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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a Regulation of the European Parliament and of the Council on protective measures against pests of plants - State of play of the negotiation with the European Parliament

Delegations will find in Annex to this document a table presenting the above proposal, comparing:

- *in the first column:* the Commission proposal
- *in the second column:* the EP amendments
- *in the third column:* Council position, as presented in doc. 10108/15 REV2,
adopted by Coreper on 30 June 2015.
- *in the fourth column:* state of play of the negotiations with the European
Parliament. Points marked with "OPEN" are still subject to political discussions in
trilogues; points marked with "TECHNICAL" have been tentatively agreed, but
their wording needs further fine tuning during meetings at technical level.
Compromise texts which have been tentatively agreed by the two co-legislators
are also included.

Chapter I Subject matter, scope and definitions	Chapter I Subject matter, scope and definitions	Chapter I Subject matter, scope and definitions	Chapter I Subject matter, scope and definitions
<i>Article 1</i> Subject matter and scope	<i>Article 1</i> Subject matter and scope	<i>Article 1</i> Subject matter and scope	<i>Article 1</i> Subject matter and scope
1. This Regulation lays down rules to determine the phytosanitary risks posed by any species, strain or biotype of pathogenic agents, animals or parasitic plants injurious to plants or plant products (hereinafter “pests”) and measures to reduce those risks to an acceptable level.	AM 19 1. This Regulation lays down rules to determine regarding phytosanitary inspections and other official measures by the Member State authorities for the purpose of identifying the phytosanitary risks posed by any species, strain or biotype of pathogenic agents, animals or parasitic plants injurious to plants or plant products (hereinafter “pests”) and measures to reduce those risks to an acceptable level, including invasive alien plant species which are injurious to plants and phytosanitary measures necessary to prevent the entry of pests from other Member States or third countries.	1. This Regulation lays down rules to determine the phytosanitary risks posed by any species, strain or biotype of pathogenic agents, animals or parasitic plants injurious to plants or plant products (hereinafter “pests”) and measures to reduce those risks to an acceptable level.	Council compromise proposal "1. This Regulation lays down rules to determine the phytosanitary risks posed by any species, strain or biotype of pathogenic agents, animals or parasitic plants injurious to plants or plant products (hereinafter “pests”) and measures to reduce those risks to an acceptable level. 1a. Whenever there is evidence that non-parasitic plants pose phytosanitary risks which have a severe economic, social and environmental impact for the Union territory, those non-parasitic plants may be considered as plants injurious to plants or plant products in the sense of paragraph 1 of this Article." TECHNICAL Add the formula "without prejudice to Regulation 1143/2014..."

2. For the purposes of this Regulation references to third countries shall be read as references to third countries and to the territories listed in Annex I.		2. <u>For the purposes of this Regulation references to third countries shall be read as references to third countries, Ceuta, Melilla and to the territories that are referred to in Article 355(1) of the Treaty, with the exception of the islands of Madeira and the Azores.</u>	Ok with Council text
		<u>For the purposes of this Regulation, references to the Union territory shall be read as references to the Union territory without Ceuta, Melilla and the territories that are referred to in Article 355(1) of the Treaty, other than the islands of Madeira and the Azores.</u>	

For the purposes of this Regulation, references to the Union territory shall be read as references to the Union territory without the territories listed in Annex I.		DELETED	Ok with Council text
The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending Annex I to ensure that the scope of this Regulation is confined to the European part of the Union territory. That amendment shall be either of the following:		DELETED	Ok with Council text
(a) an addition to Annex I of one or more territories that are referred to in Article 355(1) of the Treaty;		DELETED	Ok with Council text
(b) a removal from Annex I of one or more territories that are referred to in Article 355(2) of the Treaty.		DELETED	Ok with Council text

<i>Article 2</i> Definitions	<i>Article 2</i> Definitions	<i>Article 2</i> Definitions	<i>Article 2</i> Definitions
For the purposes of this Regulation, the following definitions shall apply:			
(1) 'plants' means living plants and the following living parts of plants:			
(a) seeds, in the botanical sense, other than those not intended for planting;			
(b) fruits, in the botanical sense;			
(c) vegetables;			
(d) tubers, corms, bulbs, rhizomes, roots, rootstocks, stolons;			
(e) shoots, stems, runners;			
(f) cut flowers;			
(g) branches with foliage;		(g) branches with <u>or without</u> foliage;	Ok with Council text
(h) cut trees retaining foliage;			
(i) leaves, foliage;			
(j) plant tissue cultures, including cell cultures, germplasm, meristems, chimaeric clones, micro-propagated material;			
(k) live pollen;		(k) live pollen; <u>and spores;</u>	Ok with Council text
(l) buds, budwood, cuttings, scions, grafts;			

(2) 'plant products' means products of plant origin, unprocessed or having undergone simple preparation, in so far as these are not plants. Except where otherwise provided, wood shall only be considered as a 'plant product' if it has not undergone processing eliminating the phytosanitary risks, and complies with one or more of the following points:		(2) 'plant products' means products of plant origin, unprocessed or having undergone simple preparation <u>processing to a point where the commodity remains capable of being infested with quarantine pests,</u> in so far as these are not plants. Except where otherwise provided, <u>in the implementing acts adopted pursuant to Articles 27, 29 and 41,</u> wood shall only be considered as a 'plant product' if it has not undergone processing eliminating the phytosanitary risks, and complies with one or more of the following points:	TECHNICAL EP: Replace text with IPPC definition. IPPC definition: “Plant products”: Unmanufactured material of plant origin (including grain) and those manufactured products that, by their nature or that of their processing, may create a risk for the spread of pests.
(a) it retains all or part of its natural round surface, with or without bark;			

(b) it has not retained its natural round surface due to sawing, cutting or cleaving;			
(c) it is in the form of chips, particles, sawdust, wood waste, shavings or scrap, and has not undergone processing involving the use of glue, heat or pressure or a combination thereof to produce pellet, briquettes, plywood or particle board;			
(d) it is, or is intended to be, used as packaging material or dunnage, whether or not it is actually in use for transport of goods;		(d) it is, or is intended to be, used as packaging material or dunnage , whether or not it is actually in use for transport of goods;	EP: check in conjunction with with art. 91-92 OPEN
		<u>(2a) 'planting' means any operation for the placing of plants in a growing medium, or by grafting or similar operations, to ensure their subsequent growth, reproduction or propagation;</u>	

(3) 'plants for planting' means plants, which are capable of and intended for producing entire plants, and which are destined to be planted, or replanted, or remain planted;	AM 20 3) 'plants for planting': means - plants, which are capable of and intended for producing entire plants, and which already planted and are intended to remain planted or are destined to be planted, or replanted after their introduction, or remain planted; - <i>plants which are not planted at the time of introduction, but are destined to be planted thereafter;</i>	(3) 'plants for planting' means plants, which are capable of and intended for producing entire plants, and which are destined to be planted, or replanted, or remain planted;	TECHNICAL EP: Replace text with IPPC definition. IPPC definition: "Plants for planting": Plants intended to remain planted, to be planted or replanted
(4) 'other object' means any material or object, other than plants or plant products, capable of harbouring or spreading pests, including soil or growing medium;			
(5) 'competent authority' means a competent authority as defined in Article 2(5) of Regulation (EU) No .../.... [<i>Office of Publications, please insert number of Regulation on Official Controls</i>];			

(6) 'lot' means a number of units of a single commodity, identifiable for phytosanitary purposes by its homogeneity of composition and origin, forming part of a consignment;		(6) 'lot' means a number of units of a single commodity, identifiable by its homogeneity of composition, and origin <u>and other relevant elements</u> , forming part of a consignment;	Ok with Council text
		<u>(6a) 'trade unit' means the smallest applicable commercial or other useable unit, which may be the subset or the whole of a lot;</u>	Ok with Council text
(7) 'professional operator' means any person, governed by public or private law, involved professionally in one or more of the following activities concerning plants, plant products and other objects:		(7) 'professional operator' means any person, governed by public or private law, involved professionally in, <u>and legally responsible for</u> , one or more of the following activities concerning plants, plant products and other objects:	
(a) planting;			
(b) growing;		(b) breeding <u>growing</u> ;	Ok with Council text

(c) production;		(c) production, <u>including growing, multiplying and maintaining;</u>	Ok with Council text
(d) introduction into, and movement within, and out of the Union territory;		(d) introduction into, and movement within, and out of the Union territory;	Ok with Council text
(e) making available on the market;			
		<u>(ea) storage, collection, dispatching and processing</u>	Ok with Council text

	<u>AM 21</u> <i>ea) breeding</i>		AM withdrawn
	<u>AM 22</u> <i>eb) multiplication</i>		AM withdrawn
	<u>AM 23</u> <i>ec) maintaining</i>		AM withdrawn
	<u>AM 24</u> <i>ed) providing services</i>		AM withdrawn
	<u>AM 25</u> <i>ee) preserving, including storing</i>		AM withdrawn
		<u>(7a) 'registered operator' means a professional operator registered in accordance with Article 61;</u>	Ok with Council text
		<u>(7b) 'authorised operator' means a registered operator authorised by the competent authority to issue plant passports in accordance with Article 84 , to apply a mark in accordance with Article 92, or to issue attestations in accordance with Article 93</u>	Ok with Council text
(8) 'final user' means any person, acting for purposes which are outside its trade, business or profession, who acquires for its own use plants or plant products;			

(9) 'test' means an official examination, other than visual, to determine if pests are present or to identify pests;			
(10) 'treatment' means a procedure for the killing, inactivation or removal of pests, or for rendering those pests infertile or for their devitalisation.		(10) 'treatment' means a procedure, <u>whether official or non-official</u> , for the killing, inactivation or removal of pests, or for rendering those pests infertile or for their devitalisation <u>of plants or plant products</u> ;	Ok with Council text
		(10a) 'incidence' means the <u>proportion or number of units in which a pest is present in a sample, consignment, field or other defined population</u> ;	Ok with Council text [it is an IPPC definition: see ISPM5]
		(10b) 'establishment' means the <u>perpetuation, for the foreseeable future, of a pest within an area after entry</u> ;	Ok with Council text [it is an IPPC definition: see ISPM5]
		(10c) 'eradication' means the <u>application of phytosanitary measures to eliminate a pest from an area</u> ;	Ok with Council text [it is an IPPC definition: see ISPM5]

		<u>(10d) 'containment' means the application of phytosanitary measures in and around an infested area to prevent the spread of a pest out of that area.</u>	Ok with Council text [it is an IPPC definition: see ISPM5]
		<u>(10e) 'quarantine station' means any official station for holding pests, plants, plant products or other objects in quarantine;</u>	Ok with Council text [streamline provisions in art. 56 to 59]
		<u>(10f) 'confinement facility' means any facility, other than quarantine stations, where pests, plants, plant products or other objects are kept under confinement conditions.</u>	Ok with Council text [streamline provisions in art. 56 to 59]
		<u>(10h) 'traceability code' means a letter, numerical or alphanumerical code that identifies a consignment, lot or trade unit, used for traceability purposes, including numbers referring to a lot, batch, series, date of production, professional operator documents.</u>	Ok with Council text

	<u>AM 26</u> <i>(10a) 'operator' means operator as defined in Article 2(26) of Regulation (EU) No XXX/XXXX+ ;</i> + <i>OJ: please insert the number of the 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 and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation)</i>		AM withdrawn
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	<u>AM 27</u> <i>(10b) "phytosanitary inspection" means official inspection of:</i> <i>(a) plants or goods;</i> <i>(b) measures falling within the scope of the rules referred to in Article 1(1), as well as equipment and means of transport used for these purposes;</i> <i>(c) locations or areas in which such measures are carried out;</i>		AM withdrawn
	<u>AM 28</u> <i>(10c) 'phytosanitary measure' means all measures intended to eliminate risks or prevent the entry of pests to the Union territory from other Member States or third countries</i>		(10i) 'phytosanitary measure' means any legislation, regulation or official procedure having the purpose to prevent the introduction and/or spread of quarantine pests; [JL to review]
	<u>AM 29</u> <i>(10d) 'quarantine units' mean areas designated by the competent authorities, in which plants from third countries shall be stored for a sufficient period of time until it is considered that the risk of introducing pests from third countries has been eliminated.</i>		AM withdrawn

Chapter II Quarantine pests	Chapter II Quarantine pests		Chapter II Quarantine pests
SECTION 1 QUARANTINE PESTS	SECTION 1 QUARANTINE PESTS		SECTION 1 QUARANTINE PESTS
<i>Article 3</i> Definition of quarantine pests	<i>Article 3</i> Definition of quarantine pests	<i>Article 3</i> Definition of quarantine pests	<i>Article 3</i> Definition of quarantine pests
A pest shall be referred to as a 'quarantine pest', with respect to a defined territory, if it fulfils all of the following conditions:			
(a) its identity is established, within the meaning of point (1) of Section 1 of Annex II;			
(b) it is not present in that territory, within the meaning of point (2)(a) of Section 1 of Annex II, or, if present, only distributed to a limited extent within that territory, within the meaning of points (2)(b) and (c) of Section 1 of Annex II;		(b) it is not present in that territory, within the meaning of point (2)(a) of Section 1 of Annex II, or, if present, only-not widely distributed to a limited extent within that territory, within the meaning of points (2)(b) and (c) of Section 1 of Annex II;	EP: the text is largely duplicated in point (2) of Section 1 of Annex II. TECHNICAL: j/l to sort this out

(c) it is capable of entering into that territory, of perpetuating its presence in that territory for the foreseeable future after its entry into it (hereinafter: 'to establish') and of spreading within that territory, or, if present, those parts of it where it is distributed to a limited extent, in accordance with point (3) of Section 1 of Annex II;		(c) it is capable of entering into, that territory establishing in , of perpetuating its presence in that territory for the foreseeable future after its entry into it (hereinafter: 'to establish') and of spreading within that territory, or, if present, but not widely distributed, in those parts of that territory it where it is absent distributed to a limited extent , in accordance with point (3) of Section 1 of Annex II;	Ok with Council text
(d) its entry, establishment and spread would, within the meaning of point (4) of Section 1 of Annex II, have an unacceptable economic, environmental or social impact for that territory, or, if present, those parts of it where it is distributed to a limited extent; and		(d) its entry, establishment and spread would, within the meaning of point (4) of Section 1 of Annex II, have an unacceptable economic, environmental or social impact for that territory, or, if present but not widely distributed, for those parts of it where it is absent distributed to a limited extent ; and	Ok with Council text
(e) feasible and effective measures are available to prevent the entry into, establishment or spread of that pest within that territory, and mitigate its phytosanitary risks and impacts.		(e) feasible and effective measures are available to prevent the entry into, establishment or spread of that pest within that territory, and mitigate its phytosanitary risks and impacts.	Ok with Council text
SECTION 2 UNION QUARANTINE PESTS	SECTION 2 UNION QUARANTINE PESTS	SECTION 2 UNION QUARANTINE PESTS	SECTION 2 UNION QUARANTINE PESTS
<i>Article 4</i> Definition of Union quarantine pests	<i>Article 4</i> Definition of Union quarantine pests	<i>Article 4</i> Definition of Union quarantine pests	<i>Article 4</i> Definition of Union quarantine pests

A quarantine pest shall be referred to as a Union quarantine pest if the defined territory as referred to in the introductory words of Article 3 is the Union territory and it is included in the list referred to in Article 5(2).		A quarantine pest shall be referred to as a 'Union quarantine pest' if the defined territory as referred to in the introductory words of Article 3 is the Union territory and it is included in the list referred to in Article 5(2).	Ok with Council text
<i>Article 5</i> Prohibition of introduction and movement of Union quarantine pests	<i>Article 5</i> Prohibition of introduction and movement of Union quarantine pests	<i>Article 5</i> Prohibition of introduction, and movement, <u>holding, multiplication or release</u> of Union quarantine pests	<i>Article 5</i> Prohibition of introduction and movement of Union quarantine pests
1. A Union quarantine pest shall not be introduced into or moved within the Union territory.		1. A Union quarantine pest shall not be introduced into or moved within the Union territory-, <u>or held, multiplied or released within the Union territory.</u>	Ok with Council text

No action shall be taken intentionally which may contribute to the introduction into, and establishment and spread within, the Union territory of a Union quarantine pest.		DELETED	Ok with Council text
2. The Commission shall, by means of an implementing act, establish a list of pests fulfilling the conditions referred to in Article 3(b), (c) and (d) in respect of the Union territory, referred to as 'list of Union quarantine pests'.	AM 30 2. The Commission shall, by means of an implementing act, establish a list of pests fulfilling the conditions referred to in Article 3(b), (c) and (d) in respect of the Union territory, <i>is set out in Annex Ia and shall be</i> referred to as 'list of Union quarantine pests'.	2. The Commission shall, by means of an implementing act, establish a list of pests fulfilling the conditions referred to in Article 3(b), (c) and (d) in respect of the Union territory, referred to as 'list of Union quarantine pests'.	IA/DA OPEN
That list shall include the pests listed in Part A of Annex I to Directive 2000/29/EC and Section I of Part A of Annex II to that Directive.	AM 31 That list shall include the pests listed in Part A of Annex I to Directive 2000/29/EC and Section I of Part A of Annex II to that Directive.		IA/DA
Pests which are indigenous to any part of the Union territory, whether naturally or due to their introduction from outside the Union territory, shall be marked in that list as pests known to occur in the Union territory.	Pests which are indigenous to any part of the Union territory, whether naturally or due to their introduction from outside the Union territory, shall be marked in that list as pests known to occur in the Union territory.	Pests which are indigenous to <u>or established in</u> any part of the Union territory, whether naturally or due to their introduction from outside the Union territory, shall be marked in that list as pests known to occur in the Union territory.	Ok with Council text

Pests which are not indigenous to any part of the Union territory shall be marked in that list as pests not known to occur in the Union territory.		Pests which are not indigenous to or established in any part of the Union territory shall be marked in that list as pests not known to occur in the Union territory.	Ok with Council text
That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2).	AM 32 That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2).	That implementing act shall be adopted in accordance with the advisory examination procedure referred to in Article 99(2 3).	IA/DA
3. The Commission shall amend the implementing act referred to in paragraph 2, where an assessment shows that a pest not listed in that act fulfils the conditions referred to in Article 3(b), (c) and (d) in respect of the Union territory, or a pest listed in that act no longer fulfils one or more of those conditions. In the first case it shall add the pest concerned to the list referred to in paragraph 2, in the second case it shall delete the pest concerned from that list. The Commission shall make that assessment available to the Member States.	AM 33 3. The Commission shall <i>be empowered to adopt delegated acts in accordance with Article 98 concerning the amendment of the list</i> amend the implementing act referred to in paragraph 2, where an assessment shows that a pest not listed in that <i>list act</i> fulfils the conditions referred to in Article 3(b), (c) and (d) in respect of the Union territory, or a pest listed in that <i>list act</i> no longer fulfils one or more of those conditions. In the first case it shall add the pest concerned to the list referred to in paragraph 2, in the second case it shall delete the pest concerned from that list.	3. The Commission shall amend the implementing act referred to in paragraph 2, where an assessment shows that a pest not listed in that act fulfils the conditions referred to in Article 3(b), (c) and (d) in respect of the Union territory, or a pest listed in that act no longer fulfils one or more of those conditions. In the first case it shall add the pest concerned to the list referred to in paragraph 2, in the second case it shall delete the pest concerned from that list. The Commission shall make that assessment available to the Member States.	IA/DA

The implementing acts amending the implementing act referred to in paragraph 2 shall be adopted in accordance with the examination procedure referred to in Article 99(3). The same procedure shall apply to a repeal or a replacement of the implementing act referred to in paragraph 2.	<u>AM 34</u> The implementing acts amending the implementing act referred to in paragraph 2 shall be adopted in accordance with the examination procedure referred to in Article 99(3). <i>The Commission shall be empowered to adopt delegated acts in accordance with Article 98 concerning</i> The same procedure shall apply to a repeal or a replacement of the <i>list</i> implementing act referred to in paragraph 2.	The implementing acts amending the implementing act referred to in paragraph 2 shall be adopted in accordance with the examination procedure referred to in Article 99(3). The same procedure shall apply to a repeal or a replacement of the implementing act referred to in paragraph 2 <u>for purposes of consolidating amendments.</u>	IA/DA
4. The Commission shall amend the implementing act referred to in paragraph 2 by amending the scientific name of a pest, where such an amendment is justified by the development of scientific knowledge.	<u>AM 35</u> 4. The Commission shall amend the implementing act referred to in paragraph 2 by amending the scientific name of a pest; <i>be empowered to adopt delegated acts in accordance with Article 98 concerning the amendment of the scientific name of a pest included in the list referred to in paragraph 2,</i> where such an amendment is justified by the development of scientific knowledge.	DELETED	IA/DA

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 99(2).	AM 36 Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 99(2).	DELETED	IA/DA
<i>Article 6</i> Priority pests	<i>Article 6</i> Priority pests	<i>Article 6</i> Priority pests	<i>Article 6</i> Priority pests
1. A Union quarantine pest is a 'priority pest' if it fulfils all of the following conditions:		1. A Union quarantine pest shall be referred to as is-a 'priority pest' if it fulfils all of the following conditions:	Ok with Council text
(a) it fulfils, as regards the Union territory, the condition set out in point (a) or in point (b) of point (2) of Section 1 of Annex II;		(a) it fulfils, as regards the Union territory, the condition set out in point (a) or in point (b) of point (2) of Section 1 of Annex II;	OPEN [EP: back to COM proposal See also Section 2 of Annex II]
(b) its potential economic, environmental or social impact is most severe for the Union territory as set out in Section 2 of Annex II;			
(c) it is listed in accordance with paragraph 2.			

