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NOTE

From: General Secretariat of the Council
To: Delegations

No. Cion doc.: 9574/13 - COM(2013) 267 final

Subject: Proposal for a Regulation of the European Parliament and of the Council
on protective measures against pests of plants.
- *Delegations' comments*

Delegations will find in Annex comments received on the Presidency compromise text (ST 9613/14 + ADD1) for the above proposal :

- ANNEX I: Comments from Poland
- ANNEX II: Comments from Denmark

Comments from Poland received on 5 November 2014:Guidance Document**PHYTOSANITARY TRANSIT, RE-EXPORT AND RELATED PROCEDURES****A. Background**

At their meeting in December 2005, the Chief Officers of Plant Health Services (COPHS) of the EU-Member States identified the need to clarify phytosanitary procedures, which may become necessary when consignments originating in third countries or EU-Member States pass through the territory of other EU-Member States to a third country. For that purpose the COPHS initiated the “Roosendaal subgroup on transit”. Since March 2006 this group has met several times and developed the basis for this guidance document. In their discussions a detailed analysis of compatibility with the IPPC and its standards took place and the relationship and compatibility with the customs systems was clarified. Furthermore, a number of examples were considered. The COPHS discussed the results of the Roosendaal subgroup at several meetings and provided guidance for the ongoing discussions of this group. On 2 June 2006 they adopted those sections of this document (Part A/B + diagrams) referring to “*situations where only one MS is involved*”. In November 2006 the COPHS adopted a set of “Working definitions” (Annex II) and an addition to section B with regard to criteria for situations in which re-export certification is not eligible (B3 2nd case). Furthermore, at their meeting in May 2007 the COPHS discussed and adopted section C referring to “*Situations where consignments either from EU-MS or third countries move through more than one MS before they leave EU territory*”. This document integrates all the mentioned parts in order to provide a consolidated basis for application of the guidance in the Member States and further work in this area. According to the COPHS decision taken at their meeting in December 2012, the document was revised in 2013 to reflect the changes in International Standards for Phytosanitary Measures (ISPMs), especially ISPM 5, 7 and 12, that took place after the adoption of its original version.

A1. Scope and purpose

This guidance document focuses on the required actions which may be needed in the Member State of transit/re-export to support the protection of the country of final import from risks that may arise from transit/re-export processes. It aims to clarify phytosanitary procedures, which may become necessary when consignments originating in third countries or EU-Member States are passing through the territory of EU-Member States to a third country. The guidance provided is in accordance with the IPPC, based on the fact that the NPPOs have the sole responsibility for the issuance of phytosanitary certificates according to those principles. This paper also reflects the guidance provided by ISPMs providing specific guidance on procedures, including export issues related to re-export and consignments in transit.

It is further noted that the standard on “Consignments in Transit” was adopted by CPM-1 in April 2006. That standard provides guidance on how countries may protect themselves against risks posed by consignments passing through their country. This paper does not address those particular risks.

A2. Terminology and References

The following definitions and quotes are particularly relevant for this document:

- **Consignment**

ISPM 5:2012 Glossary of phytosanitary terms

A quantity of plants, plant products and/or other articles being moved from one country to another and covered, when required, by a single phytosanitary certificate (a consignment may be composed of one or more commodities or lots)

Directive 2000/29/EC: Article 2 para 1. (p):

Consignment shall be considered to mean: A quantity of goods being covered by a single document required for customs formalities or for other formalities, such as a single phytosanitary certificate or a single alternative document or mark; a consignment may be composed of one or more lots.

- **Consignment in transit**

A consignment which passes through a country without being imported, and that may be subject to official procedures. (ISPM 5:2012 Glossary of phytosanitary terms)

- **Integrity (of a consignment)**

Composition of a consignment as described by its Phytosanitary Certificate or other officially acceptable document, maintained without loss, addition or substitution. (ISPM 5:2012 Glossary of phytosanitary terms)

- **Re-exported consignment**

Consignment which has been imported into a country from which it is then exported without being exposed to infestation or contamination by pests. The consignment may be stored, split up, combined with other consignments or have its packaging changed (ISPM 5:2012 Glossary of phytosanitary terms).

- **Phytosanitary certificates for re-export - the certifying statement (Annex to the IPPC)**

*This is to certify that the plants, plant products or other regulated articles described above _____ were imported into (contracting party of re-export) _____ from _____ (contracting party of origin) covered by Phytosanitary Certificate No. _____, *original*

they are packed

repacked *in ori*

certified tr

**new* *con*

original phytosanitary certificate

and add

conform with the current phytosanitary requirements of the importing contracting party, and that during storage in _____ (contracting party of re-export), the consignment has not been subjected to the risk of infestation or infection.

