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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 included. Changes as compared to the Council position in the third column are highlighted in bold or strikethrough.

N.B.: Changes as compared to doc. 13484/15, presented to the attachés on 3 November 2015, are highlighted in grey and concern Articles 1; 2; 8; 13; 16; 20; 21; 22; 26; 27; 32; 34; 37 (2a); 40; 41; 41a; 43; 44; 45; 46; 48;49; 50; 54; 59a; 60; 61; 64; 65; 68; 68a and Annexes III, IIIA and VIA.

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.	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. Those non-parasitic plants shall be other than those regulated under Article 4(1) of Regulation (EU) 1143/2014 on the prevention and management of the introduction and spread of invasive alien species.

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	IA/DA
(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; and spores;	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, in the <u>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:	(2) 'Plant products' means 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 quarantine 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;	Ok with Council text
		<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>	Ok with Council text

(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 <i>already planted and are intended to remain planted or are destined to be planted, or replanted after their introduction, or remain planted;</i> - <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;	(3) 'Plants for planting' means 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:	Ok with Council text
(a) planting;			
(b) growing;		(b) breeding growing;	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
		(10b) 'establishment' means the <u>perpetuation, for the foreseeable future, of a pest within an area after entry</u> ;	Ok with Council text
		(10c) 'eradication' means the <u>application of phytosanitary measures to eliminate a pest from an area</u> ;	Ok with Council text

		<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>	<u>(10d) 'containment' means the application of phytosanitary measures in and around an infested area to prevent the spread of a pest.</u>
		<u>(10e) 'quarantine station' means any official station for holding pests, plants, plant products or other objects in quarantine;</u>	Ok with Council text
		<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
		<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

	AM 26 <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>		AM accepted in substance (10i) 'phytosanitary measure' means any official measure having the purpose to prevent the introduction and/or spread of quarantine pests;
	<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, <u>only not widely</u> 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 -, or held, multiplied or released within the Union territory.	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(23).	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 the same procedure shall apply to a repeal or a replacement of the list implementing act referred to in paragraph 2.</i>	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 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'.	<u>AM 37</u> 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.	<u>AM 38</u> 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 Article 99(4), listing Union quarantine pests as priority pests.</i>	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
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<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 educational</u> 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>	[Redrafting to be confirmed at trilogue] 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, official testing 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

		<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> <u>if all of the following requirements are fulfilled:</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.
(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 a location and under conditions 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, or confinement facility designated by the competent authority 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 competencies 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 , held or multiplied in 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 <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.	<u>AM 44</u> 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 <u>Notification of imminent dangers</u>	<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 of 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 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

	AM 45 <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). TECHNICAL Second part accepted [check correct position - art. 97b?] "The Commission shall establish and keep up to date a publicly available list of all notifications it has received concerning emerging plant pests in third countries which may pose a risk to plant health in the Union territory. That list may be part of the electronic system referred to in Article 97."
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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]
	AM 46 <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)

		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>	

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	
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>	

		<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.</u> <u>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</u>Without <u>prejudice to Article 1413, T</u>that <u>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><u>Measures to be taken by persons</u></i> <i><u>other than professional operators</u></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.	<u>AM 47</u> 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: ' <i>to eradicate contain</i> '). 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 <u>phytosanitary</u> measures to <u>eradicate</u> eliminate that pest <u>from</u> in the area concerned and to prevent its spread out of that area (hereinafter: 'to eradicate'). Those measures shall be adopted <u>taken</u> 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>	Ok with Council text
	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 <u>demarcated</u> 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 1112(1)(a) or (b), the competent authority shall immediately establish an area, <u>or areas, where the measures referred to in that Article are to be taken (hereinafter: 'restricted demarcated area'), 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 demarcated 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] "1. Following the official confirmation referred to in Article 12(1)(a) or (b), the competent authority shall immediately establish an area, or areas, (hereinafter: demarcated area'), 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. The demarcated area shall consist of an infested zone, as provided for in paragraph 2, and a buffer zone, as provided for in paragraph 3."
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 be 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 eliminated or reduced to an acceptable level sufficiently mitigated through natural or artificial barriers, no buffer zone needs to 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, the plant, plant product or other object 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 demarcated 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.]

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 <u>demarcated</u> 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 <u>demarcated</u> 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 <u>30 April</u> 31 March of each year, Member States shall notify to the Commission and the other Member States the number and locations of the restricted <u>demarcated</u> 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 at least annually carry out a survey of each restricted demarcated area, at appropriate times, 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, whether or not as a result of an annual survey as referred to in paragraph 1, 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.	<u>AM 51</u> 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- elimatieecoclimatic 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
		1. <u>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)
		2. <u>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 in order to adapt those measures and principles to the developments of technical and scientific knowledge or international standards.	TECHNICAL [add an explicit reference to IPPC in recital 69] [redrafting to be confirmed at trilogue] "The Commission shall be empowered to adopt delegated acts in accordance with Article 98, amending Section 1 of Annex IV 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, as regards principles for the management of the risks of pests, in order to adapt those measures and principles to the developments of technical and scientific knowledge or relevant international standards. "

<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
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.	AM 53 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 <i>at least</i> for: <i>(a)</i> the presence of any Union quarantine pest, and; <i>(b)</i> signs or symptoms of any pest <i>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,</i> <i>Those surveys shall take place</i> in all areas where that <i>the pest concerned</i> was not known to be present. 2. Those surveys <i>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.</i>	AM accepted (without "'apparent") Ok with Council text "1. Member States shall conduct <i>risk-based</i> surveys, 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."

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>	"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. 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. 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)."
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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	
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 as regards the area concerned and the time scale covered, 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,	[Article to be confirmed at trilogue] "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 include the following elements in conformity with Article 21(2): the specific objective of each survey, its scope as regards the area concerned and the time scale covered, 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, 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.		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 " The Commission may adopt implementing acts establishing the format of the multiannual survey programmes, and the practical arrangements for the application of the elements set out in paragraph 1 to the specific phytosanitary risks. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3)."

<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) and (2) . 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 confidence probability , their timely detection–, <u>as far as it is possible in relation to the biology of the pest concerned or the ecoclimatic conditions.</u> <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> Action 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	OPEN

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, <u>or the containment of the pest concerned, as provided for in Article 27(2),</u> and a time schedule for the application of those measures. That plan is referred to as the '<u>action eradication</u>-plan'. The <u>action eradication</u> 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, <u>as well as the methodology to be applied for the examination, sampling and testing.</u>	[Council compromise proposal] "1. Where the presence of a priority pest is officially confirmed in the territory of a Member State pursuant to Article 11, 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, 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 plan'. The action 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. The action plan shall be based on the relevant contingency plan referred to in Article 24(1) and shall be immediately communicated by the competent authority to the professional operators concerned."
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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 [also add a recital] [to be confirmed at trilogue] "The Commission may, by means of implementing acts, set out measures against specific Union quarantine pests. Those measures may be adopted where it is concluded that the respective phytosanitary risks are better addressed at Union level through the application of common requirements for all competent authorities, professional operators and other persons concerned. Those measures shall implement, specifically for each of the pest(s) concerned, one or more of the following provisions:"