2. The Commission shall, by means of an implementing act, establish and amend a list of the priority pests, hereinafter: 'list of priority pests'.	AM 37 2. The Commission shall, by means of an implementing act, establish and amend a <i>be empowered to adopt delegated acts in accordance with Article 98 modifying the</i> list of the priority pests, hereinafter: 'list of priority pests'.		IA/DA OPEN
Where the results of an assessment show that a Union quarantine pest fulfils the conditions referred to in paragraph 1, or a pest no longer fulfils one or more of those conditions, the Commission shall amend the implementing act referred to in the first subparagraph by adding the pest concerned to, or removing it from, that list.	AM 38 Where the results of an assessment show that a Union quarantine pest fulfils the conditions referred to in paragraph 1, or a pest no longer fulfils one or more of those conditions, the Commission shall amend the implementing act <i>be empowered to adopt delegated acts in accordance with Article 98 modifying the list</i> referred to in the first subparagraph by adding the pest concerned to, or removing it from, that list.		IA/DA

The Commission shall make that assessment available to the Member States.	AM 39 The Commission shall make that assessment available to the Member States <i>without delay</i> .		AM accepted
The number of priority pests shall not exceed 10% of the number of the Union quarantine pests listed pursuant to Article 5(2) and (3). Where the number of priority pests has exceeded 10% of the number of the Union quarantine pests listed pursuant to Article 5(2) and (3), the Commission shall amend the implementing act referred to in the first subparagraph by accordingly adjusting the number of pests in that list, on the basis of their potential economic, environmental or social impact as set out in Section 2 of Annex II.	AM 40 The number of priority pests shall not exceed 10% of the number of the Union quarantine pests listed pursuant to Article 5(2) and (3). Where the number of priority pests has exceeded 10% of the number of the Union quarantine pests listed pursuant to Article 5(2) and (3), the Commission shall amend the implementing act referred to in the first subparagraph by accordingly adjusting the number of pests in that list, on the basis of their potential economic, environmental or social impact as set out in Section 2 of Annex II.		OPEN EP: delete the 10% threshold

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).	<u>AM 41</u> Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).		IA/DA
On duly justified imperative grounds of urgency relating to a serious phytosanitary risk, the Commission shall adopt immediately applicable implementing acts, in accordance with the procedure referred to in Article 99(4), listing Union quarantine pests as priority pests.	<u>AM 42</u> On duly justified imperative grounds of urgency relating to <i>Where in the case of</i> a serious phytosanitary risk the Commission shall adopt immediately applicable implementing acts, in accordance with imperative grounds of urgency so require, the procedure <i>provided for in Article 98a shall apply to delegated acts adopted pursuant to this Article referred to in</i> Article 99(4), listing Union quarantine pests as priority pests.	On duly justified imperative grounds of urgency relating to a serious pest phytosanitary risk, the Commission shall adopt immediately applicable implementing acts, in accordance with the procedure referred to in Article 99(4), listing Union quarantine pests as priority pests.	IA/DA

<i>Article 7</i> Amendment of Section 1 and Section 2 of Annex II	<i>Article 7</i> Amendment of Section 1 and Section 2 of Annex II	<i>Article 7</i> Amendment of Section 1 and Section 2 of Annex II	<i>Article 7</i> Amendment of Section 1 and Section 2 of Annex II
1. The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 1 of Annex II on criteria to identify pests which qualify as a quarantine pest, as regards the identity of the pest, its presence, its capability of entry, establishment and spread, and its potential economic, social and environmental impact, taking into account the developments of technical and scientific knowledge.	<u>AM 43</u> 1. The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 1 of Annex II on criteria to identify pests which qualify as a quarantine pest, as regards the identity of the pest, its presence, its capability of entry, establishment and spread, and its potential economic, social and environmental impact, taking into account the developments of technical and scientific knowledge <i>and international standards</i> .	1. The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 1 of Annex II on criteria to identify pests which qualify as a quarantine pest, as regards the identity of the pest, its presence, its capability of entry, establishment and spread, and its potential economic, social and environmental impact, <u>in order to adapt those criteria to taking into account the developments of technical and scientific knowledge and relevant international standards.</u>	Ok with Council text

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 2 of Annex II on criteria to identify Union quarantine pests which qualify as a priority pest, as regards their potential economic, social and environmental impact, taking into account the developments of technical and scientific knowledge.		DELETED	IA/DA EP: could agree, but link with art. 6
<i>Article 8</i> Union quarantine pests used for scientific purposes, trials, varietal selections, breeding or exhibitions	<i>Article 8</i> Union quarantine pests used for scientific purposes, trials, varietal selections, breeding or exhibitions	<i>Article 8</i> Union quarantine pests used for scientific, <u>technical or educational</u> purposes, trials, varietal selections, <u>or</u> breeding or exhibitions	<i>Article 8</i> Union quarantine pests used for scientific technical or educational purposes, trials, varietal selections, breeding

1. By way of derogation from Article 5(1), Member States may, on application, authorise the introduction into, and the movement within, their territory of Union quarantine pests for use for scientific purposes, trials, varietal selections, breeding or exhibitions if all of the following requirements are fulfilled:		1. By way of derogation from Article 5(1), Member States may, on application, <u>temporarily</u> authorise the introduction into, and the movement within, <u>and the holding and multiplication in</u> their territory of Union quarantine pests <u>or pests subject of the measures adopted pursuant to Article 29(1)</u> for use for scientific, <u>technical, or</u> and educational purposes, trials, varietal selections, <u>or</u> breeding or exhibitions. <u>That authorisation shall be granted for the activity concerned only if adequate restrictions are imposed to ensure that the introduction, movement, holding, multiplication and use of the pest concerned do not result in the establishment or</u>	1. By way of derogation from Article 5(1), Member States may, on application, temporarily authorise the introduction into, and the movement within, and the holding and multiplication in their territory of Union quarantine pests or pests subject of the measures adopted pursuant to Article 29(1) for use for scientific, technical, or educational purposes, trials, varietal selections, or breeding. That authorisation shall be granted for the activity concerned only if adequate restrictions are imposed to ensure that the introduction, movement, holding, multiplication and use of the pest concerned do not result in the establishment or
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		<u>spread of that pest within the Union territory, taking into account the identity, biology and means of dispersal of the pest, the activity envisaged, the interaction with the environment and other relevant factors relating to the risk posed by that pest.</u> if all of the following requirements are fulfilled:	spread of that pest within the Union territory, taking into account the identity, biology and means of dispersal of the pest, the activity envisaged, the interaction with the environment and other relevant factors relating to the risk posed by that pest.
(a) the introduction, movement and use of the pest concerned do not result in the establishment or spread of that pest within the Union territory if adequate restrictions are imposed;		DELETED	Ok with Council text
(b) the storage facilities in which that pest is to be kept and the quarantine stations, as referred to in Article 56, in which that pest is to be used are appropriate;		DELETED	Ok with Council text
(c) the scientific and technical qualifications of the personnel by whom the activity involving that pest is to be carried out are appropriate.		DELETED	Ok with Council text

2. The competent authority shall assess the risk of establishment and spread of the pest concerned, as referred to in paragraph 1(a), taking into account the identity, biology and means of dispersal of the pest, the activity envisaged, the interaction with the environment and other relevant factors relating to the risk posed by that pest. It shall assess the storage facilities in which that pest is to be kept, as referred to in paragraph 1(b), and the scientific and technical qualifications of the personnel by whom the activity involving the pest is to be carried out, as referred to in paragraph 1(c).		DELETED	Ok with Council text
On the basis of those assessments the competent authority shall authorise introduction of the pest into, or movement within, the Union territory if the requirements set out in paragraph 1 are fulfilled.		DELETED	Ok with Council text

3. Where an authorisation is granted, it shall include all of the following conditions:			
(a) the pest is to be kept in storage facilities found to be appropriate by the competent authorities and referred to in the authorisation;		(a) the pest is to be kept in <u>a location and under conditions</u> storage facilities, found to be appropriate by the competent authorities and referred to in the authorisation;	Ok with Council text
(b) the activity involving the pest is to be carried out in a quarantine station designated in accordance with Article 56 by the competent authority and referred to in the authorisation;		(b) the activity involving the pest is to be carried out in a quarantine station, <u>or confinement facility</u> designated <u>by the competent authority</u> in accordance with Article 56 by the competent authority and referred to in the authorisation;	Ok with Council text
(c) the activity involving the pest is to be carried out by personnel whose scientific and technical qualifications are found to be appropriate by the competent authority and referred to in the authorisation;		(c) the activity involving the pest is to be carried out by personnel whose scientific and technical qualifications and <u>competencies</u> are found to be appropriate by the competent authority and referred to in the authorisation;	Ok with Council text
(d) the pest is to be accompanied by the authorisation when introduced into or moved within the Union territory.		(d) the pest is to be accompanied by the authorisation when introduced into, or moved within, <u>held or multiplied in</u> the Union territory.	Ok with Council text

4. The authorisation shall be limited to the amount that is adequate for the activity concerned and shall not exceed the capacity of the designated quarantine station. It shall include the restrictions necessary to adequately mitigate the risk of establishment and spread of the Union quarantine pest concerned.		4. The authorisation shall be limited to the amount <u>and duration</u> that is adequate for the activity concerned and shall not exceed the capacity of the designated quarantine station- <u>or confinement facility.</u> It shall include the restrictions necessary to adequately mitigate <u>eliminate</u> the risk of establishment and spread of the <u>respective</u> Union quarantine pest <u>or pest subject to the measures adopted pursuant to Article 29(1)</u> concerned.	Ok with Council text
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5. The competent authority shall monitor compliance with the conditions referred to in paragraph 3 and the limitation and the restrictions referred to in paragraph 4 and take the necessary action in case those conditions, that limitation or those restrictions are not complied with. Where appropriate, that action shall be the revocation of the authorisation referred to in paragraph 1.			
6. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, laying down detailed rules concerning:		6. The Commission shall be by <u>means of an implementing act set out specific</u> be empowered to adopt delegated acts, in accordance with Article 98, laying down detailed rules concerning <u>the following elements:</u>	IA/DA Council could accept DA

(a) the exchange of information between Member States and the Commission concerning the introduction into, and movement within, the Union territory of the pests concerned;		(a) the exchange of information between Member States and the Commission concerning the introduction into, and movement within, <u>holding, multiplication and use in</u> the Union territory of the pests concerned;	Ok with Council text
(b) the assessments and authorisation referred to in paragraph 2; and		(b) <u>the assessments and procedure and conditions for granting the</u> authorisation referred to in paragraph 2 1 ; and	Ok with Council text
(c) the monitoring of compliance, the action in case of non-compliance and the notification thereof, as referred to in paragraph 5.		(c) <u>the</u> monitoring of compliance, <u>and</u> the actions <u>to be taken</u> in case of non-compliance and the notification thereof , as referred to in paragraph 5. <u>That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).</u>	Ok with Council text

<i>Article 9</i> Notification of Union quarantine pests to the competent authorities	<i>Article 9</i> Notification of Union quarantine pests to the competent authorities	DELETED	<i>Article 9</i> Notification of Union quarantine pests to the competent authorities
1. Where anyone becomes aware of the presence of a Union quarantine pest or has reason to suspect such a presence, that person shall notify, in writing, the competent authority within ten calendar days.	AM 44 1. Where anyone becomes aware of the presence of a Union quarantine pest or has reason to suspect such a presence, that person shall notify <i>the competent authority immediately and shall confirm notification</i> , in writing, <i>to</i> the competent authority within ten calendar days.	DELETED	AM withdrawn (see art. 15a)
2. If so requested by the competent authority, the person referred to in paragraph 1 shall provide that authority with the information concerning that presence which is in its possession.		DELETED	Ok with Council text

<i>Article 10</i> Measures in case of suspicion of the presence of a Union quarantine pest	<i>Article 10</i> Measures in case of suspicion of the presence of a Union quarantine pest	<i>Article 10</i> Measures in case of suspicion of the presence of a Union quarantine pest Notification of imminent dangers	<i>Article 10</i> Measures in case of suspicion of the presence of a Union quarantine pest
Where a competent authority suspect the presence of a Union quarantine pest, in a part of the territory of the respective Member State where that pest was previously not known to be present, it shall immediately take any measures necessary to officially confirm whether that pest is present or not.		DELETED	Ok with Council text
		<u>1. Where a Member State has evidence that there is an imminent danger of the entry of a Union quarantine pest into the Union territory or into a part of that territory where it is not yet present, that Member State shall immediately and in writing notify the Commission and the other Member States of that evidence.</u>	Ok with Council text

		<u>1a. Paragraph 1 shall also apply for a pest that is not included in the list of Union quarantine pests, where that pest is subject to the measures adopted pursuant to Article 29(1) or the Member State concerned considers that that pest may fulfil the conditions for inclusion in the list of Union quarantine pests.</u>	Ok with Council text
		<u>2. Professional operators shall immediately notify the competent authorities of any evidence they may have concerning an imminent danger as referred to in paragraph 1 concerning Union quarantine pests or pests referred to in paragraph (1a).</u>	Ok with Council text

<i>Article 11</i> Notification of Union quarantine pests to the Commission and the other Member States	<i>Article 11</i> Notification of Union quarantine pests to the Commission and the other Member States	<i>Article 11</i> Notification of Union quarantine pests to the Commission and the other Member States <u>Official Confirmation by the competent authorities of the presence of a Union quarantine pest</u>	<i>Article 11</i> Official Confirmation by the competent authorities of the presence of a Union quarantine pest
		<u>Where a competent authority suspects, or has received evidence concerning, the presence of a Union quarantine pest, or a pest subject to measures adopted pursuant to Article 29(1), in a part of the territory of the respective Member State where that pest was previously not known to be present, or in a consignment of plants, plant products or other objects introduced into, intended to be introduced into, or moved within the Union territory, it shall immediately take any measures necessary to confirm on the basis of a diagnosis of an official laboratory, as referred to in Article 36 of Regulation (EU) No .../.... [Office of Publications, please insert the number of the Regulation on Official Controls] (hereinafter: 'to officially present or not. Pending the</u>	Where a competent authority suspects, or has received evidence concerning, the presence of a Union quarantine pest, or a pest subject to measures adopted pursuant to Article 29(1), in a part of the territory of the respective Member State where that pest was previously not known to be present, or in a consignment of plants, plant products or other objects introduced into, intended to be introduced into, or moved within the Union territory, it shall immediately take any measures necessary to confirm on the basis of a diagnosis of an official laboratory, as referred to in Article 36 of Regulation (EU) No .../.... [Office of Publications, please insert the number of the Regulation on Official Controls] (hereinafter: 'to officially present or not. Pending the

		<u>official confirmation of the presence of that pest, the Member States concerned may take phytosanitary measures to eliminate the risk of spread of that pest.</u> <u>The suspicion or evidence referred to in the first subparagraph may be based on any information received pursuant to Articles 15 and 15a, or any other source.</u>	official confirmation of the presence of that pest, the Member States concerned shall, where applicable , take phytosanitary measures to eliminate the risk of spread of that pest. The suspicion or evidence referred to in the first subparagraph may be based on any information received pursuant to Articles 15 and 15a, or any other source.
1. A Member State shall notify, through the electronic notification system referred to in Article 97, the Commission and the other Member States, in case one of the following points is fulfilled:		DELETED	Ok with Council text
(a) its competent authority has received a diagnosis of an official laboratory, as referred to in Article 36 of Regulation (EU) No .../.... [<i>Office of Publications, please insert the number of the Regulation on Official Controls</i>], confirming (hereinafter: 'officially confirming') the presence in its territory of a Union quarantine pest not known to be present in that Member State;		DELETED	Ok with Council text

(b) its competent authority has officially confirmed the presence in its territory of a Union quarantine pest, if that pest is found to be present in a part of its territory where it was previously not present;		DELETED	Ok with Council text
(c) its competent authority has officially confirmed the presence in its territory of a Union quarantine pest in a consignment of plants, plant products or other objects introduced into, intended to be introduced into or moved within the Union territory.		DELETED	Ok with Council text
2. The notifications referred to in paragraph 1 shall be submitted within three working days following the date of the official confirmation by the competent authority of the presence of the respective Union quarantine pest.		DELETED	Ok with Council text

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, laying down that the notification obligations referred to in paragraph 1 shall also apply to the suspected presence of particular Union quarantine pests, which has not yet been officially confirmed. Those delegated acts may also determine the time limit within which those notifications shall be submitted.		DELETED	IA/DA
<i>Article 12</i> Information on Union quarantine pests provided to professional operators by the competent authorities	<i>Article 12</i> Information on Union quarantine pests provided to professional operators by the competent authorities	<i>Article 12</i> Information on Union quarantine pests provided to professional operators by the competent authorities <u>Notification of Union quarantine pests by the Member States to the Commission and the other Member States</u>	<i>Article 12</i> Information on Union quarantine pests provided to professional operators by the competent authorities
Where the conditions of one of the points of Article 11(1) are fulfilled, the competent authority concerned shall ensure that professional operators, whose plants, plant products or other objects may be affected, are immediately informed of the presence of the Union quarantine pest concerned.		DELETED	Ok with Council text (whole article)