** Insert tick in appropriate boxes*

- **ISPM 12:2011 Phytosanitary Certificates - Section 6.2 Transit**

If a consignment is in transit through a country, the NPPO of the country of transit is not involved unless risks for the country of transit have been identified (ISPM 25:2006).

If the phytosanitary security of the consignment has been compromised during transit, and the NPPO of the country of transit receives a request to become involved, the NPPO may perform phytosanitary certification for export in accordance with the provisions described in this standard.

- **ISPM 23:2005 Guidelines for Inspection - Section 2.2 Verification of consignment identity and integrity**

The inspection for identity and integrity involves checking to ensure that the consignment is accurately described by its documents. The identity check verifies whether the type of plant or plant product or species is in accordance with the phytosanitary certificate received or to be issued. The integrity check verifies if the consignment is clearly identifiable and the quantity and status is as declared in the phytosanitary certificate received or to be issued. ...

- **Other terminology agreed for the purpose of this paper**

In addition to the terminology listed above, in November 2006 the COPHS endorsed the definitions compiled in Annex 2 for the purpose of this paper

B. Categories of Transit and Re-export

General Principles

It is emphasized that one core condition for the issuance of phytosanitary certificates for re-export laid down in the Annex to the IPPC and which may not therefore be changed by normal CPM procedures is that such consignments have not been subjected to the risk of infestation or contamination by pests in the country of transit/re-export and therefore the phytosanitary status remains to be determined by the origin of the product.

The importing country is responsible for notifying their import requirements. Exporters have responsibility for ensuring that the consignments are presented to the NPPO for phytosanitary certification.

Principles for situations where only one Member State is involved

The following is based on the assumption that there are three main categories of procedures which may be applicable, if a consignment from the country of export is passing through a country of transit to the country of final import (see Annex I).

There is the 1st category “**full transit**” where the consignment is not imported into an EU-Member State of transit and. In that case, the NPPO is not involved unless the risks to the country of transit have been identified and addressed according to ISPM 25:2006 “Consignments in transit” - a situation which is not addressed by this paper.

There is the 2nd category “**normal export**” after full import of the consignment into the country of re-export/export. This is comparable with the situation where the product is produced in the country of export or where the origin is unknown.

Between these two categories there are also “**specific transit/re-export situations**”, in which the procedural elements for transit/re-export/export may be applicable in different ways. A complete categorisation of these procedures into transit or re-export/import is hardly possible and not necessary. These processes are initiated by applications from the trader / exporter.

B 1. “Full transit” (see Annex I, diagram 1, left hand side)

In such cases the original PC of the country of export accompanies the consignment throughout the transit to the country of import. Such consignments may be stored, reloaded or moved together with other consignments in a single conveyance with individual original PCs¹ without the need to re-certify the consignment. Customs control and transit procedures apply through the transit process until the entire consignment leaves the country of transit.

The NPPO of the country of transit is not involved in the processes and is not obliged to perform any checks on such consignments. It may even not become aware of such consignments and is not responsible for any action unless it has identified risks to the country of transit (see ISPM 25:2006 “Consignments in transit”) and has decided to manage these risks actively.

Example: Citrus fruits from Morocco accompanied by a PC and destined for Norway are transported subject to customs transit procedures by lorry via the EU territory to Norway. The pallets may be reloaded if finally a ship is used for transport through the Baltic Sea. The NPPOs of EU-MS are not involved in the processes.

B 2. “Normal export” after full import (see Annex I, diagram 1, right hand side)

In such cases the consignment may enter a Member State with or without a PC depending on the phytosanitary import requirements. All phytosanitary import procedures - if required – are performed in accordance with Article 13 of Directive 2000/29/EC. The consignment is fully released from customs and receives phytosanitary clearance if required. At the request of traders/exporters, ordinary export inspections will normally have to be performed and may be done by any inspection unit in this country. The ways of handling these consignments while being released are not relevant for the export inspection process. If the origin of the plants or plant products can still be determined, the PC to the country of import should include the reference to the origin in the relevant field.

In the case of some commodities, phytosanitary certificates for re-export may be issued even after full release based on the same principles, as outlined under Section B3 for the specific transit/re-export situations, if the relevant documents (officially certified copy of the PC and relevant accompanying documents) are available and the identity and the risks of contamination during any handling procedures can be checked.

Example: Products like dried fruits, nuts, dried spices, rice, flour, coffee beans, cocoa beans, peat, cotton are imported into the EU without a PC. They are then exported to a third country. Normal full export inspection is required.