(a) Article 10 concerning measures in case of suspicion of the presence of a Union quarantine pest;		(a) Article 10 11 concerning measures <u>official confirmation by competent authorities in</u> in case of suspicion of the presence of a <u>that</u> Union quarantine pest;	(a) Article 11 concerning measures in case of suspicion and official confirmation by competent authorities of the presence of that Union quarantine pest;
(b) Article 15 concerning measures to be taken immediately by professional operators;			
		<u>(ba) Article 15a concerning measures to be taken by persons other than professional operators</u>	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 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 [to be confirmed at trilogue] "2. By way of derogation to Article 16, 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 Union quarantine pest concerned is not possible, the Commission shall adopt implementing acts, as referred to in paragraph 1, which set out measures with the single purpose of containment. 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."
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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.	AM 64 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 restricted demarcated 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.	IA/DA EP could 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.	AM 65 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 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).	AM 66 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 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 is officially confirmed in the territory of a Member State, is officially confirmed , and the Member State 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 Member State 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 <u>measures</u> 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 a <u>the</u> 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).	[Article to be confirmed at trilogue]

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>concludeds</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. <u>Where it is</u> In case the Commission concludes that prevention measures in <u>areas</u> locations outside restricted <u>demarcated</u> 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 <u>pest</u> 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.	AM 67 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 tentatively 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 <u>advisory 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 <u>at least</u> 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.</u> These surveys <u>referred to in paragraph 4</u> 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>-, 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 OPEN
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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 <u>demarcated</u> area established, in accordance with Article 17, in a protected zone for the protected zone quarantine pest concerned, may not be moved within <u>from that demarcated area into the remaining part of that protected zone, or</u> into any <u>other</u> 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, only if it is</u> 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 OPEN
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 <u>demarcated</u> 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 <u>demarcated</u> 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 <u>Commission</u> demonstrates, with regard to the application of measures pursuant, by virtue of Article 33(1)(c), to Articles 16, 17 and 18, <u>gross</u> 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 regulated non-quarantine pests	<i>Article 36</i> Definition of Union regulated non-quarantine pests
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:	AM 69 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 Union regulated non-quarantine 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 regulated non-quarantine 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 A-Union quality regulated non-quarantine pest</u> 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 [EP to consider] RNQP are about economic effects, which are not relevant when private persons are involved. Therefore we should just focus on professional 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.	<u>AM 71</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 <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 <u>regulated non-quarantine</u> 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 [redrafting to be confirmed at trilogue] "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. Those measures shall apply without prejudice to the measures adopted pursuant to Directives 66/401/EEC, 66/402/EEC, 68/198/EC, 98/56/EC, 1999/105/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC."
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That list shall include the pests, and the respective plants for planting, as set out in the following acts:	AM 72 That list shall include the pests, and the respective plants for planting, as set out in the following acts:	2b. 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;	

¹ OJ L 93, 17.4.1968, p. 15.

(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	

		<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).	AM 73 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(232). <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.	AM 74 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 <i>Annex</i> 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. <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>	IA/DA

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 <u>at an incidence</u> above a certain threshold <u>higher than zero</u>, 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 <u>higher than zero</u> 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 <u>for professional operators</u> to ensure by measures taken by the professional operator that the incidence presence of that Union quality <u>regulated non-quarantine</u> 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.	AM 76 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.	AM 77 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 regulated non-quarantine 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 in order to adapt those criteria to the developments of technical and scientific knowledge and international standards .	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 regulated non-quarantine pests used for scientific, technical or educational 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 <u>regulated non-quarantine</u> pests present on the plants for planting concerned, and or <u>technical or educational</u> 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 IV Measures concerning plants, plant products and other objects	Chapter IV Measures concerning plants, plant products and other objects		Chapter IV Measures concerning plants, plant products and other objects
SECTION 1 MEASURES RELATING TO THE ENTIRE UNION TERRITORY	SECTION 1 MEASURES RELATING TO THE ENTIRE UNION TERRITORY		SECTION 1 MEASURES RELATING TO THE ENTIRE UNION TERRITORY
<i>Article 40</i> Prohibition of introduction of plants, plant products and other objects into the Union territory	<i>Article 40</i> Prohibition of introduction of plants, plant products and other objects into the Union territory	<i>Article 40</i> Prohibition of introduction of plants, plant products and other objects into the Union territory	<i>Article 40</i> Prohibition of introduction of plants, plant products and other objects into the Union territory
		<u>01. A plant, plant product or other object listed in the implementing act provided for in paragraph 1 shall not be introduced into the Union territory from the third country of origin, concerned by that listing.</u>	<u>01. Certain plants, plant products or other objects shall not be introduced into the territory of the Union if they originate from all or certain third countries or territories.</u>

1. The Commission shall adopt an implementing act, containing the plants, plant products and other objects, and the prohibitions and the third countries concerned, as set out in Part A of Annex III to Directive 2000/29/EC.		1. The Commission shall adopt an implementing act, containing the plants, plant products and other objects and the prohibitions and the third countries <u>country, group of third countries or specific areas of third country</u> concerned, <u>referred to in paragraph 01. That implementing act shall include the list</u> as set out in Part A of Annex III to Directive 2000/29/EC.	1.The Commission, shall by means of implementing acts, adopt a list containing the plants, plant products and other objects referred to in paragraph 01 which are prohibited from being introduced into the territory of the Union. Third countries or territories to which the prohibition applies shall also be listed in that implementing act. The first time that the Commission adopts that implementing act, it shall include the plants, plant products and other objects as well as their country of origin as listed in Part A of Annex III to Directive 2000/29/EC.
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That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2) of this Regulation. In the list established by that implementing act, the plants, plant products and other objects shall be identified by their respective code in accordance with the classification in the Combined Nomenclature as laid down in Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (hereinafter: 'CN code').		That implementing act shall be adopted in accordance with the advisory <u>examination</u> procedure referred to in Article 99(2) <u>(3)</u> of this Regulation. In the list established by that implementing act, the plants, plant products and other objects shall <u>also</u> be identified by their respective code in accordance with the classification in the Combined Nomenclature as laid down in Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁴ (hereinafter: 'CN code')<u>, where that code is available.</u>	
		<u>Other codes, laid down by Union legislation, shall in addition be used in the case where they specify further the applicable CN code for a specific plant, plant product or other object.</u>	Other codes, laid down by Union legislation, shall in addition be used <u>referred to</u> where they specify further the applicable CN code for a specific plant, plant product or other object.

⁴ OJ L 256, 7.9.1987, p. 1.