		<u>1. A Member State shall notify, through the electronic notification system referred to in Article 97, the Commission and the other Member States, in case one of the following conditions is fulfilled:</u>	
		<u>(a) its competent authority has officially confirmed the presence in its territory of a Union quarantine pest not known to be present in that Member State;</u>	

		<u>(b) its competent authority has officially confirmed the presence in its territory of a Union quarantine pest, if that pest is found to be present in a part of its territory where it was previously not present;</u>	
		<u>(c) its competent authority has officially confirmed the presence in its territory of a Union quarantine pest in a consignment of plants, plant products or other objects introduced into, intended to be introduced into, or moved within the Union territory.</u>	
		<u>Those notifications shall be submitted by the single authority, referred to in Article 3(2) of Regulation [Official Controls], of the Member State concerned.</u>	

<i>Article 13</i> Information on priority pests provided to the public by the competent authorities	<i>Article 13</i> Information on priority pests provided to the public by the competent authorities	<i>Article 13</i> Information on priority pests provided to the public by the competent authorities <u>Information on Union quarantine pests provided to professional operators by the competent authorities</u>	<i>Article 13</i> Information on priority pests provided to the public by the competent authorities
Where the conditions of one of the points of Article 11(1)(a) or (b) are fulfilled as regards a priority pest, the competent authority shall inform the public about the measures taken and to be taken by that competent authority and, where applicable, to be taken by particular professional operators or other persons.		Where <u>one</u> of the conditions referred to in of one of the points of Article 11(1)(a) or (b) <u>12(1)</u> are is fulfilled, the competent authority shall inform the public about the measures taken and to be taken by that competent authority and, where applicable, to be taken by particular relevant categories of professional operators or other persons. <u>concerned shall ensure that professional operators, whose plants, plant products or other objects may be affected, are without delay informed of the presence of the Union quarantine pest concerned.</u>	Ok with Council text

	<u>AM 45</u> <i>1a. Member States shall ensure that information is made available to the public on the potential economic, environmental and social impacts of plant pests, on the key principles of prevention and spread, as well as on the responsibility of society as a whole to ensure phytosanitary health in the Union territory. The Commission shall establish and keep up to date a publicly available list of emerging plant pests in third countries which may pose a risk to plant health in the Union territory.</i>		AM accepted in first part (see art. 14 in Council text). Second part accepted [check correct position - art. 97b?] The Commission shall establish and keep up to date a publicly available list of emerging plant pests in third countries which may pose a risk to plant health in the Union territory. TECHNICAL
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<i>Article 14</i> Notification of imminent dangers	<i>Article 14</i> Notification of imminent dangers	<i>Article 14</i> Notification of imminent dangers <u>Information on priority pests provided to the public by the competent authorities</u>	<i>Article 14</i> Notification of imminent dangers
1. Where a Member State has evidence that there is an imminent danger of the entry of a Union quarantine pest into the Union territory or into a part of that territory where it is not yet present, that Member State shall immediately and in writing notify the Commission and the other Member States of that evidence.		DELETED	Ok with Council text
2. Professional operators shall immediately notify the competent authorities of any evidence they may have concerning an imminent danger as referred to in paragraph 1 concerning Union quarantine pests.		DELETED	Ok with Council text

		<u>When one of the conditions referred to in points (a) or (b) of Article 12(1) is fulfilled as regards a priority pest, the competent authority shall inform the public about the measures taken and to be taken by that competent authority and, where applicable, about the measures to be taken by relevant categories of professional operators or other persons.</u>	Ok with Council text
	<u>AM 46</u> <i>2a. In case of an imminent danger as set out in paragraph 1 and 2, Member States and professional operators shall take all necessary measures, as appropriate to the risk involved, to prevent the entry of such pests in the Union territory.</i>		AM withdrawn (see text in art. 11)
<i>Article 15</i> Measures to be taken immediately by professional operators	<i>Article 15</i> Measures to be taken immediately by professional operators	<i>Article 15</i> Measures to be taken immediately by professional operators	<i>Article 15</i> Measures to be taken immediately by professional operators

1. Where a professional operator becomes aware that a Union quarantine pest is present in plants, plant products or other objects which are under its control, it shall, immediately, and after informing and consulting with the competent authority concerned, take the phytosanitary measures necessary to eliminate that pest from the plants, plant products or other objects concerned and from its premises, where applicable, and prevent the spread of that pest. That professional operator shall, immediately and after informing and consulting with the competent authority concerned, inform the persons in the trade chain from whom those plants, plant products or other objects had been obtained.		1. Where a professional operator <u>suspects or</u> becomes aware that a Union quarantine pest <u>or a pest subject to measures adopted pursuant to Article 29(1)</u> is present in plants, plant products or other objects which are under its control, it shall, immediately, and after informing and consulting with the <u>notify to</u> the competent authority concerned, take the phytosanitary measures necessary to eliminate that pest from the plants, plant products or other objects concerned and from its premises, where applicable, and prevent the spread of that pest <u>that suspicion or awareness, in order for the competent authority to take actions according to Article 11. As appropriate, if the professional operator shall also take immediately precautionary measures to prevent the establishment and spread of that pest.</u>	Ok with Council text (whole article)
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		That professional operator shall, immediately and after informing and consulting with the competent authority concerned, inform the persons in the trade chain from whom those plants, plant products or other objects had been obtained.	
		<u>1a0. The competent authority may determine that the notification referred to in paragraph 1 is not required in the case where a specific pest is known to occur in an area. In such a case, the competent authority shall inform accordingly the professional operators concerned.</u>	

		<u>1a. Where a professional operator receives an official confirmation concerning, the presence of a Union quarantine pest in plants, plant products or other objects which are under its control, it shall consult with the competent authority on the actions to be taken and shall proceed, as applicable, with the actions referred to in paragraphs 2 to 4.</u>	
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That competent authority shall, where appropriate, ensure that the professional operator concerned withdraws from the market the plants, plant products and other objects in which that pest may be present.		DELETED	
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2. Where the plants, plant products or other objects referred to in paragraph 1 have left the control of the professional operator concerned, that professional operator shall, immediately and after informing and consulting with the competent authority concerned, inform the persons in the trade chain from whom those plants, plant products or other objects had been obtained and to whom those plants, plant products and other objects had been supplied, of the presence of the pest.		2. Where the plants, plant products or other objects referred to in paragraph 1 have left the control of the professional operator concerned, that professional operator shall, immediately and after informing and consulting with the competent authority concerned, inform the persons in the trade chain from whom those plants, plant products or other objects had been obtained and to whom those plants, plant products and other objects had been supplied, of the presence of the pest. <u>The professional operator shall immediately take the necessary measures to prevent the spread of that pest. In case the competent authority has provided instructions concerning those measures, the professional operator shall act in accordance with those instructions.</u>	
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		<u>2a. Where so instructed by the competent authority, the professional operator shall also take the necessary measures to eliminate that pest from the plants, plant products or other objects concerned and from its premises, land, soil, water or other infested elements which are under its control.</u>	
3. The competent authority shall, where appropriate, ensure that the professional operator concerned recalls from the market the plants, plant products and other objects in which the pest may be present and, where the plants, plant products and other objects may have reached the final user, to recall them from those final users.		3. The competent authority shall, where appropriate, ensure that the professional operator concerned recalls from the market the plants, plant products and other objects in which the pest may be present and, where the plants, plant products and other objects may have reached the final user, to recall them from those final users. <u>Unless otherwise instructed by the competent authority, the professional operator concerned shall without delay withdraw from the market the plants, plant products and other objects which are under its control and in which the pest may be present.</u>	

		<u>Where those plants, plant products or other objects have left the control of the professional operator concerned, that professional operator shall, unless otherwise instructed by the competent authority, immediately recall those plants, plant products or other objects. That recall shall be carried out by informing the persons in the trade chain to whom those plants, plant products and other objects had been supplied, of the presence of the pest. That information shall include guidelines on the necessary measures to be taken during shipment of the respective plants, plant products and other objects to reduce the risk of spread or escape of the pests concerned.</u>	
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4. Where paragraph 1 or 2 applies, the professional operator concerned shall provide all information which is relevant for the public to the competent authority concerned. That authority shall inform the public in case action needs to be taken with regard to the plants, plant products or other objects in which the respective pest may be present.		4. Where paragraph 1 or 2 applies, the professional operator concerned shall provide all information which is relevant for the public to the competent authority concerned. That authority shall inform the public in case action needs to be taken with regard to the plants, plant products or other objects in which the respective pest may be present. <u>Where paragraphs 1, 1a, 2, 2a or 3 apply, the professional operator concerned shall on request provide to the competent authority concerned all information which is relevant for the public to the competent authority concerned. That Without prejudice to Article 1413, Tthat authority shall as soon as possible inform the public in case action needs to be taken with regard to the plants, plant products or other objects in which the respective pest may be present.</u>	
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		<i>Article 15a</i> <i>Measures to be taken by persons</i> <i>other than professional operators</i>	
		<u>1. Where any person, other than a professional operator, becomes aware of the presence of a Union quarantine pest or has reason to suspect such a presence, that person shall notify the competent authority within five calendar days.</u> <u>Where the notification is not submitted in writing, the competent authority shall officially record it.</u> <u>If so requested by the competent authority, that person shall provide that authority with the information which is in its possession concerning that presence.</u>	Where any person, other than a professional operator, becomes aware of the presence of a Union quarantine pest or has reason to suspect such a presence, that person shall immediately notify the competent authority within five calendar days. Where the notification is not submitted in writing, the competent authority shall officially record it. If so requested by the competent authority, that person shall provide that authority with the information which is in its possession concerning that presence.
		<u>1a. The competent authority may determine that the notification referred to in paragraph 1 is not required in the case where a specific pest is known to be present occur in an area.</u>	Ok with Council text

		<u>2. Following the notification referred to in paragraph 1, that person shall consult with the competent authority on the actions to be taken. In accordance with the respective instructions of the competent authority, that person shall take the necessary measures to prevent the spread of that pest, and eliminate that pest from the plants, plant products or other objects concerned and, where applicable, from its premises.</u>	Ok with Council text
		<u>Article 15b</u> <u>Derogations to notification obligations</u>	
		<u>The obligation for notification as referred to in articles 15 and 15a shall not apply to the following cases:</u>	Ok with Council text (whole article)
		<u>(a) Union quarantine pests found to be present in the infested zone of a demarcated area established for the containment of that pest, as referred to in Article 17(2);</u>	

		<u>(b) Union quarantine pests found in the infested zone of a demarcated area and subject to eradication measures requiring eight years or more, during the period of those first eight years.</u>	
<i>Article 16</i> Eradication of Union quarantine pests	<i>Article 16</i> Eradication of Union quarantine pests	<i>Article 16</i> Eradication of Union quarantine pests	<i>Article 16</i> Eradication of Union quarantine pests
1. Where the presence of a Union quarantine pest is officially confirmed, the competent authority shall immediately take all necessary measures to eliminate that pest in the area concerned and to prevent its spread out of that area (hereinafter: 'to eradicate'). Those measures shall be adopted in accordance with Annex IV on measures and principles for the management of the risks of pests.	AM 47 1. Where the presence of a Union quarantine pest is officially confirmed, the competent authority shall immediately take all necessary measures to eliminate that pest in , <i>if possible, from</i> the area concerned (<i>hereinafter: 'to eradicate'</i>) <i>or, where eradication is not possible, and</i> to prevent its spread out of that area (hereinafter: 'to eradicate contain '). Those measures shall be adopted in accordance with Annex IV on measures and principles for the management of the risks of pests.	1. <u>Following the official confirmation referred to in Article 12(1)(a) or (b),</u> Where the presence of a Union quarantine pest is officially confirmed, the competent authority shall immediately take all necessary phytosanitary measures to eradicate eliminate that pest from in the area concerned and to prevent its spread out of that area (hereinafter: 'to eradicate'). Those measures shall be adopted taken in accordance with Annex IV on measures and principles for the management of the risks of pests.	AM withdrawn

		<u>The obligation to eradicate, as referred to in the first subparagraph, shall not apply where an implementing act concerning that pest, adopted pursuant to Article 27(2–), specifies otherwise.</u>	TECHNICAL [EP: frame better the IA]
	AM 48 <i>1a. Where Member States compensate professional operators, pursuant to point (ca) of Article 19(1) of Regulation (EU) No [...]/2013⁺, for the value of plants, plant products or other objects destroyed as part of the measures referred to in paragraph 1 and implemented in a cross-border area, they shall ensure that adequate compensation is coordinated between the Member States concerned so as to avoid, wherever possible, undue market distortion</i>		AM withdrawn

	<i>+ OJ, please insert the number and reference 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.</i>		
2. Where the presence of the Union quarantine pest concerned may be related to movements of plants, plant products or other objects, the competent authority shall investigate the source of that presence and the possibility that the pest concerned has been spread to further plants, plant products or other objects by those movements.		2. <u>The competent authority shall without delay investigate the source of</u> Where the presence of the Union quarantine pest concerned, <u>in particular where that presence</u> may be related to movements of plants, plant products or other objects, the competent authority shall investigate the source of that presence and the possibility that the pest concerned has been spread to further plants, plant products or other objects by those movements.	Ok with Council text

3. Where the measures referred to in paragraph 1 concern the introduction into, or movement within, the Union territory of plants, plant products and other objects, the Member State concerned shall immediately notify those measures to the Commission and the other Member States.			
4. Private premises of citizens shall not be exempted from the measures, referred to in paragraph 1, and the investigations, referred to in paragraph 2.		4. Private premises of citizens shall not be exempted from the measures, referred to in paragraph 1, and the investigations, referred to in paragraph 2. <u>The measures referred to in paragraph 1, and the investigations referred to in paragraph 2, shall be taken irrespective of whether the pest is present in public or in private premises.</u>	Ok with Council text

<i>Article 17</i> Establishment of restricted areas	<i>Article 17</i> Establishment of restricted areas	<i>Article 17</i> Establishment of restricted demarcated areas	<i>Article 17</i> Establishment of restricted areas
1. Following the official confirmation referred to in Article 11(1)(a), the competent authority shall immediately establish an area where the measures referred to in that Article are to be taken (hereinafter: 'restricted area'). The restricted area shall consist of an infested zone, as provided for in paragraph 2, and a buffer zone, as provided for in paragraph 3.		1. Following the official confirmation referred to in Article 11<u>12</u>(1)(a) <u>or (b)</u>, the competent authority shall immediately establish an area, <u>or areas</u>, where the measures referred to in that Article are to be taken (hereinafter: '<u>restricted demarcated area</u>'), <u>where the measures for the purpose of the eradication referred to in Article 16(1) or the containment referred to in Article 27(2) are to be taken.</u> The <u>demarcated</u> restricted area shall consist of an infested zone, as provided for in paragraph 2, and a buffer zone, as provided for in paragraph 3.	Ok with Council text [EDITORIAL no need to refer to demarcated areas, covered already by Article 27(2) directly]

2. The infested zone shall contain:		2. The infested zone shall, <u>as applicable,</u> contain:	Ok with Council text
(a) all plants known to be infested by the pest concerned;			
(b) all plants showing signs or symptoms indicating possible infestation by that pest;			
(c) all other plants liable to be infested by that pest due to their susceptibility to that pest and their close proximity to infested plants, or common source of production, if known, with infested plants, or plants grown from them.		(c) all other plants liable to <u>have been or become</u> be <u>contaminated or</u> infested by that pest, <u>including plants liable to be infested</u> due to their susceptibility to that pest and their close proximity to infested plants, or common source of production, if known, with infested plants, or plants grown from them.;	Ok with Council text
		<u>(ca) land, soil, water courses or other elements infested, or liable to be infested, by the pest concerned.</u>	Ok with Council text

3. The buffer zone shall be adjacent to the infested zone and shall surround it.		3. The buffer zone shall be adjacent to the infested zone and shall surround it.	Ok with Council text
Its size shall be appropriate in view of the risk of the pest concerned spreading out of the infested zone naturally, or by human activities in the infested zone and its surroundings, and shall be decided in accordance with the principles set out in Section 2 of Annex IV on measures and principles for the management of the risks of pests.		Its size shall be appropriate in view of the risk of the pest concerned spreading out of the infested zone naturally, or by human activities in the infested zone and its surroundings, and shall be decided in accordance with the principles set out in Section 2 of Annex IV on measures and principles for the management of the risks of pests.	Ok with Council text

However, where any risk of the pest spreading out of the infested zone is sufficiently mitigated through natural or artificial barriers, no buffer zone need be established.		However, where any risk of the pest spreading out of the infested zone is <u>eliminated or reduced to an acceptable level</u> sufficiently mitigated through natural or artificial barriers, no buffer zone <u>needs to</u> be established.	Ok with Council text
4. By way of derogation from paragraph 1, where upon first sight the competent authority concludes, in view of the nature of the pest concerned and the site where it was found, that the pest concerned can be eliminated immediately, the competent authority may decide not to establish a restricted area.		4. By way of derogation from paragraph 1, where upon first sight the competent authority concludes, in view of the nature of the pest, <u>the plant, plant product or other object</u> concerned, and the site where it was found, that the pest concerned can be eliminated immediately, the competent authority may decide not to establish a restricted <u>demarcated</u> area.	Ok with Council text

In that case, it shall carry out a survey to determine whether any further plants or plant products have been infested. On the basis of that survey, the competent authority shall determine whether there is a need to establish a restricted area. The competent authority concerned shall notify to the Commission and the other Member States the conclusions of that survey.		In that case, it shall carry out a survey to determine whether any further plants or plant products have been infested. On the basis of that survey, the competent authority shall determine whether there is a need to establish a restricted demarcated area. The competent authority concerned shall notify to the Commission and the other Member States the conclusions of that survey.	Check deletion of notification obligations [v.]
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5. Where in accordance with paragraphs 2 and 3 a restricted area is to extend into the territory of another Member State, the Member State where the pest concerned was found to be present shall immediately contact the Member State into whose territory the restricted area is to extend in order to allow that Member State to take all appropriate actions, as referred to in paragraphs 1 to 4.		5. Where in accordance with paragraphs 2 and 3 a restricted demarcated area is to extend into the territory of another Member State, the Member State where the pest concerned was found to be present shall immediately contact the Member State into whose territory the restricted demarcated area is to extend in order to allow that Member State to take all appropriate actions, as referred to in paragraphs 1 to 4.	Ok with Council text
6. By 31 March of each year, Member States shall notify to the Commission and the other Member States the number and locations of the restricted areas established, the pests concerned, and the respective measures taken during the preceding year.		6. By 30 April 31 March of each year, Member States shall notify to the Commission and the other Member States the number and locations of the restricted demarcated areas established, the pests concerned, and the respective measures taken during the preceding year.	Ok with Council text
		<u>This paragraph shall apply without prejudice to any obligation for the notification of demarcated areas set out by the implementing acts referred to in Article 97a.</u>	Ok with Council text