¹ It is noted that the movement of several consignments in a single conveyance does not imply that they are combined into a single consignment (For the definition of "consignment", see Section A.)

B 3. Specific Transit/Re-export situations (see Annex I, diagram 1 middle section and diagram 2)

Such situations may be classified as “import” according to the IPPC; however, such import implies physical movement into a territory but may not include all phytosanitary inspections and a phytosanitary release in the Member State of transit/re-export. Such consignments are often in transit according to customs procedures.

In these cases the consignment enters the country with a PC addressed to the country of re-export or to the country of final import and may be subject to a “re-certification process”. The consignment may be handled in different ways, such as splitting, combining, storage and repacking before re-export. The process of “re-certification” is initiated by applications from the trader/exporter and may be conducted provided that the method of handling makes such re-certification technically necessary. The request from the trader/ exporter must be accompanied by a phytosanitary certificate addressed to the country of transit/re-export or to the country of final import. In all cases, relevant actions of the NPPO are performed at the point of entry or at any other inspection point, if the consignment is not released (e.g. movement under customs control to customs storage inside the country).

B 3.1 In the 1st case (PC addressed to the country of re-export) the NPPO has to check whether the phytosanitary import requirements of the country of final import are stricter or less stringent or the same as those of the country of re-export (compare ISPM 12:2011; section 6.1). If the requirements are stricter, additional export inspection is required irrespective of the ways in which the consignment is handled. Based on these inspections either phytosanitary certificates for re-export or new phytosanitary certificates to the country of import may be issued. If the requirements are less stringent or the same, further guidance on the specific checks and actions required is summarized below and outlined Annex 1 diagram 2.

Example: Seeds for sowing, imported into the EU with a PC for an EU-MS. Processing, pillaging and coating takes place in that EU-MS and an application is made for export to a third country. Phytosanitary certificates for re-export may be issued provided that the relevant conditions are fulfilled. If the importing country has additional phytosanitary import requirements over and above those for the EU, certification can only take place if these additional requirements can be met by a test or an inspection.

B 3.2 In the 2nd case (PC addressed to the country of final import) the country of export has already certified compliance with the importing country’s phytosanitary import requirements. The same further guidance on the specific checks and actions is required as summarized below and outlined in Annex 1 diagram 2.

Example: Products like dried fruits, nuts, dried spices, rice, flour, coffee beans, cocoa beans, peat, cotton imported into an EU-MS, accompanied by a PC addressed to a third country. The specific ways of handling, e.g. splitting of the consignment, may require a re-certification process before the produce may be further moved to the third country. At the request of traders, re-export certificates may be issued provided that the relevant conditions are fulfilled.

In both cases (B 3.1 and B 3.2) the re-certification process requires specific checks to be performed on the compliance of the documents, and on the identity and integrity of the consignment, and to exclude the risk of contamination (during storage in the country of transit/re-export). These checks may not necessarily imply a full phytosanitary inspection of the consignment. Checks to determine the risk of contamination should focus on the circumstances of storage and related handling processes.

If these checks verify that the documents are compliant, that the identity and integrity of the consignment are maintained and that there has been no risk of contamination (during handling in the country of transit/re-export), re-export certificates may be issued without an additional inspection of the consignment. If these checks reveal that the documents are not compliant, the identity of the consignment is not maintained, or there has been a risk of contamination, a full export inspection is required and a new PC to the country of final import may be issued. If the checks reveal that integrity is not maintained (e.g. if parts of the consignment have been removed), either a full export inspection may be required and a new PC to the country of final import may be issued or, if the status and origin is as declared and the identity is maintained, a re-export certificate may be issued.

The following examples for situations where these criteria are not met are most relevant:

Phytosanitary certificates are considered invalid in cases such as the following:

- The IPPC format is not used
- Entries not readable, incomplete or in an unacceptable language
- Unauthorized alterations
- Missing link between the PC and the consignment (e.g. no truck number indicated in case of open consignments or an official attachment to PC is missing while being mentioned in the PC)
- Issued on non-authorized forms (e.g. water mark missing)
- Name/address of exporter (or exporter agent or shipper) not in the area of the certifying NPPO.

Guidance for the classification of certificates as unacceptable is also provided in ISPM 12:2011 section 3.1. It is noted that more than one inspector may be involved in a phytosanitary certification process. This option is not a case of “non compliance” according to the ISPMs/IPPC; however, such situations should be avoided wherever possible.

