article 91 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*]* | |
| ***(b) the European Union reference centres for plant reproductive material*** | **AMD 301** | ~~*(b) the European Union reference centres for plant reproductive material referred to in*~~ | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| ***referred to in Article 93 of that Regulation;*** | ***deleted*** | ~~*Article 93 of that Regulation;*~~ | |
| (c) the European Union reference centres for animal welfare referred to in Article 95 of that Regulation. | | **(c)** the European Union reference centres for animal welfare referred to in Article 95 of that Regulation. | |
| | **AMD 302**<br><br>**Article 161 – paragraph 1 – point a – point ii – letter c a (new)**<br><br>***(ca) the European Union reference centres for the authenticity and integrity of the agri-food chain.*** | **(d) the European Union reference centres for the authenticity and integrity of the agri-food chain referred to in Article 96a of that Regulation.** | **Acceptable** |
| (iii) in paragraph 2, point (a) is replaced by the following: | | (iii) in paragraph 2, point (a) is replaced by the following: | |
| '(a) costs of personnel, regardless its status, directly involved in activities of the laboratories or centres which are carried out in their capacity of Union reference laboratory or centre;'; | | (a) costs of personnel, regardless its status, directly involved in activities of the laboratories or centres which are carried out in their capacity of Union reference laboratory or centre;'; | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (b) the following Article 29a is added: | | (b) the following Article ~~29~~**30**a is added: | |
| *'Article 29a*<br>*Accreditation of national reference laboratories for plant health* | | *Article ~~29~~**30**a*<br>*Accreditation of national reference laboratories for plant health* | |
| 1. Grants may be awarded to the national reference laboratories referred to in Article 98 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*] for costs incurred for obtaining accreditation according to the standard EN ISO/IEC 17025 for the use of methods of laboratory analysis, test and diagnosis to verify compliance with the rules on protective measures against pests of plants. | | 1. Grants may be awarded to the national reference laboratories referred to in Article 98 of Regulation (EU) No XXX/XXXX [*Office of Publications, please insert number of this Regulation*] for costs incurred for obtaining accreditation according to the standard EN ISO/IEC 17025 for the use of methods of laboratory analysis, test and diagnosis to verify compliance with the rules on protective measures against pests of plants | |
| 2. ***Grants*** may be awarded to a single national reference | **AMD 303**<br>2***. The grants referred to in paragraph*** | 2. Grants may be awarded to a single national reference laboratory in each Member State | **Acceptable** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| laboratory in each Member State for each European Union reference laboratory for plant health, up to three years after the designation of that European Union reference laboratory.'. | ***1*** may be awarded to a single national reference laboratory in each Member State for each European Union reference laboratory for plant health, up to three years after the designation of that European Union reference laboratory.' | for each European Union reference laboratory for plant health, up to three years after the designation of that European Union reference laboratory.'. | |
| *Article 162*<br>*Entry into force and application* | *Article 162*<br>*Entry into force and application* | *Article 162*<br>*Entry into force and application* | |
| 1. This Regulation shall enter into force on the twentieth day following that of its publication in *the Official Journal of the European Union*. | | 1. This Regulation shall enter into force on the twentieth day following that of its publication in *the Official Journal of the European Union*. | |
| Unless otherwise provided for in paragraphs 2 to 5, it shall apply from *[Office of Publications, please insert date of entry into force of this Regulation + 1 year]*. | | Unless otherwise provided for in paragraphs 2 to 5, it shall apply from *[Office of Publications, please insert date of entry into force of this Regulation + 1 year]*. | |
| | **AMD 304**<br><br>**Article 162 – paragraph 1 – subparagraph 2 a (new)**<br><br>***Maximum one year after entry into force of this regulation, the*** | | **Possibly acceptable** |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| | ***Commission shall provide a comprehensive guidance document, to assist operators and national authorities to effectively implement this regulation.*** | | |