<i>Article 18</i> Surveys and modifications of restricted areas, and lifting of restrictions	<i>Article 18</i> Surveys and modifications of restricted areas, and lifting of restrictions	<i>Article 18</i> Surveys and modifications of restricted demarcated areas, and lifting of restrictions	<i>Article 18</i> Surveys and modifications of restricted areas, and lifting of restrictions
1. Competent authorities shall annually carry out a survey of each restricted area as regards the development of the presence of the pest concerned. Those surveys shall be carried out in accordance with the provisions on surveys as set out in Article 21(1) and (2).	AM 49 1. Competent authorities shall, <i>on a risk basis and with appropriate frequency,</i> annually carry out a survey of each restricted area as regards the development of the presence of the pest concerned.	1. Competent authorities shall <u>at least</u> annually carry out a survey of each restricted demarcated area, <u>at appropriate times,</u> as regards the development of the presence of the pest concerned. Those surveys shall be carried out in accordance with the provisions on surveys as set out in Article 21(1) and (2).	AM withdrawn
2. Where as a result of an annual survey a competent authority finds a presence of the pest concerned in the buffer zone, the Member State concerned shall immediately notify that presence to the Commission and the other Member States specifying that the pest was found present in a buffer zone.	AM 50 2. Where as a result of an annual <i>the</i> survey a competent authority finds a presence of the pest concerned in the buffer zone, the Member State concerned shall immediately notify that presence to the Commission and the other Member States specifying that the pest was found present in a buffer zone	2. Where, <u>whether or not</u> as a result of an annual <u>survey as referred to in paragraph 1,</u> a competent authority finds a presence of the pest concerned in the buffer zone, the Member State concerned shall immediately notify that presence to the Commission and the other Member States specifying that the pest was found present in a buffer zone.	AM withdrawn

3. Competent authorities shall modify the boundaries of infested zones, buffer zones and restricted areas, where appropriate, in view of the results of the surveys referred to in paragraph 1.		3. Competent authorities shall modify the boundaries of infested zones, buffer zones and restricted demarcated areas, where appropriate, in view of the results of the surveys referred to in paragraph 1.	Ok with Council text
4. Competent authorities may decide to abolish a restricted area and terminate the respective eradication measures, provided that during the surveys referred to in paragraph 1 no presence of the pest concerned has been found in that restricted area for a sufficiently long period.	AM 51 4. Competent authorities may decide to abolish a restricted area and terminate the respective eradication measures, provided that during the surveys referred to in paragraph 1 no presence of the pest concerned has been found in that restricted area for a sufficiently long period <i>to verify the pest free status.</i>	4. Competent authorities may decide to abolish a restricted demarcated area and terminate the respective eradication measures, provided that <u>that area has been found free from the pest concerned through</u> during the surveys referred to in paragraph 1, <u>and</u> no presence of the pest concerned has been found in that restricted demarcated area for a sufficiently long period- <u>resulting in the verification of the pest-free status of that area.</u>	AM withdrawn Ok with Council text

5. When deciding on the modifications referred to in paragraph 3 or the abolition of the restricted area referred to in paragraph 4, the competent authority concerned shall at least take into account the biology of the pest and the vector concerned, the presence of host plants, the eco-climatic conditions and the likelihood of the eradication measures having been successful.		5. When deciding on the modifications referred to in paragraph 3 or the abolition of the restricted demarcated area referred to in paragraph 4, the competent authority concerned shall at least take into account the biology of the pest and the vector concerned, the presence of host plants, the eco-climatic eco-climatic conditions and the likelihood of the eradication measures having been successful.	Ok with Council text
		<u>5a. By derogation to paragraph 1, annual surveys need not to be carried out in the infested zone of demarcated areas established for:</u>	Ok with Council text
		<u>(a) pests subject to eradication measures requiring eight years or more;</u>	Ok with Council text [COM is against]
		<u>(b) pests subject to the containment measures referred to in Article 27(2).</u>	Ok with Council text

		<u>The Commission shall, by means of an implementing act, further specify the pests referred to in point (a) of this Article and in point (b) of Article 15b and conditions for the application of those derogations. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).</u>	IA/DA Council could accept DA
<i>Article 19</i> Reports on measures taken in accordance with Articles 16, 17 and 18	<i>Article 19</i> Reports on measures taken in accordance with Articles 16, 17 and 18	<i>Article 19</i> Reports on measures taken in accordance with Articles 16, 17 and 18	<i>Article 19</i> Reports on measures taken in accordance with Articles 16, 17 and 18
		<u>1. Where measures are taken by a Member State in an area adjacent to the border with another Member State, a report on the measures taken in accordance with Articles 16, 17 and 18 shall be submitted to the latter Member State.</u>	Ok with Council text (whole article)
		<u>2. Where so requested by the Commission or by any other Member State, a Member State shall submit a report on specific measures taken in accordance with Articles 16, 17 and 18.</u>	

Member States shall prepare a report on the measures taken in accordance with Articles 16, 17 and 18.		DELETED	
Where those measures are taken by a Member State in an area adjacent to the border with another Member State, that report shall be submitted to the latter Member State. That report shall be submitted, on request, to the Commission and the other Member States.		DELETED	

<i>Article 20</i> Amendment of Annex IV	<i>Article 20</i> Amendment of Annex IV	<i>Article 20</i> Amendment of Annex IV	<i>Article 20</i> Amendment of Annex IV
The Commission shall be empowered to adopt delegated acts in accordance with Article 98, amending Section 1 of Annex IV on measures to manage the risks of quarantine pests, as regards the measures targeting prevention and elimination of infestation of cultivated and wild plants, measures targeting consignments of plants, plant products and other objects, measures targeting other pathways for quarantine pests, and amending Section 2 of that Annex on principles for the management of the risks of pests, as regards principles for the management of the risks of pests, taking into account the developments of technical and scientific knowledge.	AM 52 The Commission shall be empowered to adopt delegated acts in accordance with Article 98, amending Section 1 of Annex IV on measures to manage the risks of quarantine pests, as regards the measures targeting prevention and elimination of infestation of cultivated and wild plants, measures targeting consignments of plants, plant products and other objects, measures targeting other pathways for quarantine pests, and amending Section 2 of that Annex on principles for the management of the risks of pests, as regards principles for the management of the risks of pests, taking into account the developments of technical and scientific knowledge <i>as well as International Standards for Phytosanitary Measures (ISPMs), agreed under the International Plant Protection Convention (IPPC).</i>	The Commission shall be empowered to adopt delegated acts in accordance with Article 98, amending Section 1 of Annex IV on measures to manage the risks of quarantine pests, as regards the measures targeting prevention and elimination of infestation of cultivated and wild plants, measures targeting consignments of plants, plant products and other objects, measures targeting other pathways for quarantine pests, and amending Section 2 of that Annex on principles for the management of the risks of pests, as regards principles for the management of the risks of pests, taking into account the <u>in order to adapt those measures and principles to the</u> developments of technical and scientific knowledge <u>or international standards.</u>	EP: ok to remove reference to ISPM, keep IPPC Council: ok TECHNICAL Just streamline the text

<i>Article 21</i> Surveys on Union quarantine pests and pests provisionally qualifying as Union quarantine pest	<i>Article 21</i> Surveys on Union quarantine pests and pests provisionally qualifying as Union quarantine pest	<i>Article 21</i> Surveys on Union quarantine pests and pests provisionally qualifying as Union quarantine pest	<i>Article 21</i> Surveys on Union quarantine pests and pests provisionally qualifying as Union quarantine pest
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1. Member States shall conduct surveys, over specific periods of time, checking for the presence of any Union quarantine pest, and signs or symptoms of any pest provisionally qualifying as Union quarantine pest, pursuant to Section 3 of Annex II, in all areas where that pest was not known to be present.	<u>AM 53</u> 1. Member States shall conduct surveys <i>based on apparent risks</i>, over specific periods of time, checking for the presence of any Union quarantine pest, and signs or symptoms of any pest provisionally qualifying as Union quarantine pest, pursuant to Section 3 of Annex II, in all areas where that pest was not known to be present.	1. Member States shall conduct surveys, over specific periods of time, checking <u>at least</u> for: (a) the presence of any Union quarantine pest, and; (b) signs or symptoms of any pest <u>subject to the measures referred to in Article 28 or to measures adopted pursuant to Article 29(1), provisionally qualifying as Union quarantine pest, pursuant to Section 3 of Annex II,</u> <u>Those surveys shall take place</u> in all areas where that <u>the</u> pest <u>concerned</u> was not known to be present. 2.—Those surveys <u>do not need to be carried out for pests for which it is unequivocally concluded that they cannot be established or spread in the Member State concerned, due to the ecoclimatic conditions or to the absence of its host species.</u>	AM accepted (without "apparent") Ok with Council text "1. Member States shall conduct surveys based on risks, over specific periods of time, checking at least for: (a) the presence of any Union quarantine pest, and; (b) signs or symptoms of any pest subject to the measures referred to in Article 28 or to measures adopted pursuant to Article 29(1). Those surveys shall take place in all areas where that the pest concerned was not known to be present. Those surveys do not need to be carried out for pests for which it is unequivocally concluded that they cannot be established or spread in the Member State concerned, due to the ecoclimatic conditions or to the absence of its host species."
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2. Those surveys shall consist, at least, of visual examinations by the competent authority, and, where appropriate, collection of samples and performance of tests. They shall be based on sound scientific and technical principles, and shall be carried out at appropriate times with regard to the possibility to detect the pest concerned.		<u>2. The design of those surveys shall be based on the risk that the pest concerned occurs in the respective area. They shall</u> consist, at least, of visual examinations by the competent authority, and, where appropriate, collection of samples and performance of tests. <u>Those surveys shall be carried out in all appropriate locations, and shall include as appropriate premises, vehicles, machinery and packaging used by professional operators and other persons.</u> They shall be based on sound scientific and technical principles, and shall be carried out at appropriate times with regard to the possibility to detect the pest concerned.	
Those surveys shall take account of scientific and technical evidence, and any other appropriate information, concerning the presence of the pests concerned.		Those surveys shall take account of scientific and technical evidence, and any other appropriate information, concerning the presence of the pests concerned.	

3. Member States shall report to the Commission and the other Member States by 30 April of each year the results of the surveys referred to in paragraph 1, which have been carried out in the preceding year.		3. Member States shall report to the Commission and the other Member States by 30 April of each year the results of the surveys referred to in paragraph 1, which have been carried out in the preceding year. <u>Those reports shall include, at least, information on where the surveys were conducted, the timing of those surveys, the pests, and the plants, plant products or other objects concerned, the number of inspections and samples taken, and the findings of each pest concerned.</u> <u>The Commission may, by means of implementing acts, set out the format and content of those reports, as well as instructions on how to fill-in that format. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).</u>	IA/DA TECHNICAL EP: modify content through DA, format through IA Council: could accept to delete “content”
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<i>[]Article 22</i> Multi-annual survey programmes and collection of information		<i>Article 22</i> Multi-annual survey programmes and collection of information	
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1. Member States shall establish multi-annual programmes setting out the content of the surveys to be carried out pursuant to Article 21. Those programmes shall provide for the collection and recording of the scientific and technical evidence and other information as referred to in the second subparagraph of Article 21(2). Those programmes shall set out the following elements: the specific objective of each survey, its spatial and temporary scope, the pests, plants and commodities targeted, the survey methodology and quality management including a description of the procedures for visual examination, sampling and testing and their technical justification, the timing, frequency and numbers of scheduled visual examinations,		1. Member States shall establish multi-annual programmes setting out the content of the surveys to be carried out pursuant to Article 21. Those programmes shall provide for the collection and recording of the scientific and technical evidence and other information as referred to in the second subparagraph of Article 21(2). Those programmes shall set out the following elements: the specific objective of each survey, its spatial and temporary scope <u>as regards the area concerned and the time scale covered</u>, the pests, plants and commodities targeted, the survey methodology and quality management including a description of the procedures for visual examination, sampling and testing and their technical justification, the timing, frequency and numbers of scheduled visual examinations,	Ok with Council text
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samples and tests, the methods of recording of the information collected and their reporting. The multi-annual programmes shall be for a period of five to seven years.		samples and tests, the methods of recording of the information collected and their reporting. The multi-annual programmes shall be for a period of five to seven years.	
2. Member States shall notify their multi-annual survey programmes upon their establishment to the Commission and the other Member States.		2. Member States shall notify their multi-annual survey programmes upon their establishment to the Commission and the other Member States on request.	Ok with Council text
3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending or supplementing the elements to be covered by the multi-annual survey programmes, as set out in paragraph 1.	AM 54 3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, requiring Member States to amend amending or supplement supplementing the elements to be covered by the multi-annual survey programmes, as set out in paragraph 1.	3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending or supplementing the elements to be covered by the multi-annual survey programmes, as set out in paragraph 1. <u>The Commission may, by means of implementing acts, lay down specific rules concerning the preparation of the multiannual survey programmes and the elements set out therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).</u>	AM withdrawn IA/DA TECHNICAL EP: have just the possibility of removing elements

<i>Article 23</i> Surveys of priority pests	<i>Article 23</i> Surveys of priority pests	<i>Article 23</i> Surveys of priority pests	<i>Article 23</i> Surveys of priority pests
1. For each priority pest, Member States shall annually carry out a separate survey, as set out in Article 21(1). Those surveys shall include a sufficiently high number of visual examinations, sampling and testing, as appropriate for the relevant pests, to ensure, at a high level of probability, their timely detection.		1. For each priority pest, Member States shall annually carry out a separate survey, as set out in Article 21(1) <u>and (2).</u> Those surveys shall include a sufficiently high number of visual examinations, sampling and testing, as appropriate for the relevant pests, to ensure, at a high level of <u>confidence</u> probability , their timely detection -, as far as it is possible in relation to the biology of the pest concerned or the ecoclimatic conditions. <u>Those surveys do not need to be carried out for pests for which it is unequivocally concluded that they cannot be established or spread in the Member State concerned, due to the respective ecoclimatic conditions or to the absence of its host species.</u>	Ok with Council text

2. Member States shall report to the Commission and the other Member States by 30 April of each year the results of the surveys referred to in paragraph 1, which were carried out in the preceding year.			
<i>Article 24</i> Contingency plans for priority pests	<i>Article 24</i> Contingency plans for priority pests	<i>Article 24</i> Contingency plans for priority pests	<i>Article 24</i> Contingency plans for priority pests
1. Each Member State shall draw up and keep up to date, for each priority pest which is capable of entering into and establishing in its territory, or a part thereof, a separate plan containing information concerning the decision making processes, procedures and protocols to be followed, and resources to be made available, in case of a confirmed or suspected presence of the pest concerned, hereinafter ‘the contingency plan’.	AM 55 1. Each Member State shall draw up and keep up to date, for each priority pest which is capable of entering into and establishing in its territory, or a part thereof, a separate plan containing information concerning the decision making processes, procedures and protocols to be followed, and resources to be made available, in case of a confirmed or suspected presence of the pest concerned, hereinafter ‘the contingency plan’. <i>Member States shall at an early stage involve all relevant stakeholders in the process drawing up and keeping up to date the contingency plan.</i>	1. Each Member State shall draw up and keep up to date, for each priority pest which is capable of entering into and establishing in its territory, or a part thereof, a separate plan containing information concerning the decision making processes, procedures and protocols to be followed, and <u>minimum</u> resources to be made available <u>and procedures to make available further resources</u> , in case of a confirmed or suspected presence of the pest concerned, hereinafter ‘the contingency plan’.	AM accepted with modifications Ok with Council text "1. Each Member State shall draw up and keep up to date, for each priority pest which is capable of entering into and establishing in its territory, or a part thereof, a separate plan containing information concerning the decision making processes, procedures and protocols to be followed, and minimum resources to be made available and procedures to make available further resources, in case of a confirmed or suspected presence of the pest concerned, hereinafter ‘the contingency plan’. Member States shall, at an appropriate stage, consult all relevant stakeholders in the process of drawing up and keeping up to date the contingency plan."

		<u>Those contingency plans do not need to be drawn up for pests for which it is unequivocally concluded that they cannot establish or spread in the Member State concerned, due to the respective ecoclimatic conditions or to the absence of their host plants.</u>	Ok with Council text
2. The contingency plan shall include the following:			

(a) the roles and responsibilities of the bodies involved in the execution of the plan, in case of a confirmed or suspected presence of the priority pest concerned, the chain of command and procedures for the co-ordination of actions taken by competent authorities, other public authorities, as referred to in Article 3(2) of Regulation (EU) No .../.... <i>[Office of Publications, please insert number of Regulation of Official Controls]</i>, delegated bodies or natural persons involved, as referred to in Article 25(1) of Regulation (EU) No .../.... <i>[Office of Publication, please insert number of Regulation of Official Controls]</i>, laboratories and professional operators, including co-ordination with neighbouring Member States and neighbouring third countries, where appropriate;			
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(b) access of competent authorities to premises of professional operators and of natural persons, where necessary, laboratories, equipment, personnel, external expertise and resources necessary for the rapid and effective eradication or, where appropriate, containment of the priority pest concerned;		(b) access of competent authorities to premises of professional operators, <u>other relevant operators</u> and of natural persons;	Ok with Council text
		<u>(ba) access of competent authorities</u> , where necessary, <u>to</u> laboratories, equipment, personnel, external expertise and resources necessary for the rapid and effective eradication or, where appropriate, containment of the priority pest concerned;	Ok with Council text
(c) measures to be taken concerning the information of the Commission, the other Member States, the professional operators concerned and the public, as regards the presence of the priority pest concerned and the measures taken against it, in case a presence of the pest concerned is officially confirmed or suspected;			
(d) arrangements for recording findings of the presence of the priority pest concerned;			

(e) the available assessments as set out in Article 6(2), and any assessment of the Member State as regards the risk of the priority pest concerned for its territory;			
(f) the risk management measures to be implemented as regards the priority pest concerned, in accordance with Section 1 of Annex IV, and the procedures to be followed;			
(g) principles for the geographical demarcation of restricted areas;		(g) principles for the geographical demarcation of restricted demarcated areas;	Ok with Council text
(h) protocols describing the methods of visual examinations, sampling and laboratory testing; and			
(i) principles concerning the training of personnel of the competent authorities.		(i) principles concerning the training of personnel of the competent authorities: <u>and, as appropriate, the bodies, public authorities, laboratories, professional operators and other persons referred to in point (a).</u>	Ok with Council text
Where appropriate, points (a) to (i) shall take the form of instruction manuals.		Where appropriate, points (a) (c) to (i) shall take the form of instruction manuals.	Ok with Council text

		<u>2a. The contingency plans referred to in paragraph 1 may be combined for multiple priority pests with similar biology and range of host plants. In that case, the contingency plan shall consist of a general part common to all priority pests covered by it, and specific parts for each of the priority pest concerned.</u>	Ok with Council text
3. Within one year from the date of the inclusion of the pest concerned in the list of priority pests, Member States shall establish a contingency plan for the priority pest concerned. Member States shall regularly review and, where appropriate, update their contingency plans.		3. <u>Within five years from the date of establishment of the list of priority pests referred to in Article 6(2), Member States shall establish a contingency plan for the priority pests included in that list.</u> Within one year from the date of the inclusion of the<u>any further</u> pest concerned in the<u>that</u> list of priority pests, Member States shall establish a contingency plan for the priority pest concerned. Member States shall regularly review and, where appropriate, update their contingency plans.	OPEN [EP: stick to COM proposal]

4. Member States shall communicate their contingency plans to the Commission and to the other Member States on request.	AM 56 4. Member States shall communicate their contingency plans to the Commission and to the other Member States on request, and shall inform all relevant operators.		AM accepted with modifications 4. Member States shall communicate their contingency plans to the Commission and to the other Member States on request, and shall inform all relevant operators through publication on the internet.
<i>Article 25</i> Simulation exercises	<i>Article 25</i> Simulation exercises	<i>Article 25</i> Simulation exercises <u>for priority pests</u>	<i>Article 25</i> Simulation exercises
1. Member States shall carry out simulation exercises concerning the implementation of the contingency plans at intervals set according to the biology of the priority pest concerned and the phytosanitary risk posed by that pest.		1. Member States shall carry out simulation exercises concerning the implementation of the contingency plans at intervals set according to the biology of the priority pest <u>or pests</u> concerned and the phytosanitary risk posed by that pest <u>or those pests.</u>	Ok with Council text
Those exercises shall take place with regards to all priority pests concerned within a reasonable period of time.	AM 57 Those exercises shall take place with regards to all priority pests concerned within a reasonable period of time and with the involvement of the stakeholders concerned.	Those exercises shall take place with regards to all priority pests concerned within a reasonable period of time.	AM accepted with modifications Those exercises shall take place with regards to all priority pests concerned within a reasonable period of time and with the involvement of the relevant stakeholders concerned.