The identity or integrity have not been maintained in cases such as the following:

- The product does not comply with the botanical name.
- Indications that the product is not from the declared place of origin (country X indicated as the country of origin on the PC whereas country Y present on the packaging).
- Differences in the number/weight e.g. 23 boxes in consignment while only 20 are mentioned on the PC.

Consignments may have been subjected to a risk of contamination in cases such as the following:

- Products stored or moved unpacked (Bonsai/pot plants/nursery plants open on trolleys or on pallets) unless under cold conditions which suppress insect movements e.g. at flower auctions.
- Open transport of different consignments (partly not certified) in one conveyance unless under cold conditions which suppress insect movements.
- Conveyances or stores not cleaned.
- Long term store of packed produce in a contaminated storage.
- Handling equipment (e.g. grain elevators) not cleaned between use for certified and possibly contaminated products.
- Combination of consignments under circumstances where risk of contamination cannot be avoided, e.g. inappropriate storage or handling.

From a phytosanitary standpoint, preference should be given, if possible, to the issuance of a phytosanitary certificate for re-export, if the phytosanitary status is still determined by the origin of the consignment. The main responsibility for the phytosanitary status of the consignment in this situation remains with the NPPO of the exporting country.

C. Situations where consignments either from EU-MS or third countries move through more than one MS before they leave EU territory.

The underlying principle applied in this section is that, where possible, the same procedures should apply as identified in **Section B** (Transit, Re-Export and Related Procedures where only one MS is involved: "single MS situations", unless specific facts related to the EU internal market procedures require special arrangements.

This document provides guidance mainly for situations, procedures and NPPO decisions to be taken at the MS through which consignments are moved before they leave the territory of the EU.

In this context the following terms are used with the meanings indicated:

MS of Export Certification = a MS where a phytosanitary certificate (original or a new PC) is issued

MS of Re-export Certification = a MS where a phytosanitary certificate for re-export is issued

MS of Exit = a MS from which the consignment physically leaves the territory of the EU

MS of Transit = a MS through which a consignment is moved without any involvement of the NPPO (unless risks for the transiting country require intervention)

It is noted, that mixed situations may occur (e.g. MS of Export Certification/Exit or MS of Transit/Exit) and that a MS of Transit may become a MS of Export/Re-export Certification once certificates are issued by the NPPO of that MS.

The relevant situations may be categorized as follows:

C 1. Consignments originating in third countries

Consignments are imported or - in case of transit - moved into one MS and leave the EU from another MS.

This includes situations:

- where the consignment moves through several MS before entering the MS of Exit;
- where the consignment may or may not be accompanied by a PC.

In general there is no difference between these procedures and the procedures which may be applied in single MS situations (section B). Depending on the circumstances, full transit (B 1), specific re-export (B 3) or normal export (B 2) procedures may be applied. In the case of specific re-export/export situations more often than in single MS situations, it may no longer be possible to determine the origin of the product and therefore re-export certificates may not be issued.

C 2. Consignments originating in EU-Member States

A consignment moves through a Member State before it leaves the territory of the EU from that MS accompanied by

- a PC (C 2.1) or
- a Plant Passport or any other phytosanitary documentation (C 2.2.) or
- no phytosanitary documentation (C 2.3).

C 2.1. The consignment moves with a PC addressed to the importing third country from the MS of origin or from any other MS if the product has already been traded in the single market.

Such a PC is in principle not intended to be used by NPPOs of any other EU-MS

The NPPO of the MS through which the consignment is moved before it leaves the territory of the EU:

- *should not be involved, if possible*

This should be the first preference from the NPPO's point of view. This situation is equivalent to situation B 1 "Full Transit" in a single MS situation; the related procedures and actions outlined there should be applied.

- *may issue a phytosanitary certificate for re-export*

This situation is equivalent to situation B 3, 2nd case, in a single MS situation; the related procedures and actions outlined there should be applied.

This includes that the re-certification process may be initiated by an application from the trader/exporter and is performed by the NPPO provided that the method of handling makes such re-certification technically necessary.

If these checks verify that the documents are compliant, that the identity and integrity of the consignment are maintained and that there has been no risk of contamination, re-export certificates may be issued without an additional inspection of the consignment.

If the checks reveal that the integrity is not maintained (e.g. if parts of the consignment have been removed) but the status and origin are as declared and the identity is maintained, a phytosanitary certificate for re-export may be issued.

- **may issue a new PC**

This situation is a specific variation of the one above.

If the checks reveal that the documents are not compliant or that the identity and integrity of the consignment are not maintained or that there has been a risk of contamination, a full export inspection is required and a new PC to the country of final import may be issued.

If the checks reveal that integrity is not maintained (e.g. if parts of the consignment have been removed), a full export inspection may be required and a new PC to the country of final import may be issued.