2. In case a plant, plant product or other object, originating in or being dispatched from a third country, poses a phytosanitary risk of an unacceptable level by its likelihood to host a Union quarantine pest, and that risk cannot be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures and principles for the management of the risks of pests, the Commission shall amend, as appropriate, the implementing act referred to in paragraph 1, to include in it that plant, plant product or other object and the third countries, concerned.		2. In case a plant,plant product or other object, originating in or being dispatched from a third country, poses a pest phytosanitary risk of an unacceptable level by its likelihood to host a Union quarantine pest, and that risk cannot be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures and principles for the management of the risks of pests, the Commission shall amend, as appropriate, the implementing act referred to in paragraph 1, to include in it that plant,plant product or other object and the third countries, concerned.	Ok with Council text
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In case a plant, plant product or other object included in that implementing act does not pose a phytosanitary risk of an unacceptable level, or it poses such a risk but that risk can be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures to manage the risks and pathways of quarantine pests, the Commission shall amend that implementing act, as appropriate. The acceptability of the level of that phytosanitary risk shall be assessed in accordance with the principles set out in Section 2 of Annex IV on principles for the management of the risks of pests. Where appropriate, the acceptability of that level of phytosanitary risk shall be assessed with regards to one or more specific third countries. Those amendments shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation.		In case a plant, plant product or other object included in that implementing act does not pose a pest phytosanitary risk of an unacceptable level, or it poses such a risk but that risk can be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures to manage the risks and pathways of quarantine pests, the Commission shall amend that implementing act, as appropriate. The acceptability of the level of that pest phytosanitary risk shall be assessed in accordance with the principles set out in Section 2 of Annex IV on principles for the management of the risks of pests. Where appropriate, the acceptability of that level of pest phytosanitary risk shall be assessed with regards to one or more specific third countries. Those amendments shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation.	
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On duly justified imperative grounds of urgency to address a serious phytosanitary risk, the Commission shall adopt those amendments by immediately applicable implementing acts, in accordance with the procedure referred to in Article 99(4).		On duly justified imperative grounds of urgency to address a serious pest phytosanitary risk, the Commission shall adopt those amendments by immediately applicable implementing acts, in accordance with the procedure referred to in Article 99(4).	
3. A plant, plant product or other object listed in the implementing act provided for in paragraph 1 shall not be introduced into the Union territory from the third country, concerned by that listing.		DELETED	Ok with Council text
4. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States where plants, plant products or other objects have been introduced into the Union territory in violation of paragraph 3. The third country from which the plants, plant products or other objects were introduced into the Union territory shall be notified.		4. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States where plants, plant products or other objects have been introduced into the Union territory in violation of paragraph 301 . The <u>That notification shall also include the</u> third country from which the plants, plant products or other objects were introduced into the Union territory shall be notified .	Ok with Council text

<i>Article 41</i> Plants, plant products and other objects subject to special and equivalent requirements	<i>Article 41</i> Plants, plant products and other objects subject to special and equivalent requirements	<i>Article 41</i> Plants, plant products and other objects subject to special and equivalent requirements	<i>Article 41</i> Plants, plant products and other objects subject to special and equivalent requirements
		01. <u>A plant, plant product or other object listed in the implementing act provided for in paragraph 1 may only be introduced into, or moved within, the Union territory if the special requirements, or equivalent requirements, are fulfilled.</u>	01. Certain plants, plant products or other objects may only be introduced into, or moved within, the territory of the Union if special requirements, or equivalent requirements, are fulfilled. Those plants, plant products or other objects may originate from third countries or within the territory of the Union.
1. The Commission shall adopt an implementing act, containing the plants, plant products and other objects, and the requirements and, where applicable, the third countries concerned, as set out in Part A of Annex IV to Directive 2000/29/EC. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2) of this Regulation.		1. The Commission shall adopt an implementing act, containing the plants, plant products and other objects <u>subject to special requirements</u> , and the <u>special requirements concerned</u> , and, where applicable, the third countries <u>country, group of third countries or specific areas of third country</u> concerned, as set out in Part A of Annex IV to Directive 2000/29/EC. That implementing act shall be adopted in accordance with the <u>examination</u> advisory procedure referred to in Article 99(2) (3) of this Regulation.	1. The Commission shall, by means of implementing acts, adopt a list containing the plants, plant products and other objects and their respective special requirements as referred to in paragraph 01. That list shall, where applicable, include the third country, group of third countries or specific areas within third countries concerned. The first time that the Commission adopts that implementing act, it shall include the plants, plant products and other objects, the special requirements and, where applicable, their third country of origin as listed in Part A of Annex IV to Directive 2000/29/EC.

In the list established by that implementing act, those plants, plant products and other objects shall be identified by their respective CN code.		In the list established by that implementing act, those plants, plant products and other objects shall also be identified by their respective CN code, <u>where that code is available.</u> <u>Other codes, laid down by Union legislation, shall in addition be used in the case where they specify further the applicable CN code for a specific plant, plant product or other object.</u>	In the list established by that implementing act, those plants, plant products and other objects shall also be identified by their respective CN code, where that code is available. Other codes, laid down by Union legislation, shall in addition be used referred to where they specify further the applicable CN code for a specific plant, plant product or other object.
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2. In case a plant, plant product or other object poses a phytosanitary risk of an unacceptable level by its likelihood to host a Union quarantine pest, and that risk can be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures and principles for the management of the risks of pests, the Commission shall amend the implementing act referred to in paragraph 1, to include in it that plant, plant product or other object and the measures to be applied to it. Those measures, and the requirements referred to in paragraph 1, are hereinafter referred to as 'special requirements'.		2. In case a plant, plant product or other object poses a pest phytosanitary risk of an unacceptable level by its likelihood to host a Union quarantine pest, and that risk can be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures and principles for the management of the risks of pests, the Commission shall amend the implementing act referred to in paragraph 1, to include in it that plant, plant product or other object and the measures to be applied to it. Those measures, and the requirements referred to in paragraph 1, are hereinafter referred to as 'special requirements'.	Ok with Council text
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Those measures may take the form of specific requirements, adopted in accordance with Article 42(1), for the introduction into the Union territory of particular plants, plant products or other objects, which are equivalent to special requirements for the movement of those plants, plant products or other objects within the Union territory (hereinafter: 'equivalent requirements'). In case a plant, plant product or other object included in that implementing act does not pose a phytosanitary risk of an unacceptable level, or it poses such a risk but that risk cannot be reduced to an acceptable level by the special requirements, the Commission shall amend that implementing act.		Those measures may take the form of specific requirements, adopted in accordance with Article 42(1), for the introduction into the Union territory of particular plants, plant products or other objects, which are equivalent to special requirements for the <u>introduction into, and movement within, the Union territory</u> of those plants, plant products or other objects within the Union territory (hereinafter: 'equivalent requirements'). In case a plant, plant product or other object included in that implementing act does not pose a pest phytosanitary risk of an unacceptable level, or it poses such a risk but that risk cannot be reduced to an acceptable level by the special requirements, the Commission shall amend that implementing act <u>accordingly by removing that plant, plant product or other object from the list or by including it in the list referred to in Article 40(2).</u>	
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The acceptability of the level of that phytosanitary risk shall be assessed, and the measures to reduce that risk to an acceptable level 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. Where appropriate, the acceptability of that level of phytosanitary risk shall be assessed, and those measures shall be adopted, with regards to one or more specific third countries or parts thereof. Those amendments shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation. 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).		The acceptability of the level of that pest phytosanitary risk shall be assessed, and the measures to reduce that risk to an acceptable level 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. Where appropriate, the acceptability of that level of pest phytosanitary risk shall be assessed, and those measures shall be adopted, with regards to one or more specific third countries or parts thereof. Those amendments shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation. 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).	
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3. A plant, plant product or other object listed in the implementing act provided for in paragraph 1 may only be introduced into, or moved within, the Union territory if the special requirements, or equivalent requirements, are fulfilled.		DELETED	Ok with Council text
4. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States where plants, plant products or other objects have been introduced into, or moved within, the Union territory in violation of paragraph 3. Where applicable, the third country from which the plants, plant products or other objects were introduced into the Union territory shall also be notified.		4. <u>In case</u> Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States where plants, plant products or other objects have been introduced into, or moved within, the Union territory in violation of paragraph <u>01 3.</u> <u>Member States shall adopt the necessary measures, as referred to in Article [...] Office of Publications, please insert number of Official Controls Regulation and shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States.</u>	Ok with Council text