		<u>Those exercises may not be carried out in case measures have already been taken by the respective Member State, within a recent period, for the eradication of the relevant pest.</u>	Ok with Council text
2. As regards priority pests whose presence in one Member state could have impacts for neighbouring Member States, the simulation exercises shall be carried out together by the Member States concerned on the basis of their respective contingency plans. Where appropriate, Member States shall carry out those simulation exercises with neighbouring third countries.	<u>AM 58</u> 2. As regards priority pests whose presence in one Member state could have impacts for neighbouring Member States, the simulation exercises shall may be carried out together by the Member States concerned on the basis of their respective contingency plans Where appropriate, Member States shall carry out those simulation exercises with neighbouring third countries.	2. As regards priority pests whose presence in one Member state could have impacts for neighbouring Member States, the simulation exercises shall be carried out, <u>where appropriate,</u> together by the Member States concerned on the basis of their respective contingency plans. Where appropriate <u>and applicable,</u> Member States shall carry out those simulation exercises with neighbouring third countries, <u>if so agreed by those countries.</u>	AM accepted with modifications As regards priority pests whose presence in one Member state could have impacts for neighbouring Member States, the simulation exercises may be carried out together by the Member States concerned on the basis of their respective contingency plans. Where appropriate, Member States may carry out those simulation exercises with neighbouring third countries.

3. Member States shall, on request, make available a report on the results of each simulation exercise to the Commission and to the other Member States.			
4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out:	AM 59 4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out:	DELETED	AM accepted
(a) the frequencies, contents and format of simulation exercises;	(a) the frequencies, contents and format of simulation exercises;	DELETED	
(b) simulation exercises covering more than one priority pest;	(b) simulation exercises covering more than one priority pest;	DELETED	
(c) co-operation between Member States, and of Member States with third countries;	(c) co-operation between Member States, and of Member States with third countries;	DELETED	
(d) contents of the reports on simulation exercises provided for in paragraph 3.	(d) contents of the reports on simulation exercises provided for in paragraph 3.	DELETED	
<i>Article 26</i> Eradication plans for priority pests	<i>Article 26</i> Eradication plans for priority pests	<i>Article 26</i> Eradication Action plans for priority pests	<i>Article 26</i> Eradication plans for priority pests
1. Where the presence of a priority pest is officially confirmed in the territory of a Member State pursuant to Article 11(1)(a), the competent	AM 60 1. Where the presence of a one or more priority pests is officially confirmed in the territory of a Member State pursuant to Article 11(1)(a), the competent	1. Where the presence of a priority pest is officially confirmed in the territory of a Member State pursuant to Article 11(1)(a), the competent	

authority shall immediately adopt a plan setting out the measures for the eradication of the pest concerned, as provided for in Articles 16, 17 and 18, and a time schedule for the application of those measures. That plan is referred to as the 'eradication plan. The eradication plan shall include a description of the design and organisation of the surveys to be carried out and set out the number of visual examinations, samples to be taken and laboratory tests to be carried out.	authority, after consulting the operators concerned, shall immediately adopt a plan setting out the measures for the eradication of the pest(s) concerned, as provided for in Articles 16, 17 and 18, and a time schedule for the application of those measures. That plan is referred to as the 'eradication plan. The eradication plan shall include a description of the design and organisation of the surveys to be carried out and set out the number of visual examinations, samples to be taken and laboratory tests to be carried out.	authority shall immediately adopt a plan setting out the measures for the eradication of the pest concerned, as provided for in Articles 16, 17 and 18, or the containment of the pest concerned, as provided for in Article 27(2), and a time schedule for the application of those measures. That plan is referred to as the 'action eradication plan'. The action eradication plan shall include a description of the design and organisation of the surveys to be carried out and set out the number of visual examinations, samples to be taken and laboratory tests to be carried out, as well as the methodology to be applied for the examination, sampling and testing.	TECHNICAL Insert a clear reference to Art. 24, where it is specified that stakeholders are consulted when drawing up the contingency plans
2. Member States shall notify, on request, to the Commission and the other Member States the eradication plans and an annual report on the measures taken in accordance with Articles 16, 17 and 18 under the eradication plans concerned.		2. Member States shall notify, on request, to the Commission and the other Member States the eradication plans and an annual report on the measures taken in accordance with Articles 16, 17 and 18 under the action eradication plans concerned.	Ok with Council text

<i>Article 27</i> Union measures for specific Union quarantine pests	<i>Article 27</i> Union measures for specific Union quarantine pests	<i>Article 27</i> Union measures for specific Union quarantine pests	<i>Article 27</i> Union measures for specific Union quarantine pests
1. The Commission may, by means of implementing acts, set out measures against specific Union quarantine pests. Those measures shall implement, specifically for each of the pest(s) concerned, one or more of the following provisions:	AM 61 1. The Commission may, by means of implementing acts, shall be empowered to adopt delegated acts in accordance with Article 98 set out measures against specific Union quarantine pests. Those measures shall implement, specifically for each of the pest(s) concerned, one or more of the following provisions:		IA/DA TECHNICAL EP could accept IA all through the Article, but frame it in a better way
(a) Article 10 concerning measures in case of suspicion of the presence of a Union quarantine pest;		(a) Article 10 11 concerning measures official confirmation by competent authorities in case of suspicion of the presence of a that Union quarantine pest;	Ok with Council text
(b) Article 15 concerning measures to be taken immediately by professional operators;			
		(ba) Article 15a concerning measures to be taken by persons other than professional operators	Ok with Council text
(c) Article 16 concerning eradication of Union quarantine pests;			

(d) Article 17 concerning establishment of restricted areas;		(d) Article 17 concerning establishment of restricted demarcated areas;	Ok with Council text
(e) Article 18 concerning surveys, modifications of restricted areas and lifting of restrictions;		(e) Article 18 concerning surveys, modifications of restricted demarcated areas and lifting of restrictions;	Ok with Council text
(f) Article 21 concerning surveys on Union quarantine pests and pests provisionally qualifying as Union quarantine pest;			
(g) Article 23 concerning surveys for priority pests, as regards the number of visual examinations, samples and tests for particular priority pests;			
(h) Article 24 concerning contingency plans for priority pests;			
(i) Article 25 concerning simulation exercises;		(i) Article 25 concerning simulation exercises for priority pests ;	Ok with Council text
(j) Article 26 concerning eradication plans for priority pests.		(j) Article 26 concerning action eradication plans for priority pests.	Ok with Council text
Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).	AM 62 Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).		IA/DA EP could tentatively accept IA

2. Where, as regards a restricted area, the Commission concludes, on the basis of the surveys referred to in Article 18 or other evidence, that the eradication of the Union quarantine pest concerned is not possible, the Commission may adopt implementing acts, as referred to in paragraph 1, which set out measures with the single purpose of prevention of the spread of those pests out of the areas concerned. Such prevention is referred to as 'containment'.	AM 63 2. Where, as regards a restricted area, the Commission concludes, on the basis of the surveys referred to in Article 18 or other evidence, that the eradication of the Union quarantine pest concerned is not possible, the Commission may shall be empowered to adopt implementing delegated acts, in accordance with Article 98, as referred to in paragraph 1, which setting out measures with the single purpose of prevention of the spread of those pests out of the areas concerned. Such prevention is referred to as 'containment'.	2. Where, as regards a restricted demarcated area, it is the Commission concludes, on the basis of the surveys referred to in Article 18 or other evidence, that the eradication of the Union quarantine pest concerned is not possible, the Commission shall may adopt implementing acts, as referred to in paragraph 1, which set out measures with the single purpose of containment prevention of the spread of those pests out of the areas concerned. Such prevention is referred to as 'containment'. <u>For the purpose of reaching that conclusion, the Commission shall, without delay, take the necessary actions following the submission of the respective evidence by the Member State concerned or any other source.</u>	IA/DA EP could tentatively accept IA
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3. In case the Commission concludes that prevention measures in locations outside restricted areas are necessary to protect the part of the Union territory where the Union quarantine pest concerned is not present, the Commission may adopt implementing acts, as referred to in paragraph 1, setting out such measures.	<u>AM 64</u> 3. In case the Commission concludes that prevention measures in locations outside restricted areas are necessary to protect the part of the Union territory where the Union quarantine pest concerned is not present, the Commission may shall be empowered to adopt delegated implementing acts, as referred to in paragraph 1, in accordance with Article 98, setting out such measures.	3. In case the Commission concludes that prevention measures in areas locations outside restricted demarcated areas are necessary to protect the part of the Union territory where the Union quarantine pest concerned is not present, the Commission may adopt implementing acts, as referred to in paragraph 1, setting out such measures.	IA/DA EP could tentatively accept IA
4. The measures referred to in paragraphs 1, 2 and 3 shall be taken in accordance with Annex IV on measures and principles for the management of the risks of pests, taking into account the specific risks of the Union quarantine pests concerned and the need to implement the necessary risk mitigation measures in a harmonised manner at Union level.		4. The measures referred to in paragraphs 1, 2 and 3 shall be taken in accordance with Annex IV on measures and principles for the management of the risks of pests, taking into account the specific risks of the Union quarantine pests concerned, <u>the specific ecoclimatic conditions and risks as regards the Member States concerned</u> and the need to implement the necessary risk mitigation measures in a harmonised manner at Union level.	Ok with Council text

5. The implementing acts referred to in paragraph 1 may provide that the measures, referred to in points (a) to (j) of paragraph 1, taken by the Member States are to be repealed or amended. Until a measure has been adopted by the Commission, the Member State may maintain the measures that it has employed.	<u>AM 65</u> 5. The implementing <i>delegated</i> acts referred to in paragraph 1 may provide that the measures, referred to in points (a) to (j) of paragraph 1, taken by the Member States are to be repealed or amended. Until a measure has been adopted by the Commission, the Member State may maintain the measures that it has employed.	5. The implementing acts referred to in paragraph 1 may provide that the measures, referred to in points (a) to (j) of paragraph 1, taken by the Member States are to be repealed or amended. Until a measure has been adopted by the Commission, the Member State may maintain the measures that it has employed.	IA/DA EP could tentatively accept IA
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6. On duly justified imperative grounds of urgency to address a serious phytosanitary risk, the Commission shall adopt immediately applicable implementing acts, in accordance with the procedure referred to in Article 99(4).	<u>AM 66</u> 6. <i>Where in the case of On duly justified imperative grounds of urgency to address a serious phytosanitary risk, the Commission imperative grounds of urgency so require, the procedure provided for in Article 98(a) shall adopt immediately applicable implementing apply to delegated acts adopted pursuant to this Article, in accordance with the procedure referred to in Article 99(4).</i>	6. On duly justified imperative grounds of urgency to address a serious pest phytosanitary risk, the Commission shall adopt immediately applicable implementing acts, in accordance with the procedure referred to in Article 99(4). <u>Those acts shall be adopted in accordance with Section 1 of Annex IV on measures and principles for the management of to manage the risks of quarantine pests and Section 2 of that Annex on principles for the management of the risks of pests, taking into account the specific risks of the Union quarantine pests concerned, the specific ecoclimatic conditions and risks as regards Member States concerned and the need to implement the necessary risk mitigation measures in a harmonised manner at Union level.</u>	IA/DA EP could tentatively accept IA
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7. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States of any cases of non-compliance by professional operators with the measures adopted pursuant to this Article.		7. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States of any cases of- non-compliance by professional operators <u>or persons other than professional operators</u> with the measures adopted pursuant to this Article, <u>which creates a risk of spread of Union quarantine pests.</u>	Ok with Council text
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<i>Article 28</i> Measures by Member States concerning pests not listed as Union quarantine pests	<i>Article 28</i> Measures by Member States concerning pests not listed as Union quarantine pests	<i>Article 28</i> Measures by Member States concerning pests not listed as Union quarantine pests	<i>Article 28</i> Measures by Member States concerning pests not listed as Union quarantine pests
1. Where the presence of a pest that is not included in the list of Union quarantine pests in the territory of a Member State is officially confirmed, and the competent authority concerned considers that that pest may fulfil the conditions for inclusion in the list of Union quarantine pests, it shall immediately assess whether that pest fulfils the criteria of Subsection 1 of Section 3 of Annex II. If it concludes that those criteria are fulfilled, it shall immediately take eradication measures in accordance with Annex IV on measures and principles for the management of the risks of pests. Articles 16 to 19 shall apply.		1. Where the presence of a pest that is not included in the list of Union quarantine pests <u>is officially confirmed</u> in the territory of a Member State, is officially confirmed , and the <u>Member State</u> competent authority concerned considers that that pest may fulfil the conditions for inclusion in the list of Union quarantine pests, it shall immediately assess whether that pest fulfils the criteria of Subsection 1 of Section 3 of Annex II. If it concludes that those criteria are fulfilled, it shall immediately take eradication measures in accordance with Annex IV on measures and principles for the management of the risks of pests. Articles 16 to 19 shall apply.	Ok with Council text

Where a competent authority suspects the presence in its territory of a pest fulfilling the criteria referred to in the first subparagraph, Article 10 shall apply accordingly.		<u>Where, as regards a demarcated area, it is concluded, on the basis of the surveys referred to in Article 18 or other evidence, that the eradication of the pest concerned is not possible, Article 27(2) shall apply accordingly.</u> <u>Where the presence of a pest fulfilling the criteria referred to in the first subparagraph is officially confirmed in a consignment of plants, plant products or other objects introduced into, or moved within, the territory of a Member State, the Member State concerned shall take the necessary measures to prevent the entry into, and establishment and spread, of that pest in the Union territory.</u>	
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		Where a <u>Member State</u> competent authority suspects the presence in its territory of a pest fulfilling the criteria referred to in the first subparagraph, Article 10 11 shall apply accordingly. <u>Pending the official confirmation of the presence of that pest, the Member States may take phytosanitary measures to mitigate the risk of its spread.</u>	Where a Member State suspects the presence in its territory of a pest fulfilling the criteria referred to in the first subparagraph, Article 11 shall apply accordingly. Pending the official confirmation of the presence of that pest, the Member State shall, where appropriate, may take phytosanitary measures to mitigate the risk of its spread.
2. Following the actions referred to in paragraph 1, the Member State shall assess whether the pest concerned fulfils, as regards the Union territory, the criteria for quarantine pests set out in Section 1 of Annex II.		2. Following the measures actions referred to in paragraph 1, the Member State shall assess whether the pest concerned fulfils, as regards the Union territory, the criteria for quarantine pests set out in Section 1 of Annex II.	Ok with Council text

3. The Member State concerned shall immediately notify to the Commission and the other Member States the presence of that pest, the assessment referred to in paragraph 1, the measures taken and the evidence justifying those measures. It shall notify to the Commission the results of the assessment referred to in paragraph 2 within 24 months of the official confirmation of the presence of that pest. Notifications of the presence of that pest shall be submitted through the electronic notification system referred to in Article 97.		3. The Member State concerned shall immediately notify to the Commission and the other Member States the presence of that pest; <u>It shall also inform the Commission and the other Member States of</u> the assessment referred to in paragraph 1, the measures taken and the evidence justifying those measures. It shall notify to the Commission the results of the assessment referred to in paragraph 2 within 24 months of the official confirmation of the presence of that pest. Notifications of the presence of that pest shall be submitted through the electronic notification system referred to in Article 97.	Ok with Council text
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<i>Article 29</i> Measures by the Union concerning pests not listed as Union quarantine pests	<i>Article 29</i> Measures by the Union concerning pests not listed as Union quarantine pests	<i>Article 29</i> Measures by the Union concerning pests not listed as Union quarantine pests	<i>Article 29</i> Measures by the Union concerning pests not listed as Union quarantine pests
1. Where the Commission receives the notification referred to in the first subparagraph of Article 28(3), or has other evidence concerning the presence in, or imminent danger of entry into, the Union territory of a pest which is not included in the list of Union quarantine pests and it considers that that pest may fulfil the conditions for inclusion in that list, it shall immediately assess whether, as regards the Union territory, that pest fulfils the criteria of Subsection 2 of Section 3 of Annex II. Where it concludes that those criteria are fulfilled, it shall immediately, by means of implementing acts, adopt measures for a limited time as regards the phytosanitary risks posed by that pest. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).		1. Where the Commission receives <u>a</u> the notification <u>as</u> referred to in the first subparagraph of Article 28(3), or has other evidence concerning the presence in, or imminent danger of entry into, <u>or spread within</u>, the Union territory of a pest which is not included in the list of Union quarantine pests and it considers that that pest may fulfil the conditions for inclusion in that list, it shall immediately assess whether, as regards the Union territory, that pest fulfils the criteria of Subsection 2 of Section 3 of Annex II. Where it concludes that those criteria are fulfilled, it shall immediately, by means of implementing acts, adopt measures for a limited time as regards the phytosanitary risks posed by that pest. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).	Link to Article 29

Those measures shall implement, specifically for each of the pests concerned, one or more of the provisions referred to in Article 27(1)(a) to (f).		Those measures shall, <u>where appropriate</u> , implement, specifically for each of the pests concerned, one or more of the provisions referred to in Article 27(1)(a) to (f).	
		<u>1a. Following the measures referred to in paragraph 1, the Commission shall assess whether the pest concerned fulfils, as regards the Union territory, the criteria for quarantine pests set out in Section 1 of Annex II.</u>	
2. Where the Commission concludes, on the basis of surveys referred to in Article 18 and in Article 21, or other evidence, that the eradication of the pest concerned is not possible in certain restricted areas, the implementing acts referred to in the second subparagraph of paragraph 1 may set out measures with the single purpose to contain that pest.		<u>2.</u> Where it is the Commission <u>concludes</u> , on the basis of surveys referred to in Article 18 and in Article 21, or other evidence, that the eradication of the pest concerned is not possible in certain restricted <u>demarcated</u> areas, the implementing acts referred to in the second subparagraph of paragraph 1 may set out measures with the single purpose to contain that pest.	