On indent 2 and 3:

From the phytosanitary standpoint, where possible the issuance of a phytosanitary certificate for re-export should be preferred, if the phytosanitary status is still determined by the origin of the consignment. The main responsibility for the phytosanitary status of the consignment in this situation remains with the NPPO of the MS of origin or, if products have already been traded, with the MS of the first certification.

C 2.2. The consignment arrives with a Plant Passport or special official phytosanitary information (from the responsible official body of the MS of origin) to be used by the NPPO of the MS of Export Certification

A Plant Passport or special official phytosanitary information may be technically required in order to certify in the MS of Export Certification that certain specific phytosanitary procedures (e.g. inspection during vegetation period, testing of soil in which plants have been grown, confirmation of pest free areas) have been applied in the area of origin in the EU. Such special phytosanitary information may also be considered useful in other circumstances, depending on the specific production or trade conditions. It may be provided (separately or in addition to the Plant Passport if required) at the request of the producer/trader by the responsible official body of the MS of origin in accordance with Art. 2 (1) g of Directive 2000/29/EC.

Special phytosanitary information is not necessary if for the consignment a PC from the Member State of origin can be directly addressed to the importing country (Option C 2.1 1st indent). Furthermore, whenever a Plant Passport provides enough information, no special phytosanitary information is required. This may be the case when a Plant Passport is required for the consignment in the EU and the requirements for the EU are the same or higher than those of the importing country. In this case, the Plant Passport is a sufficient basis for export certification, including, if required, the inclusion of the relevant additional declarations in the PC in accordance with Annex IV A II or IV B of Dir. 2000/29/EC.

If the phytosanitary import requirements of the importing country are more stringent than those covered by the Plant Passport and can be fulfilled by an additional export inspection, the certification may be based on the Plant Passport and an additional inspection in the MS of Export Certification.

Special official phytosanitary information as the basis for the issuance of a PC in the MS of Export Certification may be necessary where:

- a PC cannot be issued in the MS of origin because e.g. the final destination of the product or the composition of the final consignment is not known before it leaves the MS of origin;

- a Plant Passport is not required for the consignment;
- a Plant Passport alone is not sufficient, because:
 - the requirements of the importing country are more stringent than those covered by the Plant Passport and can only be fulfilled by the application of phytosanitary procedures at the place of origin;
 - it is necessary to specify which individual option of Annex IV A II or IV B of Dir. 2000/29/EC has been applied. In this case, no specific additional inspection either in the MS of origin or in the MS of Export would be required.

The NPPO of the MS of Export Certification can issue a phytosanitary certificate including, if required, the relevant additional declarations based on special official information from the MS of origin, provided that the NPPO is assured of the validity of the document and the linkage of its entries with the plants and plant products in the consignment.

The certification process would include in any case a standard export inspection focusing on elements not covered by the Plant Passport if present and necessary to ensure conformity with the importing country's phytosanitary import requirements. For the exchange of the special official information, a harmonized format of a document (Intra-EC Phytosanitary Communication Document¹) is provided in Annex 3 to this Guidance document in order to improve clarity and consistent application of the relevant ISPMs² in the EU export procedures. Member States should use that format whenever applicable in the situations outlined above.

It should be stressed that a document in that format should not be annexed to the phytosanitary certificate, because it is for use between the responsible bodies within the EU and has no status in third countries and, therefore, its use outside the EU would be in contradiction to ISPM 12:2011, Section 1.3. However, upon request from the NPPO of the importing country or where there is doubt on the underlying guarantee, such document may be made available to that NPPO in order to explain and illustrate the EU internal communication system and resolve problems in export.

Producers or traders in the MS of origin may, when necessary as outlined above, apply for the issuance of the document by the responsible body in the MS of origin. They should deliver it to the exporter in the MS of Export Certification to be used as a part of their application for the issuance of a PC.

¹ *In addition, at a later stage an electronic equivalent with sufficient guarantees may be developed for that purpose, if feasible.*

² *ISPM 12:2011 Section 6.1, 6th paragraph: "When re-exports routinely occur, or are started, suitable procedures for satisfying these requirements may be agreed between the NPPOs of the countries of origin and re-export. This may include an exchange of written correspondence between the respective NPPOs on phytosanitary measures applied at origin (...)"*