		Where applicable, <u>that notification shall also include</u> the third country from which the plants, plant products or other objects were introduced into the Union territory. shall also be notified.	
		<u>Article 41a</u> <u>Specific import conditions for the introduction into the Union territory of high risk plants, plant products and other objects</u>	<u>Article 41a</u> Specific import conditions Restrictions on the basis of a preliminary assessment for the introduction into the Union territory of high risk plants, plant products and other objects
		<u>1. Whenever there is a preliminary assessment that a plant, plant product or other object originating in a third country and which is not listed according to Article 40 or not sufficiently covered by the requirements referred to in Article 41, presents a pest risk of an unacceptable level for the Union territory, it shall be referred to as ‘high risk plant’, ‘high risk plant product’ or ‘high risk other object’ (hereinafter - high risk plants, plant products or other objects).</u> <u>That preliminary assessment shall take into account, as appropriate for the plant, plant product or other object concerned the criteria set out</u>	<u>1. Whenever there is a preliminary assessment reveal that a plant, plant product or other object originating in a third country and which is not listed according to Article 40 or not sufficiently covered by the requirements referred to in Article 41 or not subject to the temporary prohibitions of Article 47, presents a pest risk of an unacceptable level for the Union territory, it shall be referred to as ‘high risk plant’, ‘high risk plant product’ or ‘high risk other object’ (hereinafter - high risk plants, plant products or other objects).</u> <u>Should a preliminary assessment</u> <u>That preliminary assessment</u>

		<u>in Annex IIIA.</u>	shall be based on take into account, as appropriate for the plant, plant product or other object concerned, the criteria set out in Annex IIIA.
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		<u>2. High risk plants, plant products or other objects listed in the implementing act provided for in paragraph 3 shall not be introduced into the Union territory from the third country of origin concerned by that listing.</u>	Ok with Council text
		<u>3. The Commission shall adopt an implementing act, listing on the appropriate taxonomic level the high risk plants, plant products or other objects referred to in paragraph 1, and the third countries concerned and, where appropriate, the third countries, group of third countries or specific areas of third country concerned.</u> <u>That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99 (3) of this Regulation.</u> <u>That implementing act shall be adopted by [Office of publication insert the date corresponding to two years after the entry into force].</u> <u>In the list established by that implementing act, those plants, plant products and</u>	3. The Commission shall adopt an implementing act, provisionally listing on the appropriate taxonomic level, pending the risk assessment referred to in paragraph 4, the high risk plants, plant products or other objects referred to in paragraph 1, and, where appropriate, the third countries, group of third countries or specific areas of third country concerned. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99 (3) of this Regulation. That implementing act shall be adopted the first time by [Office of publication insert the date corresponding to two years after the entry into

		<u>other objects, where applicable, shall also be identified by their respective CN code, where that code is available. Other codes, laid down by Union legislation, shall in addition be used in the case where they specify further the applicable CN code for a specific plant, plant product or other object.</u>	force]. In the list established by that implementing act, those plants, plant products and other objects, where applicable, shall also be identified by their respective CN code, where that code is available. Other codes, laid down by Union legislation, shall in addition be referred to used in the case where they specify further the applicable CN code for a specific plant, plant product or other object.
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		<u>4. If it is concluded, on the basis of a risk assessment, that a plant, plant product or other object, originating in the third countries concerned, referred to in paragraph 2 on the taxonomic level as listed in accordance with paragraph 3 or below that level does not pose a risk of an unacceptable level by its likelihood to host a Union quarantine pest, the Commission shall adopt an implementing act removing that plant, plant product or other object from the list referred to in that paragraph for the third countries concerned. If it is concluded, on the basis of a risk assessment, that the a plant, plant product or other object originating in the third countries concerned, referred to in paragraph 2 poses an unacceptable risk by its likelihood to host a Union quarantine pest, and that that risk cannot be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1</u>	Ok with Council text
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		<u>of Annex IV on measures and principles for the management of the risks of pests, the Commission shall adopt an implementing act removing that plant, plant product or other object and the third countries concerned from the list referred to in paragraph 2 and add it to the list referred to in Article 40.</u> <u>If it is concluded, on the basis of a risk assessment, that a plant, plant product or other object originating in the third countries concerned, referred to in paragraph 2 poses an unacceptable risk, but that that risk can be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures and principles for the management of the risks of pests, the Commission shall adopt an implementing act removing that plant, plant product or other object and the third countries concerned from the list referred to in paragraph 2</u>	
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		<u>and add it to the list referred to in Article 41.</u> <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).</u>	
		<u>5. Provided that a demand for import of plants, plant products or other objects listed in accordance with paragraph 2 is identified, the risk assessment referred to in paragraph 4 shall be carried out within an appropriate and reasonable period of time.</u> <u>As appropriate, that assessment may only concern plants, plant products or other objects of a particular third country of origin or dispatch, or a group of third countries of origin or dispatch.</u>	Ok with Council text

		<u>6. The Commission may, by means of an implementing act, lay down specific rules concerning the procedure to be followed in order to carry out the risk assessment referred to in paragraph 4.</u> <u>That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).</u>	Ok with Council text
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		<u>Article 41b</u> <u>Specific import conditions for the introduction into the Union territory of wood packaging material</u>	
		<u>Wood packaging material, whether or not actually in use in the transport of objects of all kinds, shall only be introduced into the Union territory if it fulfils all of the following requirements:</u>	Ok with Council text (whole article)
		<u>(a) it has been subject to the approved treatments, and complies with the respective requirements, as set out in Annex 1 of the International Standard for Phytosanitary Measures No 15 Regulation of Wood Packaging Material in International Trade (hereinafter ISPM15);</u>	
		<u>(b) it is marked with the mark referred to in Annex 2 of ISPM15, attesting that it has been subject to the treatments referred to in point (a).</u>	
		<u>This paragraph shall not apply to wood packaging material which is subject to the exemptions provided for in ISPM15.</u>	