3. In case the Commission concludes that prevention measures in locations outside restricted areas are necessary to protect the part of the Union territory where the pest concerned is not present, the implementing acts referred to in paragraph 1 may set out such measures.		3. Where it is In case the Commission concludes that prevention measures in areas locations outside restricted demarcated areas are necessary to protect the part of the Union territory where the pest concerned is not present, the implementing acts referred to in paragraph 1 may set out such measures.	
4. The measures referred to in paragraphs 1, 2 and 3 shall be adopted in accordance with Section 1 of Annex IV on measures to manage the risks of quarantine pests and Section 2 of that Annex on principles for the management of the risks of pests, taking into account the specific risks of the pests concerned and the need to implement the necessary risk mitigation measures in a harmonised manner at Union level.			

5. The implementing acts referred to in paragraph 1 may provide that the measures taken by the Member States pursuant to Article 28 are to be repealed or amended. Until a measure has been adopted by the Commission, the Member State may maintain the measures that it has employed.		5. The implementing acts referred to in paragraph 1 may provide that the measures taken by the Member States pursuant to Article 28 are to be repealed or amended. Until a measure has have been adopted by the Commission, the Member State may maintain the measures that it has employed: <u>pursuant to Article 28.</u>	
6. On duly justified imperative grounds of urgency to address a serious phytosanitary risk, the Commission shall adopt immediately applicable implementing acts, in accordance with the procedure referred to in Article 99(4).		6. On duly justified imperative grounds of urgency to address a serious pest phytosanitary risk, the Commission shall adopt immediately applicable implementing acts, in accordance with the procedure referred to in Article 99(4). <u>Those acts shall be adopted in accordance with Section 1 of Annex IV on measures to manage the risks of quarantine pests and Section 2 of that Annex on principles for the management of the risks of pests, taking into account the specific risks of the pests concerned and the need to implement the necessary risk mitigation measures in a harmonised manner at Union level.</u>	

7. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States of any cases of non-compliance by professional operators with the measures adopted pursuant to this Article.		7. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States of any cases of non-compliance by professional operators <u>or persons other than professional operators</u> with the measures adopted pursuant to this Article-, <u>which creates a risk of spread of quarantine the pests referred to in paragraph 1.</u>	
<i>Article 30</i> Amendment of Section 3 of Annex II	<i>Article 30</i> Amendment of Section 3 of Annex II	<i>DELETED</i>	<i>Article 30</i> Amendment of Section 3 of Annex II
The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 3 of Annex II on criteria to be fulfilled by pests, as provided for in Articles 28 and 29, as regards the criteria concerning the identity of the pest, its presence, the probability of its entry, establishment and spread, its potential economic, social and environmental impact, taking into account the developments of technical and scientific knowledge.	<u>AM 67</u> The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 3 of Annex II on criteria to be fulfilled by pests, as provided for in Articles 28 and 29, as regards the criteria concerning the identity of the pest, its presence, the probability of its entry, establishment and spread, its potential economic, social and environmental impact, taking into account the developments of technical and scientific knowledge <i>and international standards.</i>	DELETED	IA/DA EP could accept deletion

<i>Article 31</i> More stringent requirements adopted by Member States	AM 68 <i>Article 31</i> More stringent requirements adopted by Member States	<i>Article 31</i> More stringent requirements adopted by Member States	<i>Article 31</i> More stringent requirements adopted by Member States
1. Member States may apply within their territories more stringent measures than the measures adopted pursuant to Article 27(1), (2) and (3) and Article 29(1), (2) and (3), if justified by the objective of phytosanitary protection and in accordance with Section 2 of Annex IV on measures and principles for the management of the risks of pests. Those measures shall not impose, or result in, any prohibitions or restrictions on the introduction into, or movement within, the Union territory of plants, plant products and other objects, other than those imposed by the provisions of Articles 40 to 54 and the provisions of Articles 67 to 96.	1. — Member States may apply within their territories more stringent measures than the measures adopted pursuant to Article 27(1), (2) and (3) and Article 29(1), (2) and (3), if justified by the objective of phytosanitary protection and in accordance with Section 2 of Annex IV on measures and principles for the management of the risks of pests. Those measures shall not impose, or result in, any prohibitions or restrictions on the introduction into, or movement within, the Union territory of plants, plant products and other objects, other than those imposed by the provisions of Articles 40 to 54 and the provisions of Articles 67 to 96.	1. Member States may apply within their territories more stringent measures than the measures adopted pursuant to Article 27(1), (2) and (3) and Article 29(1), (2) and (3), if justified by the objective of phytosanitary protection and in accordance with Section 2 of Annex IV on measures and principles for the management of the risks of pests. Those measures shall not impose, or result in, any prohibitions or restrictions on the introduction into, or movement within <u>and through</u>, the Union territory of plants, plant products and other objects, other than those imposed by the provisions of Articles 40 to 54 and the provisions of Articles 67 to 96.	AM withdrawn

2. Member States shall immediately notify the Commission and the other Member States of measures adopted by them within the ambit of paragraph 1. Member States shall, on request, submit to the Commission and the other Member States an annual report on the measures taken in accordance with paragraph 1.	2. Member States shall immediately notify the Commission and the other Member States of measures adopted by them within the ambit of paragraph 1. Member States shall, on request, submit to the Commission and the other Member States an annual report on the measures taken in accordance with paragraph 1.		
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SECTION 3 PROTECTED ZONE QUARANTINE PESTS	SECTION 3 PROTECTED ZONE QUARANTINE PESTS		SECTION 3 PROTECTED ZONE QUARANTINE PESTS
<i>Article 32</i> Recognition of protected zones	<i>Article 32</i> Recognition of protected zones	<i>Article 32</i> Recognition of protected zones	<i>Article 32</i> Recognition of protected zones
1. Where a quarantine pest is present in the Union territory but not present in the Member State concerned, and is not a Union quarantine pest, the Commission may, upon application of that Member State pursuant to paragraph 4, recognise the territory of that Member State as a protected zone in accordance with paragraph 3.			
Where a protected zone quarantine pest is absent from a part of the territory of a Member State the same shall apply with respect to that part. Such a quarantine pest is referred to as 'a protected zone quarantine pest'.			

2. A protected zone quarantine pest shall not be introduced into or moved within the respective protected zone. Nobody shall intentionally take an action which contributes to the introduction into, and establishment and spread within, a protected zone of the respective protected zone quarantine pest.		2. A protected zone quarantine pest shall not be introduced into or moved within the respective protected zone-, <u>or held, multiplied or released within that protected zone.</u> Nobody shall intentionally take an action which contributes to the introduction into, and establishment and spread within, a protected zone of the respective protected zone quarantine pest. <u>Article 8 on Union quarantine pests used for scientific, technical or educational purposes, trials, varietal selections or breeding shall apply accordingly to the introduction into, movement within, holding and multiplication-within protected zones of protected zone quarantine pests.</u>	Ok with Council text
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3. The Commission shall, by means of an implementing act, establish a list of protected zones and the respective protected zone quarantine pests. That list shall include the protected zones recognised in accordance with the first subparagraph of Article 2(1)(h) of Directive 2000/29/EC and the respective pests, listed in Part B of Annex I and Part B of Annex II to Directive 2000/29/EC. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2).		3. The Commission shall, by means of an implementing act, establish a list of protected zones and the respective protected zone quarantine pests. That list shall include the protected zones recognised in accordance with the first subparagraph of Article 2(1)(h) of Directive 2000/29/EC and the respective pests, listed in Part B of Annex I and Part B of Annex II to Directive 2000/29/EC, <u>and a code specifically attributed to the respective protected zone quarantine pest.</u> That implementing act shall be adopted in accordance with the advisory <u>examination</u> procedure referred to in Article 99(23).	Ok with Council text
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The Commission may recognise additional protected zones, by amending the implementing act referred to in the first subparagraph, where the conditions provided for in paragraph 1 are fulfilled. Such an amendment shall be adopted in accordance with the examination procedure referred to in Article 99(3). The same procedure shall apply to a repeal or replacement of the implementing act referred to in the first subparagraph.		The Commission may recognise additional protected zones, by amending the implementing act referred to in the first subparagraph, where the conditions provided for in paragraph 1 are fulfilled. Such an amendment shall be adopted in accordance with the examination procedure referred to in Article 99(3). The same procedure shall apply to a repeal or replacement of the implementing act referred to in the first subparagraph, <u>for purposes of consolidating amendments.</u>	Ok with Council text
Where Article 35 applies, an implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2).		DELETED	Ok with Council text
4. With the application referred to in paragraph 1, the Member State concerned shall submit:			
(a) a description of the boundaries of the protected zone concerned, including maps; and		(a) a description of the boundaries of the protected zone concerned, including maps; and	Ok with Council text

(b) the results of surveys showing that during the three years preceding the application, the quarantine pest concerned was not present in the territory concerned.		(b) the results of surveys showing that during at least the three years preceding the application, the quarantine pest concerned was not present in the territory concerned;	Ok with Council text
		<u>(c) evidence that the respective protected zone quarantine pest fulfils the requirement of paragraph (1), and accordingly the criteria referred to in Article 3.</u>	Ok with Council text
Those surveys shall have been carried out at appropriate times and have been of appropriate intensity with regard to the possibility to detect the presence of the quarantine pest concerned. They shall have been based on sound scientific and technical principles.		<u>4a. These surveys referred to in paragraph 4 shall have been carried out at appropriate times and have been of appropriate intensity with regard to the possibility to detect the presence of the quarantine pest concerned. They shall have been based on sound scientific and technical principles -, and have taken into account the relevant international standards.</u>	Ok with Council text

The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, laying down detailed rules for surveys to be carried out for purposes of the recognition of protected zones.		The Commission <u>may, by means of implementing acts,</u> shall be empowered to adopt delegated acts, in accordance with Article 98, laying down detailed rules for <u>the surveys referred to in paragraph 4,</u> to be carried out for purposes of the recognition of protected zones. <u>Those acts shall be adopted in accordance with the technical and scientific developments, and the applicable international standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99 (3).</u>	IA/DA TECHNICAL EP: could accept IA if the scope is narrowed
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		<u>4b. In addition to paragraph 1, the Commission may recognise a temporary protected zone. For that purpose the conditions of paragraphs 1, 4 and subparagraph 1 of paragraph 4a shall apply accordingly. By way of derogation to the requirement referred to in point (b) of paragraph 4, a survey shall be carried out at least one year preceding the application.</u> <u>The recognition of a temporary protected zone shall last no longer than three years after recognition, and shall expire automatically after three years.</u>	
		<u>4c. Member States shall notify the Commission, the other Member States and inform, via publication on the official website of the competent authority, the professional operators about the boundaries of the protected zones in their territory, including maps.</u>	

<i>Article 33</i> General obligations concerning protected zones	<i>Article 33</i> General obligations concerning protected zones	<i>Article 33</i> General obligations concerning protected zones	<i>Article 33</i> General obligations concerning protected zones
1. With regard to a protected zone, the obligations set out in the following Articles shall apply accordingly to the protected zone quarantine pests:			Ok with Council text (whole article)
(a) Articles 9 to 12 concerning the confirmation, notification and information as regards the presence of Union quarantine pests;		(a) Articles 9 10 to 12 14 concerning the official confirmation, notification and information as regards the presence of Union quarantine pests;	
(b) Article 15 concerning measures to be taken immediately by professional operators;		(b) Article 15 and 15a concerning measures to be taken immediately by professional operators; and persons other than professional operators;	
(c) Articles 16, 17 and 18 concerning the eradication of Union quarantine pests, the establishment and modification of restricted areas and surveys in those restricted areas.		(c) Articles 16, 17 and 18 concerning the eradication of Union quarantine pests, the establishment and modification of restricted demarcated areas and surveys in those restricted demarcated areas.	

2. A plant, plant product or other object originating in a restricted area established, in accordance with Article 17, in a protected zone for the protected zone quarantine pest concerned, may not be moved within or into any protected zone established for that protected zone quarantine pest.		2. A plant, plant product or other object originating in a restricted demarcated area established, in accordance with Article 17, in a protected zone for the protected zone quarantine pest concerned, may not be moved within from that demarcated area into the remaining part of that protected zone, or into any other protected zone established for that protected zone quarantine pest.	
When moved out of the protected zone concerned, that plant, plant product or other object shall be packed and moved in such a way that there is no risk of spreading the respective protected zone quarantine pest within that protected zone.		<u>By way of derogation to subparagraph 1,</u> When moved out of the protected zone concerned, that plant, plant product or other object <u>may be moved out of that demarcated area through and out of the protected zone concerned,</u> only if it is shall be packed and moved in such a way that there is no risk of spreading the respective protected zone quarantine pest within that protected zone.	

3. The restricted areas established within a protected zone and the eradication measures taken in those areas pursuant to Articles 16, 17 and 18 shall be immediately notified to the Commission and the other Member States.		3. The restricted demarcated areas established within a protected zone and the eradication measures taken in those areas pursuant to Articles 16, 17 and 18 shall be immediately notified to the Commission and the other Member States.	
<i>Article 34</i> Surveys on protected zone quarantine pests	<i>Article 34</i> Surveys on protected zone quarantine pests	<i>Article 34</i> Surveys on protected zone quarantine pests	<i>Article 34</i> Surveys on protected zone quarantine pests
1. The competent authority shall carry out an annual survey of each protected zone as regards the presence of the protected zone quarantine pest concerned. Those surveys shall be carried out at appropriate times and be of an appropriate intensity with regard to the possibility to detect the presence of the protected zone quarantine pest concerned. They shall be based on sound scientific and technical principles.		1. The competent authority shall carry out an annual survey of each protected zone as regards the presence of the protected zone quarantine pest concerned. Those surveys shall be carried out at appropriate times and be of an appropriate intensity with regard to the possibility to detect the presence of the protected zone quarantine pest concerned. They shall be based on sound scientific and technical principles. <u>The provisions of Article 21(2) shall apply accordingly for the surveys carried out on protected zone quarantine pests.</u>	

The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, laying down detailed rules for those surveys to be carried out to confirm that the protected zones continue to fulfil the conditions set out in Article 32(1).		The Commission <u>may, by means of implementing acts,</u> shall be empowered to adopt delegated acts, in accordance with Article 98, laying down detailed rules for those surveys <u>preparation and the content of the surveys referred to in subparagraph 1.</u> to be carried out to confirm that the protected zones continue to fulfil the conditions set out in Article 32(1). <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99 (3).</u>	IA/DA TECHNICAL EP: could accept IA if the scope is narrowed
2. Member States shall notify the Commission and the other Member States, by 30 April of each year, of the results of the surveys referred to in paragraph 1, which have been carried out in the preceding year.			

<i>Article 35</i> Amendment and revocation of the protected zones	<i>Article 35</i> Amendment and revocation of the protected zones	<i>Article 35</i> Amendment and revocation of the protected zones	<i>Article 35</i> Amendment and revocation of the protected zones
1. The Commission may amend the size of the protected zone on application by the Member State whose territory is concerned. Where the Commission amends the protected zone, the Member State concerned shall notify the Commission, the other Member States and, via the internet, the professional operators of the amendment to that protected zone, including maps. Where that amendment concerns the extension of a protected zone, Articles 32, 33 and 34 shall apply.		1. The Commission may amend the size of the protected zone on application by the Member State whose territory is concerned. Where the Commission amends the protected zone, the Member State concerned shall notify the Commission and, the other Member States and, via the internet, the professional operators of the amendment to that protected zone, including maps. Where that amendment concerns the extension of a protected zone, Articles 32, 33 and 34 shall apply.	Ok with Council text (whole article except IA/DA)

2. On application by the Member State referred to in paragraph 1, the Commission shall revoke the recognition of a protected zone or shall reduce its size.		2. On application by the Member State referred to in paragraph 1, the Commission shall revoke the recognition of a protected zone or shall reduce its size: <u>by amending the implementing act referred to in Article 32(3). That amendment shall be adopted in accordance with the examination procedure referred to in Article 99 (3).</u>	IA/DA
3. The Commission shall revoke the recognition of a protected zone in case the surveys referred to in Article 34 have not been carried out in accordance with that Article.			
4. The Commission shall revoke the recognition of a protected zone, in case the respective protected zone quarantine pest has been found to be present in that zone and one of the following conditions is fulfilled:			
(a) no restricted area has been designated, in accordance with Article 33(1), within three months after the presence of that pest was confirmed;		(a) no restricted demarcated area has been designated, in accordance with Article 33(1), within three months after the presence of that pest was confirmed;	

(b) the eradication measures taken in a restricted area pursuant to Article 33(1) have not been successful within 24 months after the presence of that pest was confirmed;		(b) the eradication measures taken in a restricted demarcated area pursuant to Article 33(1) have not been successful within 24 months after the presence of that pest was confirmed; <u>or within a period longer than 24 months where the biology of the pest so justifies and that period is set out in the implementing act adopted pursuant to Article 32(3).</u>	
(c) information at the disposal of the Commission demonstrates, with regard to the application of measures pursuant, by virtue of Article 33(1)(c), to Articles 16, 17 and 18, negligent reaction to the presence of that pest in the concerned protected zone.		(c) information at the disposal of the Commission demonstrates, with regard to the application of measures pursuant, by virtue of Article 33(1)(c), to Articles 16, 17 and 18, gross negligent reaction to the presence of that pest in the concerned protected zone. <u>The Commission shall revoke the recognition of a protected zone, pursuant to paragraph 3 of this Article, by amending the implementing act referred to in Article 32(3). That amendment shall be adopted in accordance with the examination procedure referred to in Article 99 (3).</u>	IA/DA

Chapter III Union quality pests	Chapter III Union quality pests	Chapter III <u>Union Regulated non-quarantine</u> <u>Union quality pests</u>	Chapter III <u>Union regulated non-quarantine</u> <u>pests</u>
<i>Article 36</i> Definition of Union quality pests	<i>Article 36</i> Definition of Union quality pests	<i>Article 36</i> Definition of Union quality Union <u>regulated non-quarantine pests</u>	<i>Article 36</i> Definition of <u>Union regulated</u> <u>non-quarantine pests</u>
A pest shall be referred to as a 'Union quality pest' if it fulfils the following conditions and it is included in the list referred to in Article 37:	<u>AM 69</u> A pest shall be referred to as a 'Union quality pest' if it fulfils <i>all of</i> the following conditions and it is included in the list referred to in Article 37:	A pest shall be referred to as a ' Union quality <u>Union regulated non-quarantine</u> pest' if it fulfils the following conditions and it is included in the list referred to in Article 37:	AM accepted Ok with Council text "A pest shall be referred to as a Union regulated non-quarantine pest' if it fulfils all of the following conditions and it is included in the list referred to in Article 37:"
(a) its identity is established in accordance with point (1) of Section 4 of Annex II;			
(b) it is present in the Union territory;			
(c) it is no Union quarantine pest;		(c) it is no Union quarantine pest <u>or a pest subject to measures adopted pursuant to Article 29(1);</u>	Ok with Council text "(c) it is not a Union quarantine pest or a pest subject to measures adopted pursuant to Article 29(1);"
(d) it is transmitted mainly through specific plants for planting, in accordance with point (2) of Section 4 of Annex II;			