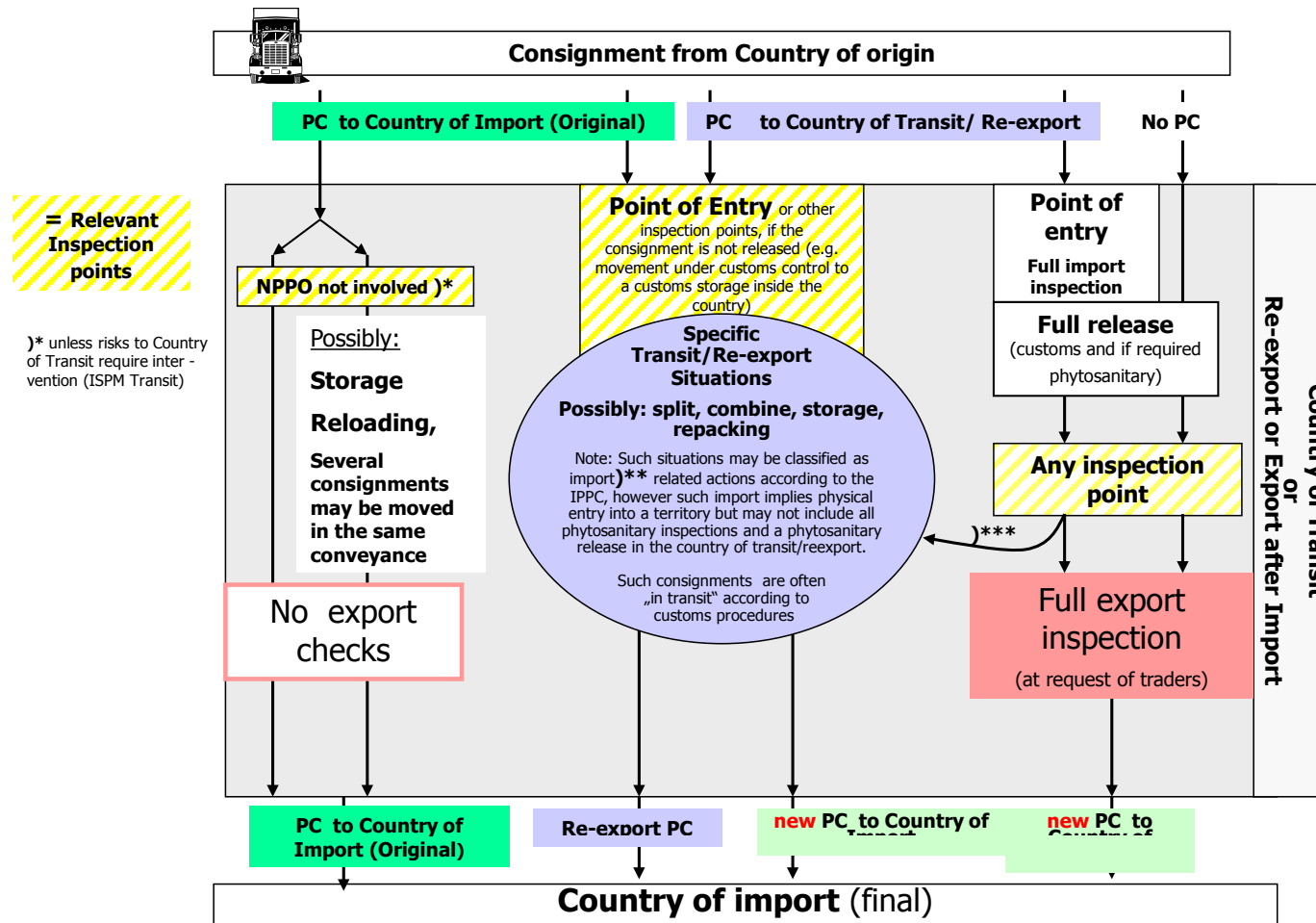
C 2.3. The consignment arrives without a PC, a Plant Passport or any other appropriate phytosanitary documentation