		<u>2. The Commission shall be empowered to adopt delegated acts in accordance with Article 98 to amend and supplement the requirements referred to in paragraph 1 to take into account the development of international standards, and notably of ISPM 15.</u>	
		<u>Those delegated acts may also determine that wood packaging material, other than that referred to in the third subparagraph of paragraph (1), is are exempted from the requirements of paragraph 1, or is subject to less stringent requirements.</u>	
<i>Article 42</i> Setting out of equivalent requirements	<i>Article 42</i> Setting out of equivalent requirements	<i>Article 42</i> Setting out of equivalent requirements	<i>Article 42</i> Setting out of equivalent requirements
1. Equivalent requirements, as referred to in the second subparagraph of Article 41(2) shall be set out, by means of an implementing act, on request of a particular third country, if all of the following conditions are fulfilled:			Ok with Council text (whole article)

(a) the third country concerned ensures, through the application under its official control of one or more specified measures, a level of phytosanitary protection which is equivalent to the special requirements adopted pursuant to Article 41(1) and (2) in respect of the movement within the Union territory of plants, plant products and other objects concerned;			
(b) the third country concerned objectively demonstrates to the Commission that the specified measures referred to in point (a) achieve the level of phytosanitary protection referred to in that point.		(b) the third country concerned objectively demonstrates to the Commission that the specified measures referred to in point (a) achieve the level of phytosanitary protection referred to in that point.	
2. Where appropriate, the Commission shall investigate, in the third country concerned, and in accordance with Article 119 of the Regulation (EU) No .../.... [<i>Office of Publications, please insert number of Regulation on Official Controls</i>], whether points (a) and (b) are fulfilled.			

3. The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 99(3).			
<i>Article 43</i> Information to be provided to travellers, clients of postal services and internet clients	<i>Article 43</i> Information to be provided to travellers, clients of postal services and internet clients	<i>Article 43</i> Information to be provided to travellers <u>and</u> clients of postal services and internet clients	<i>Article 43</i> Information to be provided to travellers, clients of postal services and internet clients
1. Member States and international transport operators shall make information available to passengers concerning the prohibitions, set out pursuant to Article 40(3), the requirements, set out pursuant to Articles 41(1) and 42(2), and the exemptions, set out pursuant to Article 70(2), as regards the introduction of plants, plant products and other objects into the Union territory.	<u>AM 86</u> 1. <i>The Commission</i> , Member States and international transport operators shall make information available to passengers concerning the prohibitions, set out pursuant to Article 40(3), the requirements, set out pursuant to Articles 41(1) and 42(2), and the exemptions, set out pursuant to Article 70(2), as regards the introduction of plants, plant products and other objects into the Union territory.	1. Member States, <u>seaports, airports,</u> and international transport operators shall make information available to passengers concerning the prohibitions, set out pursuant to Article 40(301), the requirements, set out pursuant to Articles 41(1) and 42(2), and the exemptions, set out pursuant to Article 70(2), as regards the introduction of plants, plant products and other objects into the Union territory.	AM withdrawn

That information shall be provided in the form of posters or brochures, which, where appropriate, shall be made available through the internet.	<u>AM 87</u> That information shall <i>may</i> be provided in the form of posters or brochures, which, where appropriate, shall be made available through the internet.	That information shall be provided in the form of posters or brochures, which, <u>and, as applicable, on the internet site of the persons referred to in the first sub-paragraph</u> where appropriate, shall be made available through the internet.	AM withdrawn
Where that information is made available to passengers at seaports and airports, it shall be provided in the form of posters. The Commission shall be empowered to adopt an implementing act, setting out those posters and brochures. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2) of this Regulation.	Where that information is made available to passengers at seaports and airports, it shall be provided in the form of posters. The Commission shall be empowered to adopt an implementing act, setting out those posters and brochures. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2) of this Regulation.	<u>That information shall also be made available at least through the internet by postal services and by professional operators involved in sales through distance contracts to their clients concerning plants, plant products and other objects referred to in the first subparagraph.</u> Where that information is made available to passengers at seaports and airports, it shall be provided in the form of posters.	Ok with Council text

		The Commission may shall be empowered to adopt, by means of by means of an implementing act, setting out specific rules concerning those posters and brochures, as well as modalities for their use. That implementing act shall be adopted in accordance with the examination advisory procedure referred to in Article 99(232) of this Regulation.	The Commission may, by means of an implementing act, set out specific rules concerning arrangements for the presentation and use of those posters and brochures, as well as modalities for their use. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation.
2. The information referred to in paragraph 1 shall be made available by postal services, and by professional operators involved in sales through distance contracts, to their clients through the internet.		DELETED	
3. Member States shall annually submit to the Commission a report summarising the information provided pursuant to this Article.	AM 88 3. Member States shall annually biennially submit to the Commission a report summarising the information provided pursuant to this Article	3. Member States shall, on request, annually submit to the Commission a report summarising the information provided pursuant to this Article.	AM withdrawn OK with Council text

<i>Article 44</i> Exception from prohibitions and requirements for frontier zones	<i>Article 44</i> Exception from prohibitions and requirements for frontier zones	<i>Article 44</i> Exception from prohibitions and requirements for frontier zones	<i>Article 44</i> Exception from prohibitions and requirements for frontier zones
1. By way of derogation from Articles 40(3) and 41(3), Member States may authorise the introduction of plants, plant products and other objects into the Union territory, where the plants, plant products and other objects fulfil the following conditions:		1. By way of derogation from Articles 40(301), and 41(301) and [41a(2)] , Member States may authorise the introduction of plants, plant products and other objects into the Union territory, where the plants, plant products and other objects fulfil all of the following conditions:	Ok with Council text
(a) they are grown or produced in areas of third countries in the vicinity of their border with Member States (hereinafter: 'third country frontier zones');	<u>AM 89</u> (a) they are grown or produced in areas of third countries in the vicinity of their land border with Member States (hereinafter: 'third country frontier zones');	(a) they are grown or produced in areas of third countries in the vicinity of their land border with Member States (hereinafter: 'third country frontier zones');	AM accepted
(b) they are introduced into areas of Member States immediately across that border (hereinafter: 'Member State frontier zones');			

(c) they are to be processed in the respective Member State frontier zones in such a manner that any phytosanitary risk is eliminated;		(c) they are to be <u>subject to industrial processing</u> processed in the respective Member State frontier zones in such a manner that any <u>pest</u> phytosanitary risk is eliminated;	Ok with Council text
(d) they do not pose any risk of spreading quarantine pests caused by movements within the frontier zone.		(d) they do not pose any risk of spreading <u>Union</u> quarantine pests <u>or pests subject to measures adopted pursuant to Article 29(1)</u> caused by movements within the frontier zone.	Ok with Council text
Those plants, plant products and other objects shall only move into and within the Member State frontier zones, and only under the official control of the competent authority.		Those plants, plant products and other objects shall only move <u>be moved</u> into and within the Member State frontier zones, and only under the official control of the competent authority.	Ok with Council text
2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out the following:		2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out the following <u>may, by means of an implementing act, lay down uniform rules concerning:</u>	OPEN IA/DA
(a) the maximum width of third country frontier zones and Member State frontier zones, as appropriate for the specific plants, plant products and other objects individually;			