(e) its presence on those plants for planting has an unacceptable economic impact, as regards the intended use of those plants for planting, in accordance with point (3) of Section 4 of Annex II;			
(f) feasible and effective measures are available to prevent its presence on the plants for planting concerned.	AM 70 (f) feasible and effective measures are available to prevent its presence on the plants for planting concerned.		AM withdrawn
<i>Article 37</i> Prohibition of the introduction and movement of Union quality pests on plants for planting	<i>Article 37</i> Prohibition of the introduction and movement of Union quality pests on plants for planting	<i>Article 37</i> Prohibition of the introduction and movement of Union <u>quality regulated non-quarantine</u> pests on plants for planting	<i>Article 37</i> Prohibition of the introduction and movement of Union <u>regulated non-quarantine</u> pests on plants for planting
1. A Union quality pest shall not be introduced into or moved within the Union territory on the plants for planting through which it is transmitted, as specified in the list referred to in paragraph 2.		1. <u>Professional operators shall not introduce a</u> A Union quality <u>regulated non-quarantine</u> pest shall not be introduced into, or moved <u>that pest</u> within, the Union territory on the plants for planting through which it is transmitted, as specified in the list referred to in paragraph 2. <u>The prohibition in the first subparagraph shall not apply in one or more of the following cases:</u>	TECHNICAL [specify potential operators]

		<u>(a) movement of plants for planting within, or between, the premises of the professional operator concerned;</u>	
		<u>(b) movement of plants for planting necessary for their disinfection.</u>	
2. The Commission shall, by means of an implementing act, establish a list setting out the Union quality pests and the specific plants for planting, as referred to in Article 36(d), where appropriate with the categories referred to in paragraph 4 and thresholds referred to in paragraph 5.	AM 71 2. The Commission shall, by means of an implementing act, establish a list setting out the Union quality pests and the specific plants for planting, as referred to in Article 36(d), where appropriate with the categories referred to in paragraph 4 and thresholds referred to in paragraph 5 <i>is laid down in Annex Ic.</i>	2. The Commission shall, by means of an implementing act, establish a list setting out the Union quality regulated non-quarantine pests and the specific plants for planting, as referred to in Article 36(d), where appropriate with the categories referred to in paragraph 4 and thresholds referred to in paragraph 5.	IA/DA OPEN

		<u>2a. The Commission shall, by means of an implementing act, as appropriate, set out measures to prevent the presence of those pests on the respective plants for planting, as referred to in Article 36(f). Those measures shall, as appropriate, concern the introduction into and the movement within the Union of those plants. Those measures shall be adopted in accordance with the principles set out in Section 2 of Annex IV on principles for the management of the risks of pests.</u>	IA/DA OPEN TECHNICAL [add without prejudice to... and quote relevant seed legislation]
That list shall include the pests, and the respective plants for planting, as set out in the following acts:	<u>AM 72</u> That list shall include the pests, and the respective plants for planting, as set out in the following acts:	<u>2b.</u> That The list referred to in paragraph 2 shall include the pests, and the respective plants for planting, as set out in the following acts:	IA/DA
(a) Section II of Part A of Annex II of Directive 2000/29/EC;	(a) Section II of Part A of Annex II of Directive 2000/29/EC;		

(b) points (3) and (6) of Annex I to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed and point (3) of Annex II thereto;	(b) points (3) and (6) of Annex I to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed and point (3) of Annex II thereto;	(b) points (3) and (6) of Annex I to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed and point (3) of Annex II thereto;	
		(ba) point (5) of Annex I to Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine¹;	
(c) the Annex of Commission Directive 93/48/EEC of 23 June 1993 setting out the schedule indicating the conditions to be met by fruit plant propagating material and fruit plants intended for fruit production, pursuant to Council Directive 92/34/EEC ;	(c) the Annex of Commission Directive 93/48/EEC of 23 June 1993 setting out the schedule indicating the conditions to be met by fruit plant propagating material and fruit plants intended for fruit production, pursuant to Council Directive 92/34/EEC ;	DELETED	
(d) the Annex of Commission Directive 93/49/EEC of 23 June 1993 setting out the schedule indicating the conditions to be met by ornamental plant propagating material and ornamental plants pursuant to Council Directive 91/682/EEC ;	(d) the Annex of Commission Directive 93/49/EEC of 23 June 1993 setting out the schedule indicating the conditions to be met by ornamental plant propagating material and ornamental plants pursuant to Council Directive 91/682/EEC ;	DELETED	

¹ OJ L 93, 17.4.1968, p. 15.

		<u>(da) the regulated non-quarantine pests, and the respective plants for planting, as listed in the acts adopted pursuant to Article 5(5) of Directive 98/56/EC;</u>	
(e) point (b) of Annex II to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed ;	(e) point (b) of Annex II to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed ;	(e) point (b) of Annex II to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed ² ;	
(f) point (6) of Annex I to Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes and point B of Annex II thereto;	(f) point (6) of Annex I to Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes and point B of Annex II thereto;	(f) point (6) of Annex I to Council Directive 2002/56/EC ³ of 13 June 2002 on the marketing of seed potatoes and point B of Annex II thereto, <u>and the acts adopted pursuant to point (c) of Article 18 of that Directive;</u>	
(g) point (4) of Annex I to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants and point (5) of Annex II thereto.	(g) point (4) of Annex I to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants and point (5) of Annex II thereto.		

² OJ L 193, 20.7.2002, p. 33.

³ OJ L 193, 20.7.2002, p. 60.

		<u>(h) the regulated non-quarantine pests, and the respective plants for planting, as listed in the acts adopted pursuant to Article 4 of Directive 2008/90/EC.</u>	
That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2).	<u>AM 73</u> That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2).	That <u>Those</u> implementing acts shall be adopted in accordance with the <u>examination</u> advisory procedure referred to in Article 99(2 32). <u>Pests listed in Annex I, and in Section I of Part A and in Part B of Annex II of Directive 2000/29/EC and listed as a Union quarantine pest pursuant to Article 5(2) and pests subject to measures adopted pursuant to Article 29(1) shall not be included in that list.</u>	IA/DA

3. The Commission shall amend the implementing act referred to in paragraph 2, where an assessment shows that a pest not listed in that act fulfils the conditions referred to in Article 36, a pest listed in that implementing act no longer fulfils one or more of those conditions or where amendments to that list are necessary, as regards categories referred to in paragraph 4 or thresholds referred to in paragraph 5.	<u>AM 74</u> 3. The Commission shall amend the implementing act referred to in paragraph 2 <i>be empowered to adopt delegated acts in accordance with Article 98 concerning the amendment of Annex Ic</i>, where an assessment shows that a pest not listed in that <i>Annex</i> fulfils the conditions referred to in Article 36, a pest listed in that Annex <i>implementing act</i> no longer fulfils one or more of those conditions or where amendments to that list are necessary, as regards categories referred to in paragraph 4 or thresholds referred to in paragraph 5. <i>Prior to adopting such delegated acts, the Commission shall consult stakeholders .</i>	3. The Commission shall amend the implementing act referred to in paragraph 2, where an assessment shows that a pest not listed in that act fulfils the conditions referred to in Article 36, a pest listed in that implementing act no longer fulfils one or more of those conditions or where amendments to that list are necessary, as regards categories referred to in paragraph 4, or thresholds referred to in paragraph 5 <u>or measures adopted pursuant to paragraph 2.</u>	IA/DA
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The Commission shall make that assessment available to the Member States.	<u>AM 75</u> The Commission shall make that assessment available to the Member States <i>without delay</i> .		AM accepted
		<u>All amendments to the implementing act referred to in paragraph 2 shall be adopted in accordance with the examination procedure referred to in Article 99(3). The same procedure shall apply to a replacement of the implementing act referred to in paragraph 2, for purposes of consolidating amendments.</u>	Ok with Council text

4. Where Article 36(e) is only fulfilled for one or more of the categories referred to in Article 12(1) of Regulation (EU) No .../.... [<i>Office of Publications, please insert number of Regulation on plant reproductive material law</i>], the list referred to in paragraph 1 shall set out those categories stating that the prohibition of introduction and movement provided for in paragraph 1 only applies to those categories.		4. Where Article 36(e) is only fulfilled for one or more of the <u>pre-basic, basic, or certified material, seed or seed potatoes, or standard or CAC material or seed, as respectively referred to in Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, and 2008/72/EC and 2008/90/EC</u> categories referred to in Article 12(1) of Regulation (EU) No .../.... [<i>Office of Publications, please insert number of Regulation on plant reproductive material law</i>], the list referred to in paragraph 1 shall set out those categories stating that the prohibition of introduction and movement provided for in paragraph 1 only applies to those categories.	Ok with Council text
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5. Where Article 36(e) is only fulfilled if the pest concerned is present above a certain threshold, the list referred to in paragraph 1 shall set out that threshold stating that the prohibition of introduction and movement provided for in paragraph 1 only applies above that threshold. A threshold shall only be set if the following points are fulfilled:		5. Where Article 36(e) is only fulfilled if the pest concerned is present at an incidence above a certain threshold higher than zero, the list referred to in paragraph 1 shall set out that threshold stating that the prohibition of introduction and movement provided for in paragraph 1 only applies above that threshold. A threshold higher than zero shall only be set if the following points are fulfilled:	5. Where Article 36(e) is only fulfilled if the pest concerned is present at an incidence above a certain threshold higher than zero, the list referred to in paragraph 1 shall set out that threshold stating that the prohibition of introduction and movement provided for in paragraph 1 only applies above that threshold. Such A threshold higher than zero shall only be set if the following points are fulfilled:
(a) it is possible to ensure by measures taken by the professional operator that the presence of that Union quality pest on those plants for planting does not exceed that threshold; and		(a) it is possible for professional operators to ensure by measures taken by the professional operator that the incidence presence of that Union quality regulated non-quarantine pest on those plants for planting does not exceed that threshold; and	Ok with Council text
(b) it is possible to verify whether that threshold is not exceeded in lots of those plants for planting.			Ok with Council text
The principles for the management of the risk of pests set out in Section 2 of Annex IV shall apply.			Ok with Council text

6. For amendments to the implementing act referred to in paragraph 2 which are necessary to adapt that implementing act in view of changes to the scientific name of a pest, the advisory procedure referred to in Article 99(2) shall apply.	<u>AM 76</u> 6. For amendments to the implementing act referred to in paragraph 2 which are necessary to adapt that implementing act in view of changes to the scientific name of a pest, the advisory procedure referred to in Article 99(2) shall apply.	DELETED	IA/DA
All other amendments to the implementing act referred to in paragraph 2 shall be adopted in accordance with the examination procedure referred to in Article 99(3). The same procedure shall apply to a repeal or a replacement of the implementing act referred to in paragraph 2.	All other amendments to the implementing act referred to in paragraph 2 shall be adopted in accordance with the examination procedure referred to in Article 99(3). The same procedure shall apply to a repeal or a replacement of the implementing act referred to in paragraph 2.	DELETED	
		<u>7. The provisions of Article 31 shall apply accordingly for the measures to be taken by the Member States concerning regulated non-quarantine pests and the respective plants for planting.</u>	Ok with Council text

<i>Article 38</i> Amendment of Section 4 of Annex II	<i>Article 38</i> Amendment of Section 4 of Annex II	<i>Article 38</i> Amendment of Section 4 of Annex II	<i>Article 38</i> Amendment of Section 4 of Annex II
The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 4 of Annex II on criteria to identify pests which qualify as a Union quality pest, as regards the criteria concerning the identity of the pest, its relevance, the probability of its spread, its potential economic, social and environmental impact, taking account of the developments of technical and scientific knowledge.	<u>AM 77</u> The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 4 of Annex II on criteria to identify pests which qualify as a Union quality pest, as regards the criteria concerning the identity of the pest, its relevance, the probability of its spread, its potential economic, social and environmental impact, taking account of the developments of technical and scientific knowledge <i>and international standards</i> .	The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 4 of Annex II on criteria to identify pests which qualify as a Union quality <u>regulated non-quarantine</u> pest, as regards the criteria concerning the identity of the pest, its relevance, the probability of its spread, its potential economic, social and environmental impact, taking account of the <u>in order to adapt those criteria to the</u> developments of technical and scientific knowledge <u>and international standards</u> .	AM accepted Ok with Council text
<i>Article 39</i> Union quality pests used for scientific purposes, trials, varietal selections, breeding or exhibitions	<i>Article 39</i> Union quality pests used for scientific purposes, trials, varietal selections, breeding or exhibitions	<i>Article 39</i> Union quality <u>regulated non-quarantine</u> pests used for scientific, <u>technical or educational</u> purposes, trials, varietal selections, breeding or exhibitions	<i>Article 39</i> Union quality pests used for scientific purposes, trials, varietal selections, breeding or exhibitions

The prohibition provided for in Article 37 shall not apply to Union quality pests present on the plants for planting concerned, and used for scientific purposes, trials, varietal selections, breeding or exhibitions.		The prohibition provided for in Article 37 shall not apply to Union quality regulated non-quarantine pests present on the plants for planting concerned, and or used for scientific, technical or educational purposes, trials, varietal selections, breeding or exhibitions.	The prohibition provided for in Article 37 shall not apply to Union regulated non-quarantine pests present on the plants for planting concerned, or used for scientific, technical or educational purposes, trials, varietal selections, breeding or exhibitions.
Chapter V Registration of professional operators and traceability	Chapter V Registration of professional operators and traceability		Chapter V Registration of professional operators and traceability
<i>Article 61</i> Official register of professional operators	<i>Article 61</i> Official register of professional operators	<i>Article 61</i> Official register of professional operators	<i>Article 61</i> Official register of professional operators
1. The competent authority shall keep and update a register containing the professional operators who carry out the activities, listed in the second subparagraph, in the territory of the Member State concerned, and are covered by one of the following points:		1. The competent authority shall keep and update a register containing the professional operators who carry out the activities, listed in the second subparagraph, in the territory of the Member State concerned, and are covered by one of the following points:	The competent authority shall keep and update a register containing the following professional operators, who operate in the territory of the Member State concerned:

(a) they are professional operators whose activities concern plants, plant products or other objects covered by an implementing act provided for in Articles 27(1), (2) or (3), 29(1), (2) or (3), 40(1), 41(1) or (2), 47(1), 49(1) or 50(1), or subject to the provisions of Articles 43(1) or (2), 44(1), 45(1), 51, 52 or 53;		(a) they are professional operators whose activities concern plants, plant products or other objects covered by an implementing act provided for in Articles 27(1), (2) or (3), 29(1), (2) or (3), 40(1), 41(1) or (2), 47(1), 49(1) or 50(1), or subject to the provisions of Articles 43(1) or (2), 44(1), 45(1), 51, 52 or 53; <u>professional operators introducing into the Union plants, plant products and other objects for which a phytosanitary certificate is required on the basis of the implementing acts adopted pursuant to Articles 68(1), 69(1) unless those implementing acts allow an exception from such registration</u>;	[add art. 68a] OPEN [EP: merge (a) and (aa)]
		(aa) <u>professional operators moving within the Union plants, plant products and other objects for which a plant passport is required on the basis of the implementing acts adopted pursuant to Articles 74(1) and 75(1) unless those implementing acts allow an exception from such registration</u>;	

(b) they are professional operators within the meaning of Article 3(6) of Regulation (EU) No .../.... [<i>Office of Publications, please insert number of Regulation on plant reproductive material law</i>].		(b) they are professional operators within the meaning of Article 3(6) of Regulation (EU) No .../.... [<i>Office of Publications, please insert number of Regulation on plant reproductive material law</i>]. professional operators authorised to issue plant passports according to Article 84;	Ok with Council text
This paragraph shall apply as regards the following activities:		DELETED	Ok with Council text
(a) planting;		DELETED	Ok with Council text
(b) growing;		DELETED	Ok with Council text
(c) production;		DELETED	Ok with Council text
(d) introduction into the Union territory;		DELETED	Ok with Council text
(e) movement within the Union territory;		DELETED	Ok with Council text
(f) movement out of the Union territory;		DELETED	Ok with Council text
(g) producing and/or making available on the market in the meaning of Article 3(5) of Regulation (EU) No .../.... [<i>Office of Publications, please insert number of Regulation on plant reproductive material law</i>];		DELETED	Ok with Council text
(h) sales through distance contracts.		DELETED	Ok with Council text

That register shall be referred to as 'the register'. Professional operators registered pursuant to points (a) and (b) of the first subparagraph shall be referred to as 'registered operators'.		DELETED	Ok with Council text
		<u>(c) professional operators authorised to apply the marks, referred to in Articles 92 or issue the attestation referred to in Article 93;</u>	Ok with Council text
		<u>(d) professional operators who request the competent authority to issue the certificates referred to in Articles 94, 95 and 96 ;</u>	OPEN [EP: delete (d) to (h)]
		<u>(e) professional operators providing information according to Articles 43 or 51;</u>	
		<u>(f) professional operators introducing plants, plant products or other objects to frontier zones from a third country frontier zones according to Articles 44(1) or 52;</u>	

		<u>(g) professional operators whose activities concern the relevant plants in demarcated areas referred to in Article 17, unless these operators are listed in another official register which already exists for other purposes.</u>	(g) professional operators whose activities concern the relevant plants in demarcated areas referred to in Article 17, unless these operators are listed in another official register which is accessible to the competent authorities.
		<u>(h) Professional operators other than the ones referred to in points a) to g), if so required by the implementing act adopted pursuant to Articles 27(1), and 29 (1), 41(1), 47 (1), 49(1) and 50(1).</u>	
		<u>Member States may decide that further categories of growers or other professional operators may be registered, if so justified by the pest risk presented by the plants that they grow or by any other of their activities.</u>	"Member States may decide that further categories of growers or other professional operators shall be registered, if so justified by the pest risk presented by the plants that they grow or by any other of their activities." TECHNICAL [EP: add some language on proportionality?]

2. A professional operator may be registered in the register of a competent authority more than once, provided that each registration is linked to different premises, collective warehouses and dispatching centres as referred to in Article 62(2)(d). For each of those registrations, the procedure of Article 62 shall apply.		2. A professional operator may be registered <u>only once</u> in the register of a competent authority more than once, provided that . <u>Where applicable, that registration shall be carried out with explicit references to each</u> registration is linked to different premises, collective warehouses and dispatching centres as referred to in Article 62(2)(d). For each of those registrations, the procedure of Article 62 shall apply.	Ok with Council text
3. Paragraph 1 shall not apply to a professional operator covered by one or more of the following points:		3. Paragraph 1 shall not apply to a professional operator covered by one or more of the following points:	
(a) it supplies exclusively small, as appropriate to the plants, plant products and other objects concerned, quantities of plants, plant products and other objects to final users, by other means than sales through distance contracts;	<u>AM 102</u> (a) it supplies exclusively small, as appropriate to the plants, plant products and other objects concerned, quantities of plants, plant products and other objects to final users, by other means than sales through distance contracts ;	(a) it supplies exclusively <u>and directly to final users</u> small, as appropriate to the plants, plant products and other objects concerned, quantities of plants, plant products and other objects to final users, by other <u>by means other than distant sales</u> through distance contracts;	TECHNICAL EP: question of low-risk seeds: COM to check if it is possible to distinguish between low- and high-risk seeds.