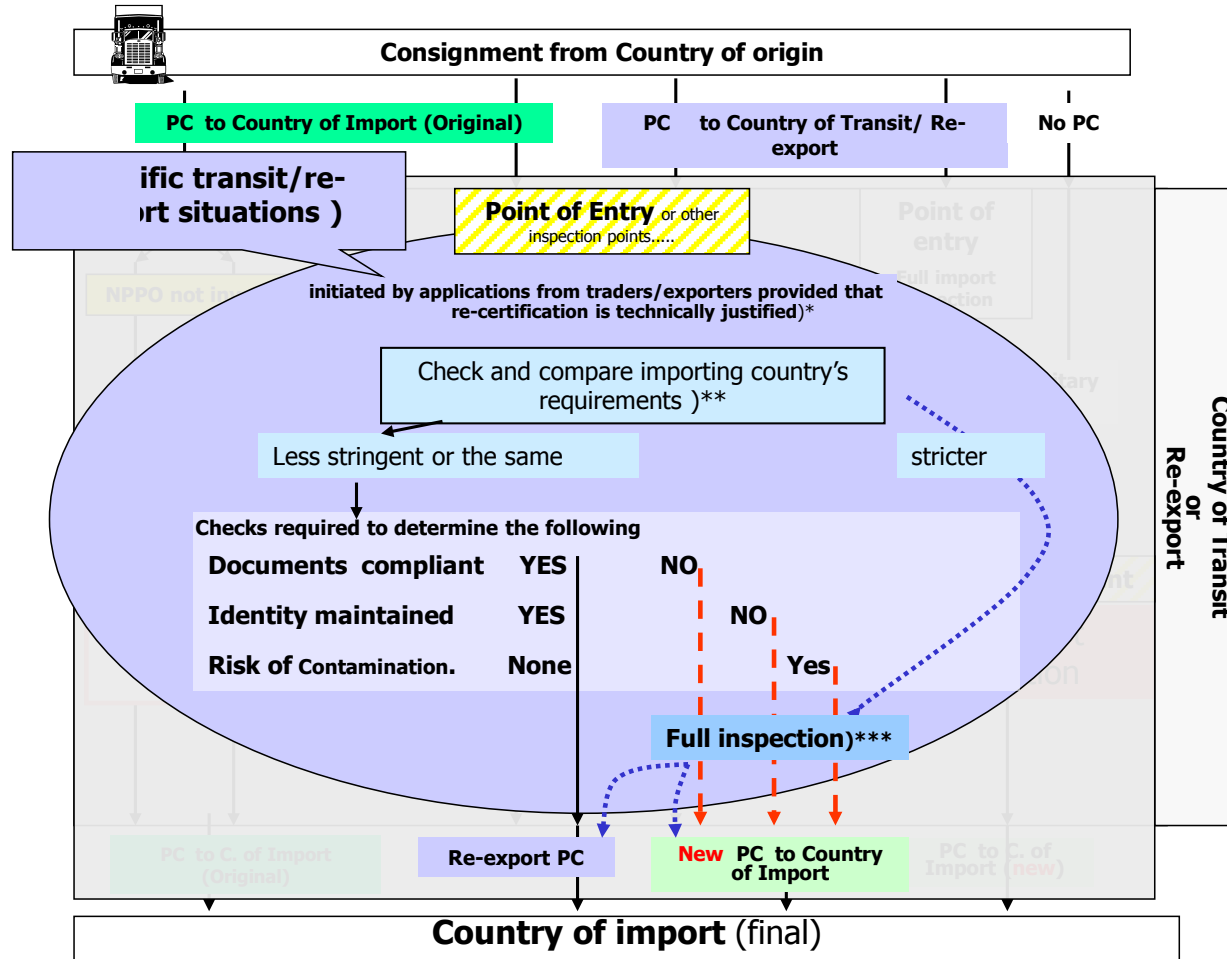
In general there is no difference to the procedures that may be applied in single MS situations.

The procedures as outlined in B 2 “Normal export” after full import are applicable.

The NPPO of the MS of Export Certification may only issue a phytosanitary certificate if the address of the exporter is located in the exporting country. The name and address of a local exporter’s agent or shipper should be used where an international company with a foreign address is the exporter. The application of this requirement should ensure that if phytosanitary problems occur with such consignments, the problems may be clarified with the trader or its local agent or shipper which, if necessary, may be held liable for any non-compliance.

Example: A trader or even a single truck driver tries to apply for phytosanitary certification at NPPO offices for a single consignment outside the region where the company is registered (this is not necessarily the phytosanitary registration). Such an application should be refused because in the event of any problems with such a consignment after the issuance of phytosanitary certificates, it may be very difficult to clarify such cases and, where necessary, to make the trader “liable” for any shortcomings on its side.





WORKING DEFINITIONS

The following terms relevant for phytosanitary transit, re-export and related procedures are drawn up from the standpoint of an EU-Member State.