(b) the maximum distance of the movement of the plants, plant products and other objects concerned within the third country frontier zones and Member State frontier zones; and			
(c) the procedures concerning the authorisation of the introduction into, and movement within, the Member State frontier zones of plants, plant products and other objects referred to in paragraph 1.			
The width of those zones shall be such to ensure that the introduction and movement of those plants, plant products and other objects in the Union territory does not pose any phytosanitary risks to the Union territory or parts of it.		The width of those zones shall be such to ensure that the introduction and movement of those plants, plant products and other objects in the Union territory does not pose any pest phytosanitary risks to the Union territory or parts of it. <u>That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation.</u>	

3. The Commission may lay down, by means of implementing acts, specific conditions or measures concerning the introduction into Member State frontier zones of particular plants, plant products and other objects, and specific third countries, which are subject to this Article. 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 scientific and technical developments. Those implementing acts shall be adopted, and as appropriate repealed or replaced, in accordance with the examination procedure referred to in Article 99(3).		3. The Commission may lay down, by means of implementing acts, specific conditions or measures concerning the introduction into Member State frontier zones of particular plants, plant products and other objects, and specific third countries, which are subject to this Article. 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, <u>and, where appropriate,</u> taking into account the <u>development of scientific and technical knowledge developments and international standards.</u> Those implementing acts shall be adopted, and as appropriate repealed or replaced, in accordance with the examination procedure referred to in Article 99(3).	
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4. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and the other Member States where plants, plant products or other objects have been introduced into, or moved within, the frontier zones as referred to in paragraphs 1 and 2 in violation of those paragraphs. The third country from which the plants, plant products or other objects were introduced into the frontier zone concerned shall also be notified.		4. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and the other Member States where plants, plant products or other objects have been introduced into, or moved within, the frontier zones as referred to in paragraphs 1, and 2 and 3 in violation of those paragraphs. The <u>That notification shall also include the</u> third country from which the plants, plant products or other objects were introduced into the frontier zone concerned shall also be notified.	
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<i>Article 45</i> Exception from prohibitions and requirements for phytosanitary transit	AM 90 Exception from prohibitions and Requirements for phytosanitary transit	<i>Article 45</i> Exception from prohibitions and requirements for phytosanitary transit	AM accepted <i>Article 45</i> Requirements for phytosanitary transit
1. By way of derogation from Article 40(3) and Article 41(3), Member States may authorise the introduction of plants, plant products and other objects into, and their passing through, the Union territory to a third country (hereinafter 'phytosanitary transit'), where those plants, plant products and other objects fulfil the following conditions:		1. By way of derogation from Article 40(301), and Article 41(301), and 41a(2) and 68(1) [68a], Member States may authorise the introduction of plants, plant products and other objects <u>may be introduced</u> into, and <u>be their passing</u> through, the Union territory to a third country, <u>either in the form of transit or transhipment</u> (hereinafter 'phytosanitary transit'), where those plants, plant products and other objects <u>are packed and moved in such a way that there is no risk of spreading of Union quarantine pests or pests subject to measures adopted pursuant to Article 29(1) during their introduction into, and passing through, the Union territory;</u> fulfil the following conditions:	1. By way of derogation from Article 40(01), Article 41(01), 41a(2) and 68(1) [68a], plants, plant products and other objects may be introduced into, and be passed through, the Union territory to a third country, either in the form of transit or transhipment (hereinafter 'phytosanitary transit'), where those plants, plant products and other objects fulfil the following conditions:

(a) they are accompanied by a signed declaration of the professional operator in control of those plants, plant products and other objects stating that those plants, plant products or other objects are in phytosanitary transit;		DELETED	back to COM proposal
(b) they are packed and moved in such a way that there is no risk of spreading of Union quarantine pests during their introduction into, and passing through, the Union territory;	<u>AM 91</u> (b) they are packed and moved in such a way that there is no risk of spreading of Union quarantine pests during their introduction into, and passing through, the Union territory, <i>using an officially-approved phytosanitary seal that serves to guarantee the original packaging and means of transport (sealed lorry) and prevents the shipment being split up, hence providing official assurance of risk-free phytosanitary transit through the Union;</i>	DELETED	back to COM proposal

(c) they are introduced into, passed through and, without delay, moved out of the Union territory under official control by the competent authorities concerned.	<u>AM 92</u> (c) they are introduced into, passed through and, without delay, moved out of the Union territory under official control by the competent authorities concerned <i>and under the supervision of customs officers. The competent authority of the Member State where those plants, plant products or other objects are introduced into, or for the first time moved within, the Union territory shall inform the competent authorities of all other Member States through which those plants, plant products or other objects are to be moved prior to being moved out of the Union territory.</i>	DELETED	AM withdrawn Ok with Council text
	<u>AM 93</u> 1.a. <i>Plants, plant products and other objects that are in phytosanitary transit through Union territory from one third country to another are required to satisfy the plant health requirements under Article 40 without prejudice to other applicable plant health rules.</i>	<u>1a. Competent authorities shall prohibit phytosanitary transit if the plants, plant products or other objects concerned do not comply, or there is reasonable evidence that they will not comply, with paragraph 1.</u>	AM withdrawn Ok with Council text

	<u>AM 94</u> <i>1.b. In accordance with subparagraph 1a, where those plants, plant products or other objects are introduced into, or for the first time moved within, the Union territory, the competent authority of the Member State concerned must perform the documentary check on that introduction and shall be responsible for the sealing of goods pursuant to point b of the first subparagraph.</i>		AM withdrawn Ok with Council text
	<u>AM 95</u> <i>1.c. Similarly, the competent authority of the Member State where the goods in transit are moved out of Union territory shall inform the competent authorities of the Member State into which they were introduced, and the Member State(s) through which they have been moved, of the fact that the goods have been moved out of Union territory.</i>		AM withdrawn Ok with Council text

The competent authority of the Member State where those plants, plant products or other objects are introduced into, or for the first time moved within, the Union territory shall inform the competent authorities of all other Member States through which those plants, plant products or other objects are to be moved prior to being moved out of the Union territory.	AM 96 The competent authority of the Member State where those plants, plant products or other objects are introduced into, or for the first time moved within, the Union territory shall inform the competent authorities of all other Member States through which those plants, plant products or other objects are to be moved prior to being moved out of the Union territory.	DELETED	AM withdrawn Ok with Council text
2. Where so stipulated by the acts adopted pursuant to Article 27(1) and (2) and Article 29(1) and (2), this Article shall apply accordingly.		DELETED	Ok with Council text

3. The Commission shall be empowered, in accordance with Article 98, to adopt delegated acts setting out the contents of the declaration referred to in point (a) of paragraph 1.		DELETED	Ok with Council text
4. The Commission may, by means of implementing acts, adopt format specifications for the declaration referred to in point (a) of paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).		DELETED	Ok with Council text
5. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and the other Member States where plants, plant products or other objects have been introduced into, or moved within, the Union territory as referred to in paragraph 1 in violation of the provisions of that paragraph.		DELETED	Ok with Council text
The third country from which the plants, plant products or other objects were introduced into the Union territory shall also be notified.			