(b) its professional activity concerning plants, plant products and other objects is limited to transporting such plants, plant products or other objects for another professional operator;			
(c) its professional activity exclusively concerns the transport of objects of all kinds using wood packaging material.			
		<u>Member States may decide that the exception referred to in point (a) shall not apply to all or certain growers or other professional operators, if so justified by the pest risk presented by the plants that they grow or that are covered by any other of their activities.</u>	OK with Council text
The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out one or more of the following:	<u>AM 103</u> The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out one or more of the following:	<u>3a.</u> The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out one or more of the following:	IA/DA

(a) further categories of professional operators to be exempted from the application of paragraph 1, where that registration would constitute a disproportionate administrative burden for them compared to the phytosanitary risk of their professional activities;	(a) — further categories of professional operators to be exempted from the application of paragraph 1, where that registration would constitute a disproportionate administrative burden for them compared to the phytosanitary risk of their professional activities;	(a) further categories of professional operators to be exempted from the application of paragraph 1, where that registration would constitute a disproportionate administrative burden for them compared to the <u>phytosanitary pest risk of</u> related to their professional activities;	TECHNICAL [EP: "low pest risk related to"]
(b) particular requirements for the registration of certain categories of professional operators;	(b) — particular requirements for the registration of certain categories of professional operators;	(b) particular requirements for the registration of certain categories of professional operators, <u>taking into account the nature of the activity or of the plant, plant product or other object concerned;</u>	
(c) the maximum figure for small quantities of particular plants, plant products or other objects as referred to in point (a) of the first subparagraph.	(c) — the maximum figure for small quantities of particular plants, plant products or other objects as referred to in point (a) of the first subparagraph.	3b. The Commission may, by means of an implementing act, set out (e) the maximum figure for small quantities of particular plants, plant products or other objects as referred to in point (a) of the first subparagraph paragraph 3. Those figures shall be established as appropriate to the plants, plant products and other objects concerned and the respective pest risks.	IA/DA Council: could accept DA

		<u>That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).</u>	
<i>Article 62</i> Procedure of registration	<i>Article 62</i> Procedure of registration	<i>Article 62</i> Procedure of registration	<i>Article 62</i> Procedure of registration
1. Professional operators falling within the scope of points (a) or (b) of the first subparagraph of Article 61(1) shall submit an application to the competent authorities for inclusion in the register.		1. Professional operators falling within the scope of points (a) or (b) of the first subparagraph of Article 61(1) shall submit an application to the competent authorities for inclusion in the register.	OK with Council text
2. That application shall include the following elements:		2. That application shall include <u>at least</u> the following elements:	Back to COM proposal
(a) name, address and contact details of the professional operator;		(a) name, address <u>in the Member State of registration</u> and contact details of the professional operator;	OK with Council text
(b) a statement concerning the intention of the professional operator to exercise each of the activities referred to in Article 61(1) concerning plants, plant products and other objects;		(b) a statement concerning the intention of the professional operator to exercise <u>each one or more</u> of the activities referred to in Article 61(1) concerning plants, plant products and other objects;	[EP: ensure consistency with art.61, if the latter is modified]
(c) a statement concerning the intention of the professional operator to carry out each of the following activities:		(c) a statement concerning the intention of the professional operator to carry out <u>each, as applicable, one or more</u> of the following activities:	[EP: ensure consistency with art.61, if the latter is modified]

(i) issuing of plant passports for plants, plant products and other objects, pursuant to Article 79(1);			
(ii) placing of the mark on wood packaging material, referred to in Article 91(1);			
(iii) issuing of any other attestation, as referred to in Article 93(1);			
(iv) issuing of official labels for plant reproductive material, pursuant to Article 19 of Regulation (EU) No .../.... <i>[Office of Publications, please insert number of Regulation on plant reproductive material];</i>		DELETED	OK with Council text
(d) address of the premises, collective warehouses and dispatching centres used by the professional operator in the Member State concerned to carry out the activities referred to in Article 61(1) for the purpose of the registration;		(d) address of the premises; collective warehouses and dispatching centres <u>and as applicable, the location of landplots</u> used by the professional operator in the Member State concerned to carry out the activities referred to in Article 61(1) for the purpose of the registration;	OK with Council text

(e) the genera and species of the plants and plant products, and, where appropriate, nature of other objects, concerned by the activities of the professional operator.		(e) the <u>commodity types, families, genera and, or</u> species of the plants and plant products, and, where appropriate, nature of other objects, concerned by the activities of the professional operator-, <u>as referred to in Article 61(1).</u>	OK with Council text
3. The competent authorities shall register a professional operator where the application for registration contains the elements of paragraph 2.	<u>AM 104</u> 3. The competent authorities shall register a professional operator <i>without delay</i> where the application for registration contains the elements of paragraph 2		AM accepted

		<u>3a. By way of derogation from paragraphs 1 and 2, a competent authority shall register a professional operator without the submission of the application, if that operator is registered in accordance with subparagraph 3 of Article 6(5), Article 6(6) or Article 13c(1)(b) of Directive 2000/29/EC or national plant health rules, and all elements of paragraph 2 are available to that competent authority. Where appropriate, the professional operator concerned shall submit an update of those elements within three months from the date of application of this Regulation .</u>	OK with Council text
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4. Registered professional operators shall, where appropriate, submit an application for updating the data referred to in points (a), (d) and (e) of paragraph 2, and the statements referred to in points (b) and (c) of paragraph 2.		4. Registered professional operators shall, where appropriateapplicable, submit an application for updatingupdate concerning any changes of the data referred to in points (a), (d) and (e) of paragraph 2, and the statements referred to in points (b) and (c) of paragraph 2. <u>That submission shall take place by 30 April of each year with regards to the update of the data of the preceding year.</u> <u>An application for updating the data referred to in point (a) of paragraph (2) shall be submitted no later than 30 days after the change of those data.</u>	OK with Council text
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5. Where the competent authority becomes aware that the registered operator does not carry out any more the activities of Article 61(1), or that the registered operator has submitted an application no longer complying with the requirements of paragraph 2, it shall request that operator to comply with those requirements immediately or within a specified period of time.		5. Where the competent authority becomes aware that the registered operator does not carry out any more the activities of Article 61(1), or that the registered operator has submitted an application no longer complying with the requirements of paragraph 2, it shall request that operator to comply with those requirements immediately or within a specified period of time.	OK with Council text
In case the registered operator does not comply with those requirements within the period of time set by the competent authority, the competent authority shall revoke the registration of that operator.		In case the registered operator does not comply with those requirements within the period of time set by the competent authority, the competent authority shall, as appropriate, amend or revoke the registration of that operator.	OK with Council text
<i>Article 63</i> Content of the register	<i>Article 63</i> Content of the register	<i>Article 63</i> Content of the register	<i>Article 63</i> Content of the register
The register shall contain the elements set out in points (a), (b), (d) and (e) of Article 62(2) and the following elements:		The register shall contain at least the elements set out in points (a), (b), (d) and (e) of Article 62(2) and the following elements:	Back to COM proposal
(a) the official registration number;		(a) the official registration number;	OK with Council text

(b) the two-letter code indicated in norm ISO 3166-1-alpha-2 for the Member State in which the professional operator is registered;		(b) — , <u>which shall include</u> the two-letter code indicated in norm ISO 3166-1-alpha-2 ⁴ for the Member State in which the professional operator is registered;	OK with Council text
(c) an indication whether the professional operator is authorised for each of the activities referred to in point (c) of Article 62(2).		(c) <u>as applicable</u> , an indication whether the professional operator is authorised for each <u>which</u> of the activities referred to in point (c) of Article 62(2) <u>the professional operator is authorised, and, as applicable, the specific plants, plant products or other objects concerned .</u>	OK with Council text
<i>Article 64</i> Availability of information of official registers	<i>Article 64</i> Availability of information of official registers	<i>Article 64</i> Availability of information of official registers	<i>Article 64</i> Availability of information of official registers
1. The Member State keeping the register shall, on request, make the information it contains available to the other Member States or the Commission.		1. The Member State keeping the register shall, <u>make available</u> , on <u>motivated</u> request, make the information it contains available to the other Member States or the Commission, <u>for their own use</u> .	TECHNICAL [EP: look into ways of making public information which is not sensitive]

⁴ **ISO 3166-1:2006, Codes for the representation of names of countries and their subdivisions – Part 1: Country codes. International Organisation for Standardization, Geneva.**

2. The Member State keeping the register shall make available, on request, the information referred to in Article 63, with the exception of points (d) and (e) of Article 62(2), to any professional operator.		2. The Member State keeping the register shall make available, on <u>justified</u> request, the information referred to in Article 63, with the exception of points (d) and (e) of Article 62(2), <u>points (a) and (b) of Article 62(2) and point (c) of Article 63, with regards to one particular registered operator,</u> to any professional operator <u>which is established in the Union, for its own use.</u>	
		<u>For the purpose of this paragraph, a request shall be considered to be justified if it contains adequate evidence that the person submitting that request has a legitimate interest in obtainig that information.</u>	DELETE
		<u>3. This Article shall apply without prejudice to national and Union rules on confidentiality, access to information and private data protection.</u>	

<i>Article 65</i> Traceability	<i>Article 65</i> Traceability	<i>Article 65</i> Traceability	<i>Article 65</i> Traceability
1. A professional operator to which plants, plant products or other objects are supplied that are subject to prohibitions, requirements or conditions pursuant to Articles 40(1), 41(1) and (2), 44(1) and (3), 45(1), 46(1) and (3), 47(1), 49(1) and (2), 50(1) and (2), 52, 53 and 54 shall keep a record for each plant, plant product or other object supplied, allowing that operator to identify the professional operators supplying it.		1. A professional operator to which plants, plant products or other objects are supplied that are subject to prohibitions , requirements or conditions pursuant to Articles <u>27(1)(a-c), (2) and (3), 29(1), (2), (3), 37(2),</u> 40(1), 41(1) and (2), 44(1) and (3), 45(1), 46(1) and (3), 47(1), 49(1) and (2), 50(1) and (2), 52, 53 , 54 <u>and 74(1)</u> shall keep a record for each <u>trade unit of</u> plant, plant product or other object supplied, allowing that operator to identify the professional operators supplying it.	OK with Council text

2. A professional operator supplying plants, plant products or other objects that are subject to prohibitions, requirements or conditions pursuant to Articles 40(1), 41(1) and (2), 44(1) and (3), 45(1), 46(1) and (3), 47(1), 49(1) and (2), 50(1) and (2), 52, 53 and 54 shall keep a record allowing that professional operator to identify, for each plant, plant product or other object it supplied, the professional operators whom it was supplied.		2. A professional operator supplying plants, plant products or other objects that are subject to prohibitions , requirements or conditions pursuant to Articles <u>27(1)(a-c), (2), (3), 29(1), (2), (3), 37 (2), 40(1),</u> 41(1) and (2), 44(1) and (3), 45(1), 46(1) and (3), 47(1), 49(1) and (2), 50(1) and (2), 52, 53, 54 <u>and 74(1)</u> shall keep a record allowing that professional operator to identify, for each <u>trade unit of</u> plant, plant product or other object it supplied, the professional operators <u>to</u> whom it was supplied.	OK with Council text
		<u>2a. Where an authorised operator issues a plant passport pursuant to Article 79(1), and where the competent authority issues a plant passport pursuant to Article 79(2) for a registered operator, that operator shall ensure, for the purpose of ensuring traceability pursuant to paragraphs 1 and 2, that it records the following information as regards that plant passport:</u>	TECHNICAL [add a recital]

		<u>(a) where applicable, the professional operator who supplied the trade unit concerned ;</u>	OK with Council text
		<u>(b) the professional operator to whom the trade unit concerned was supplied.</u>	OK with Council text
		<u>(c) relevant plant passport information</u>	TECHNICAL [EP: add a reference to art. 78 -Council: maybe not needed, it is a matter of drafting technique] (c) relevant information of the plant passport

3. Professional operators shall keep the records referred to in paragraphs 1 and 2 for three years from the date on which the plant, plant product or other object concerned was supplied to or by them.		3. Professional operators shall keep the records referred to in paragraphs 1, and 2 and 2a for <u>at least</u> three years from the date on which the plant, plant product or other object concerned was supplied to or by them, <u>or for the different minimum period set out in the implementing act referred to in the second subparagraph, where so justified by the length of the cultivation period of the respective plant.</u> <u>The Commission may, by means of implementing acts, specify requirements as to the content, and accessibility of the records to be kept by the professional operators referred to in paragraphs 1 and 2.</u> <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).</u>	IA/DA TECHNICAL EP could accept IA if the empowerment is specified better and “content” is deleted
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4. On request, they shall communicate the information in the records referred to in paragraphs 1 and 2 to the competent authorities.		4. On request, they <u>the professional operators referred to in paragraph 3</u> shall communicate the information in the records referred to in paragraphs 1, and 2 <u>and 2a</u> to the competent authorities <u>authority</u> .	OK with Council text
5. Paragraphs 1 to 4 shall not apply to the professional operators referred to in point (b) of Article 61(3).		5. Paragraphs 1 to 4 shall not apply to the professional operators referred to in points (b) <u>and (c)</u> of Article 61(3).	OK with Council text
<i>Article 66</i> Movements of plants, plant products and other objects within the premises of the professional operator	<i>Article 66</i> Movements of plants, plant products and other objects within the premises of the professional operator	<i>Article 66</i> Movements of plants, plant products and other objects within <u>and between</u> the premises of the professional operator	<i>Article 66</i> Movements of plants, plant products and other objects within the premises of the professional operator
1. Professional operators shall have in place traceability systems and procedures to allow identification of the movements of their plants, plant products and other objects within their own premises. The first subparagraph shall not apply to the professional operators referred to in point (b) of Article 61(3).		1. The Professional operators <u>which are supplied with, or supply, the plants, plant products or other objects referred to in Article 65 (1) and (2)</u> shall have in place traceability systems and/or procedures to allow identification of the movements of their plants <u>those plants</u> , plant products and other objects within <u>and between</u> their own premises.	OK with Council text

		The first subparagraph shall not apply to the professional operators referred to in points (b) and (c) of Article 61(3).	
2. The information, as identified by the systems and procedures referred to in paragraph 1, on the movement of the plants, plant products and other objects within those premises shall be made available to the competent authority on request.		2. The information, as identified by the systems and or procedures referred to in paragraph 1, on the movement of the plants, plant products and other objects within those premises shall be made available to the competent authority on request.	OK with Council text
	AM 105 <i>Article 66a</i> <i>Good plant protection practice</i> <i>1. A professional operator which supplies or is supplied with plants, plant products or other objects that are subject to prohibitions, requirements or conditions pursuant to Articles 40(1), 41(1) and (2), 44(1) and (3), 45(1), 46(1) and (3), 47(1), 49(1) and (2), 50(1) and (2), 52, 53 or 54 shall follow good plant protection practice in order to prevent the occurrence and spread of pests. The good plant protection practice referred to in paragraph 1 shall consist, in particular, of:</i>		AM withdrawn

	<i>(a) identifying and monitoring critical points in the production process or in the movement of the plants, plant products and other objects which may affect their phytosanitary quality;</i> <i>(b) ensuring that the competent authorities have access to the facilities, as well as to surveillance data and all related documents;</i> <i>(c) taking measures, where necessary, to ensure that the phytosanitary quality of the plants, plant products and other objects is maintained;</i>		
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ANNEX II	ANNEX II		ANNEX II
CRITERIA FOR THE QUALIFICATION OF PESTS ACCORDING TO THEIR RISK TO THE UNION TERRITORY	CRITERIA FOR THE QUALIFICATION OF PESTS ACCORDING TO THEIR RISK TO THE UNION TERRITORY		CRITERIA FOR THE QUALIFICATION OF PESTS ACCORDING TO THEIR RISK TO THE UNION TERRITORY

SECTION 2 CRITERIA TO IDENTIFY UNION QUARANTINE PESTS WHICH QUALIFY AS A PRIORITY PEST AS REFERRED TO IN ARTICLES 6(1) AND 7(2)	SECTION 2 CRITERIA TO IDENTIFY UNION QUARANTINE PESTS WHICH QUALIFY AS A PRIORITY PEST AS REFERRED TO IN ARTICLES 6(1) AND 7(2)	SECTION 2 CRITERIA TO IDENTIFY UNION QUARANTINE PESTS WHICH QUALIFY AS A PRIORITY PEST AS REFERRED TO IN ARTICLES 6(1), <u>6(2)</u> AND 7(2)	SECTION 2 CRITERIA TO IDENTIFY UNION QUARANTINE PESTS WHICH QUALIFY AS A PRIORITY PEST AS REFERRED TO IN ARTICLES 6(1) AND 7(2)
A Union quarantine pest shall be considered to have most severe economic, social or environmental impact for the Union territory, if its entry, establishment and spread fulfils one or more of the following points:			OPEN [EP: tighten up the criteria: the pest has to fulfil <u>at least</u> point (a)]
1. 2. (a) Economic impacts: the pest has the potential to cause major losses in terms of the direct and indirect effects referred to in point (4) of Section I for crops with a total annual production value for the Union territory of at least EUR 1 billion.	<u>AM 130</u> (a) Economic impacts: the pest has the potential to cause major losses in terms of the direct and indirect effects referred to in point (4) of Section 1 for crops with a total annual production value for in the Union territory of at least EUR 1 billion.	(a) Economic impacts: the pest has the potential to cause major losses in terms of the direct and indirect effects referred to in point (4) of Section I 1 for crops plants with a total annual production significant economic value for the Union territory of at least EUR 1 billion. <u>The plants referred to in the first subparagraph may be trees that are not in production.</u>	Acceptable in substance

3.	<u>AM 131</u> <i>(aa) in case of pests affecting specialty crops, grown in the European territory on less than 200000 hectares, the potential loss in terms of total annual Union production value shall be at least EUR 200 million;</i>		Not acceptable (figures were removed)
4. (b) Social impacts: the pest has the potential to cause one or more of the following effects:			
5. (i) a significant employment decrease in the agriculture, horticulture or forestry sector concerned;		(i) a significant employment decrease in the agriculture, horticulture or forestry sector concerned <u>or industries related to those sectors, including tourism and recreation;</u>	
6. (ii) risks to food security or food safety;		(ii) <u>significant</u> risks to food security or food safety;	

7.	(iii) the disappearance of, or permanent large-scale damage to, main tree species growing or cultivated in the Union territory.		(iii) the disappearance of, or permanent <u>long term</u> large-scale damage to, main <u>important</u> tree species growing or cultivated in the Union territory <u>or tree species of high importance in terms of landscape as well as cultural or historical heritage for the Union.</u>	
8.	(c) Environmental impacts: the pest has the potential to cause one or more of the following effects:			

9. (i) effects on species and habitats listed under the provisions of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ⁵ and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds ⁶ ;		(i) <u>major effects on biodiversity and ecosystems services, including</u> effects on species and habitats listed under the provisions of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ⁷ and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds ⁸ ;	
10. (ii) major and permanent increases of the use of plant protection products on the crops concerned.		(ii) major and permanent <u>long term</u> increases of the use of plant protection products on the crops <u>plants</u> concerned.	

⁵ OJ L 206, 22.7.1992, p. 7.

⁶ OJ L 20, 26.1.2010, p. 7.

⁷ OJ L 206, 22.7.1992, p. 7.

⁸ OJ L 20, 26.1.2010, p. 7.

		<u>(iia) the disappearance of, or long term large-scale damage to, main important tree species growing or cultivated in the Union territory or tree species of high importance in terms of landscape as well as cultural or historical heritage for the Union.</u>	
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