| | **AMD 305**<br><br>**Article 162 – paragraph 1 a (new)**<br><br>***1a. Maximum five years after the entry into force of this Regulation, the Commission shall submit a report to the European Parliament and the Council to present the experience gained from the application of this Regulation and consider in particular the reduction of administrative burden on private sector and the efficiency and effectiveness of controls carried out by competent authorities.*** | | **Possibly acceptable but rather after a longer period (10 years) as implementation of this Regulation will very much depend on the adoption of implementing and delegated acts.** |
| 2. In the area covered by the rules referred to in point (g) of Article 1(2), this Regulation, shall apply from [*Office of Publications, please insert date of application of the Regulation on protective measures against pests of plants*], with the following exceptions: | | 2. In the area covered by the rules referred to in point (g) of Article 1(2), this Regulation, shall apply from [*Office of Publications, please insert date of application of the Regulation on protective measures against pests of plants*], with the following exceptions: | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| (a) Articles 91 and 92 and 97, 98 and 99 shall apply in accordance with paragraph 1; | | (a) Articles 91, ~~and~~ 92, ~~and~~ 97, 98 and 99 shall apply **from** ***[Office of Publications, please insert date of entry into force of this Regulation + 1 year]***.~~in accordance with paragraph 1~~; | |
| (b) Article 33(1), (2), (3) and (4), point (e) of Article 36(4) and Article 36(5) shall apply from *[Office of Publications, please insert date of entry into force of this Regulation + 5 years]*. | | (b) Article 33(1), (2~~), (3~~) and (4), point (e) of Article 36(4) and Article 36(5) shall apply from *[Office of Publications, please insert date of entry into force of this Regulation + 5 years]*. | |
| ***3. In the area covered by the rules referred to in point (h) of Article 1(2), this Regulation, shall apply from [Office of Publications, please insert date of application of the Regulation on the production and making available on the market of plant reproductive material], with the following exceptions:*** | **AMD 306**<br>***deleted*** | ~~3. In the area covered by the rules referred to in point (h) of Article 1(2), this Regulation, shall apply from [*Office of Publications, please insert date of application of the Regulation on the production and making available on the market of plant reproductive material*], with the following exceptions:~~ | **See PRM out of scope** |
| ***(a) Articles 93, 94 and 97 shall apply in accordance with paragraph 1;*** | | ~~(a) Articles 93, 94 and 97 shall apply in accordance with paragraph 1;~~ | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| ***(b) Article 33(1), (2) (3) and (4) shall apply from [Office of Publications, please insert date of entry into force of this Regulation + 5 years].*** | | ~~(b) Article 33(1), (2) (3) and (4) shall apply from *[Office of Publications, please insert date of entry into force of this Regulation + 5 years]*.~~ | |
| 4. Articles 15(1), 18(1), 45 to 62 and 76 to 84, ***point (b) of Article 150, point*** (b)(i) of Article 152, point (b)(i) of Article 154, point (b)(i) of Article 155 ***and point (b) of Article 156*** shall apply from *[Office of Publications, please insert date of entry into force this Regulation + 3 years]*. | **AMD 307**<br>4. Articles 15(1), 18(1), 45 to 62 and 76 to 84, point***s*** (b) ***and (c)***(i) of Article 152, point (b)(i) of Article 154 ***and*** point (b)(i) of Article 155 shall apply from [Office of Publications, please insert date of entry into force this Regulation + 3 years]. ***Point (b) of Article 150 and point (b) of Article 156 shall not apply until the delegated acts that replace them are in force.*** | 4. Articles 15(1), 18 ~~(1)~~, 45 to 62 and 76 to 84, ~~point (b) of Article 150~~, point (b)(i) of Article 152, point (b)(i) of Article 154, point (b)(i) of Article 155 and point (b) of Article 156 shall apply from *[Office of Publications, please insert date of entry into force this Regulation + 3 years]*. | **Partially acceptable as reworded.**<br><br>**See changes to Article 150** |
| 5. Article 161 shall apply from [Office of Publications, please insert date of entry into force of this Regulation]. | | 5. Article 161 shall apply from [Office of Publications, please insert date of entry into force of this Regulation]. | |
| This Regulation shall be binding in its entirety and directly applicable in all Member States. | | This Regulation shall be binding in its entirety and directly applicable in all Member States. | |

| Commission proposal COM(2013) 265 final - 2013/0140 (COD) | EP amendments<br><br>15 April 2014 | Presidency suggestions | Remarks |
|---|---|---|---|
| Done at Brussels,<br><br>*For the European Parliament*<br>*For the Council*<br>*The President*<br>*The President* | | Done at Brussels,<br><br>*For the European Parliament* *For the Council*<br>The President The President | |
| | | | |