<i>Article 46</i> Plants, plant products and other objects used for scientific purposes, trials, varietal selection, breeding and exhibitions	<i>Article 46</i> Plants, plant products and other objects used for scientific purposes, trials, varietal selection, breeding and exhibitions	<i>Article 46</i> Plants, plant products and other objects used for scientific <u>technical or educational</u> purposes, trials, varietal selection, <u>and breeding and exhibitions</u>	<i>Article 46</i> Plants, plant products and other objects used for scientific purposes, trials, varietal selection, breeding and exhibitions
1. By way of derogation from Articles 40(3) and 41(3), Member States may, on application, authorise the introduction into, and the movement within, their territory of plants, plant products and other objects used for scientific purposes, trials, varietal selection, breeding and exhibitions, if all of the following requirements are fulfilled:		1. By way of derogation from Articles 40(301), 41(301) <u>and 41a(2)</u> Member States may, on application, authorise <u>temporarily</u> the introduction into, and the movement within, their territory of plants, plant products and other objects used for scientific, <u>technical or educational</u> purposes, trials, varietal selection, <u>and breeding and exhibitions</u> .	1. By way of derogation from Articles 40(01), 41(01) and 41a(2) Member States may, on application, authorise temporarily the introduction into, and the movement within, their territory of plants, plant products and other objects used for scientific, official testing technical or educational purposes, trials, varietal selection, and breeding.

		<u>That authorisation shall be granted for the activity concerned only if all of the following requirements</u> <u>adequate restrictions are fulfilled.</u> <u>imposed to ensure that the presence of the plants, plant products or other objects concerned does not cause an unacceptable risk of the spread of a Union quarantine pest or pest subject to the measures adopted pursuant to Article 29, taking into account the identity, biology and means of dispersal of the pests concerned, the activity envisaged, the interaction with the environment and other relevant factors relating to the pest risk posed by those plants, plant products or other objects.</u>	OK with Council text
(a) the presence of the plants, plant products or other objects concerned does not cause an unacceptable risk of the spread of a Union quarantine pest if adequate restrictions are imposed;		DELETED	OK with Council text

(b) the storage facilities in which those plants, plant products or other objects are to be kept and the quarantine stations, as referred to in Article 56, in which they are to be used are appropriate;		DELETED	OK with Council text
(c) the scientific and technical qualifications of the personnel by whom the activity involving those plants, plant products or other objects is to be carried out are appropriate.		DELETED	OK with Council text
2. The competent authority shall assess the risk of the spread of Union quarantine pests by the plants, plant products or other objects concerned, as referred to in paragraph 1(a), taking into account the identity, biology and means of dispersal of the Union quarantine pests concerned, the activity envisaged, the interaction with the environment and other relevant factors relating to the risk posed by those plants, plant products or other objects.		DELETED	OK with Council text

It shall assess the storage facilities in which those plants, plant products or other objects are to be kept, as referred to in paragraph 1(b), and the scientific and technical qualifications of the personnel by whom the activity involving those plants, plant products or other objects 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 the introduction of those plants, plant products or other objects into, or their 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 plants, plant products or other objects concerned are to be kept in storage facilities found to be appropriate by the competent authorities and referred to in the authorisation;		(a) the plants, plant products or other objects concerned are 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 those plants, plant products or other objects 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 those plants, plant products or other objects is to be carried out in a quarantine station, <u>or confinement facility,</u> designated in accordance with Article 56 by the competent authority and referred to in the authorisation;	OK with Council text
(c) the activity involving those plants, plant products or other objects 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 those plants, plant products or other objects is to be carried out by personnel whose scientific and technical qualifications <u>competencies</u> are found to be appropriate by the competent authority and referred to in the authorisation;	OK with Council text
(d) those plants, plant products or other objects are to be accompanied by the authorisation when introduced into or moved within the Union territory.			

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 the spread of the Union quarantine pests 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 the spread of the <u>respective</u> Union quarantine pests <u>or pests subject to measures adopted pursuant to Article 29(1) concerned</u>.	OK with Council text
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.		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. <u>Where appropriate, that action shall be the revocation of the authorisation referred to in paragraph 1.</u>	OK with Council text

6. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, laying down detailed rules concerning:		6. The Commission <u>may, by means of an implementing act</u> shall be empowered to adopt delegated acts, in accordance with Article 98, laying down <u>set out</u> detailed <u>specific</u> rules concerning <u>the following elements</u> :	OPEN IA/DA
(a) the exchange of information between Member States and the Commission concerning the introduction into, and movement within, the Union territory of the plants, plant products and other objects concerned;			
(b) the assessments and authorisation referred to in paragraph 2; and		(b) the <u>procedures and conditions for granting</u> assessments and <u>the</u> authorisation referred to in paragraph <u>12</u> ; and	
(c) the monitoring of compliance, the action in case of non-compliance and notification thereof, as referred to in paragraph 5.		(c) <u>the requirements for the</u> monitoring of compliance <u>and</u> , the actions <u>to be taken</u> in case of non-compliance and 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>	

7. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and the other Member States where plants, plant products or other objects have been introduced into, or moved within, the Union territory in violation of the provisions of paragraphs 1 to 4.		DELETED	OK with Council text
Where applicable, those notifications shall also include the measures taken by the Member States on the plants, plant products and other objects concerned, and the whether the introduction into, or movement within, the Union territory of those plant, plant products or other objects has been allowed after the implementation of those measures. Where applicable, the third country from which the plants, plant products or other objects were introduced into the Union territory shall also be notified.		DELETED	OK with Council text

Member States shall annually submit to the Commission a report summarising the relevant information on the authorisations granted pursuant to paragraph 1 and the results of the monitoring referred to in paragraph 5.	AM 97 Member States shall annually biennially submit to the Commission a report summarising the relevant information on the authorisations granted pursuant to paragraph 1 and the results of the monitoring referred to in paragraph 5.	DELETED	AM withdrawn OK with Council text
<i>Article 47</i> Temporary measures concerning plants for planting	<i>Article 47</i> Temporary measures concerning plants for planting	<i>Article 47</i> Temporary measures concerning plants for planting, <u>plant products and other objects provisionally assessed to pose unacceptable pest risks</u>	<i>Article 47</i> Temporary measures concerning plants [...], plant products and other objects likely provisionally assessed to pose unacceptable newly identified pest risks or other suspected phytosanitary risks
1. The Commission may adopt, by means of implementing acts, temporary measures as regards the introduction into, and movement within, the Union territory of plants for planting from third countries, where the following conditions are fulfilled:	AM 138 The Commission may adopt, by means of implementing acts, temporary measures as regards the introduction into, and movement within, the Union territory of plants <i>plant products and other objects</i> from third countries, where the following conditions are fulfilled:	1. The Commission may adopt, by means of implementing acts, temporary measures as regards the introduction into, and movement within, the Union territory of plants, <u>plant products and other objects</u> for planting from third countries, where the following conditions are fulfilled:	Ok with Council text