TERM	DEFINITION	EXAMPLE
To split up a consignment	To separate a consignment into two or more consignments	A consignment of cut flowers from a third country enters the EU at one MS airport and is split up at the airport. 40 out of 100 boxes are destined for a company in the MS; 60 boxes are destined for a company in another third country.
To combine consignments	To merge two or more consignments into one new consignment	A consignment of citrus fruit imported from a third country is combined with a consignment of citrus fruit originating in one MS and exported to another third country.
Enclosed consignment	A consignment packed or transported in such a way that no pest can escape from or enter into the consignment	A closed box with cut flowers
Open consignment	A consignment that is not enclosed	Wood transported on an open truck
Sealed consignment	A consignment which has been secured by physical means	A box with cut flowers is sealed with a string and the two ends of the string are connected with a seal of lead, or the use of certain tape to close them.
To repack a consignment	To replace the packaging of a consignment	The boxes of cut flowers with the name of the producer printed on it containing 100 pieces of flowers are repacked into neutral boxes containing 200 pieces each
To reload a consignment	To change the conveyance of a consignment	Containers are reloaded from a ship to trucks

** the contact details should allow a quick direct verification between the responsible bodies that e.g. the document has been issued in the form presented. List of contacts may in addition be made available on CIRCA and the official web sites of the NPPOs.*

Comments from Denmark received on 10 November 2014:

Dear Colleagues,

Input re. proposed Art. 96 (pre-export certificate) to the new PHL

We have noted and we supports the written suggestions from Poland, following the discussions at the last Council working party on Plant Health on 30th October 2014, on how to improve the transparency of the EU pre-export systems.

Please find enclosed for your consideration, as a follow up from our side, consisting of some proposals for text amendments as well as some remarks regarding art. 96. We have tried to integrate The Polish suggestions¹ in the proposals enclosed.

We have some additional suggestions in mind in relation to the layout of the certificate, in order to improve its practical use. Anyway, before presenting them we suggest that it should first be clarified and decided (given art. 96.6 which stipulates that the format should be decided on later by implementing measure) whether or not to also keep a description of the format of the new EU pre-export certificate in appendix VIII, part C. The latter seems superfluous at first sight.

Kind Regards,

Jørgen

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¹ GSC comment: please refer to ANNEX 1 of this document

Article 96

Pre-export certificates

1. The **competent authorities of the** Member State from which the plants, plant products and other objects referred to in Article 94(1) are exported and the **competent authorities of the** Member State in which the plants, plant products and other objects were grown, produced or processed, shall exchange information as necessary for issuing, ~~without delay,~~ the phytosanitary certificate for export.
2. The exchange of information referred to in paragraph 1 shall take the form of a harmonised document (hereinafter 'pre-export certificate'), in which the **competent authorities of the** Member State, in which the plants, plant products and other objects were grown, produced, **stored** or processed, attests compliance of those plants, plant products or other objects with specific phytosanitary requirements concerning one or more of the following:
 - (a) the absence, **or presence below a specified threshold,** of particular pests in the plants, plants products or other objects concerned;
(aa) the origin of the plants, plant products or other objects concerned in a specific field, production site, place of production or area;
 - (b) the **pest status in the field, production site, place of production or area of** origin of the plants, plant products or other objects concerned;
(ba) the results of the official examination, sampling and testing of the plants, plant products or other objects concerned;
 - (c) the phytosanitary procedures applied to the production or processing of the plants, plant products or other objects concerned.
3. The pre-export certificate shall be issued,
 - (a) on request of the professional operator **in the Member State in which the plants, plant products or other objects were grown, produced or processed** , ~~by the Member State in which the plants, plant products or other objects were grown, produced or processed,~~ while those plants, plant products or other objects are on the premises of the professional operator concerned, **or**

(b) on request of the Member State from which the plants, plant products or other objects are to be exported,

by the Member State in which the plants, plant products or other objects were grown, produced or processed,

4. The pre-export certificate shall accompany the plants, plant products and other objects concerned during their movement within the Union territory, unless the information contained in it is exchanged between the Member States concerned **through, or in electronic exchange with, the computerised information management system referred to in Article 130 of Regulation (EU) No .../.... [Office of Publications, please insert number of Regulation on Official Controls]** ~~by electronic means.~~
5. **The pre-export certificate shall at least contain the elements and shall be in the format as listed set out in Part C of Annex VIII.** ²The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, **amending and supplementing Part C of Annex VIII, to adapt it to the technical and scientific developments.** ~~setting out the contents of the pre-export certificate.~~
- 5a The pre-export certificate, referred to in paragraph 2 above, shall generally not be annexed to the phytosanitary certificate. However, upon request from the country of import, a copy of the document may be made available to that country**³
6. The Commission shall adopt, by means of implementing acts, the format specifications of the pre-export certificate **and lay down the procedures for its issuance.** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).

² Comments from DK: "These amendments are proposed due to the fact that the format of the pre-export certificate shall be adopted by means of implementing act, according to art. 96.6 below

³ Comments from DK "PL proposal in order to support the recognition of the EU system and resolve problems in export"