			(a0) the plants, plant products or other objects are likely to pose newly identified pest risks which are not sufficiently covered by any Union measures and are not linked, or cannot yet be linked, to Union quarantine pests listed pursuant to Article 5(2) and (3) or pests subject to measures adopted pursuant to Article 29(1).
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(a) there is no or little phytosanitary experience as regards trade in the plants for planting concerned originating in or dispatched from the third country concerned;	AM 139 (a) there is no or little phytosanitary experience as regards trade in the plants, plant products and other objects concerned originating in or dispatched from the third country concerned;	(a) there is no or little insufficient phytosanitary experience, such as in relation to new plant species or pathways , as regards trade in the plants, plant products and other objects for planting concerned originating in or dispatched from the third country concerned;	AM accepted Ok with Council text
(b) no assessment has been carried out as regards the phytosanitary risks for the Union territory in respect of those plants for planting from the third country concerned;	AM 140 (b) no assessment has been carried out as regards the phytosanitary risks for the Union territory in respect of those plants, plant products and other objects from the third country concerned;	(b) no assessment has been carried out as regards the pest phytosanitary risks for the Union territory in respect of those plants, plant products or other objects for planting from the third country concerned;	"(b) no assessment has been carried out as regards the newly identified pest [...] risks for the Union territory in respect of those plants, plant products or other objects [...] from the third country concerned;"
(c) those plants for planting are likely to pose phytosanitary risks which are not linked, or cannot yet be linked, to Union quarantine pests listed pursuant to Article 5(2) and (3) or pests for which measures have been adopted pursuant to Article 29.	AM 141 (c) those plants, plant products and other objects are likely to pose phytosanitary risks which are not linked, or cannot yet be linked, to Union quarantine pests listed pursuant to Article 5(2) and (3) or pests for which measures have been adopted pursuant to Article 29.	(c) based on a preliminary assessment taking into account the elements listed in Annex III , those plants, plant products or other objects for planting are likely to pose unacceptable pest phytosanitary risks which are not sufficiently covered by any Union measures and are not linked, or cannot yet be linked, to Union quarantine pests listed pursuant to Article 5(2) and (3) or pests subject to measures have been adopted pursuant to Article 29 (1) .	DELETED [AM accepted Ok with Council text moved up]

Those implementing acts shall be adopted, and as appropriate repealed or replaced, in accordance with the examination procedure referred to in Article 99(3).			
2. The temporary measures referred to in paragraph 1 shall be adopted in accordance with Annex III on elements to identify plants for planting which pose phytosanitary risks for the Union territory and Section 2 of Annex IV on principles for the management of the risks of pests. Those measures shall provide for one of the following, as necessary in the case concerned:	<u>AM 142</u> The temporary measures referred to in paragraph 1 shall be adopted in accordance with Annex III on elements to identify plants, <i>plant products and other objects</i> which pose phytosanitary risks for the Union territory and Section 2 of Annex IV on principles for the management of the risks of pests.	2. The temporary measures referred to in paragraph 1 shall be adopted <u>taking into account the elements listed</u> in accordance with Annex III on elements to identify plants for planting, <u>plant products and other objects</u> which pose <u>pest</u> phytosanitary risks for the Union territory and Section 2 of Annex IV on principles for the management of the risks of pests. Those measures shall provide for one <u>or more</u> of the following, as necessary in the case concerned:	2. The temporary measures referred to in paragraph 1 shall be adopted taking into account the elements listed in <u>accordance with Annex III</u> on elements to identify plants or plant products and other <u>objects which are likely to pose newly identified pest risks or other suspected phytosanitary risks</u> for the Union territory and Section 2 of Annex IV on principles for the management of the risks of pests.
(a) intensive sampling, at the point of introduction, of each lot of plants for planting introduced into the Union territory and testing of samples;	<u>AM 143</u> (a) intensive sampling, at the point of introduction, of each lot of plants, <i>plant products and other objects</i> introduced into the Union territory and testing of samples;	(a) <u>systematic and intensive visual inspection and</u> intensive sampling, at the point of introduction, of each lot of plants, <u>plant products or other objects</u> for planting introduced into the Union territory and testing of samples;	AM accepted Ok with Council text

(b) where absence of the phytosanitary risk cannot be ensured by intensive sampling and testing at the introduction of the plants for planting concerned into the Union territory, a quarantine period to verify the absence of that phytosanitary risk in those plants for planting;	AM 144 (b) where absence of the phytosanitary risk cannot be ensured by intensive sampling and testing at the introduction of the plants, <i>plant products and other objects</i> concerned into the Union territory, a quarantine period to verify the absence of that phytosanitary risk in those plants, <i>plant products and other objects</i> ;	(b) where absence of the phytosanitary risk cannot be ensured by intensive sampling and testing at the introduction of the plants for planting concerned into the Union territory, a quarantine period, <u>within a quarantine station or a confinement facility as referred to in Article 56,</u> to verify the absence of that <u>pest</u> phytosanitary risk in those plants, <u>plant products or other objects</u> for planting;	(b) a quarantine period, within a quarantine station or a confinement facility as referred to in Article 56, to verify the absence of that <u>newly identified pest</u> risk in those plants, plant products or other objects;"
(c) where absence of the phytosanitary risk cannot be ensured by intensive sampling and testing at the introduction of the plants for planting concerned into the Union territory and a quarantine period, prohibition of the introduction of those plants for planting into the Union territory.	AM 145 (c) where absence of the phytosanitary risk cannot be ensured by intensive sampling and testing at the introduction of the plants, <i>plant products and other objects</i> concerned into the Union territory and a quarantine period, prohibition of the introduction of those plants, <i>plant products and other objects</i> into the Union territory.	(c) where absence of the phytosanitary risk cannot be ensured by intensive sampling and testing at the introduction of the plants for planting concerned into the Union territory and a quarantine period, a prohibition of the introduction of those plants, <u>plant products or other objects</u> for planting into the Union territory. <u>In the case of (a) and (b) the implementing act referred to in paragraph 1 may also set out specific measures to be taken before the introduction into the Union territory of those plants, plant products or other objects.</u>	AM accepted Ok with Council text

3. The measures referred to in paragraph 1 shall apply for a maximum of two years. This period may be prolonged once for a maximum of two years.	AM 146 3. The measures referred to in paragraph 1 shall apply for a maximum of <i>five</i> years. This period may be prolonged once for a maximum of <i>five</i> years.	3. The measures referred to in paragraph 1 shall apply for aan <u>appropriate and reasonable period of time</u> , maximum of two years , <u>pending the identification of pests likely to be associated with those plants, plant products or other objects from those third countries and the assessment of the risks posed by those pests in accordance with to Section 1 of Annex II.</u> This period may be prolonged once for a maximum of two years.	3. The temporary measures referred to in paragraph 1 shall apply for aan appropriate and reasonable period of time, [...] pending the identification characterisation of pests likely to be associated with those plants, plant products or other objects from those third countries and the full assessment of the risks posed by those pests in accordance with to Section 1 of Annex II.
4. 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).		4. 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 2 of Annex IV on principles for the management of the risks of pests.</u>	4. On duly justified imperative grounds of urgency to address a serious newly identified pest [...] risk, the Commission shall adopt immediately applicable implementing acts, in accordance with the procedure referred to in Article 99(4). Those acts shall be adopted in accordance with Section 2 of Annex IV on principles for the management of the risks of pests.

5. By way of derogation from the measures adopted pursuant to paragraph 1, Article 46 shall apply to the introduction into, and the movement within, the Union territory of plants for planting used for scientific purposes, trials, varietal selection, breeding and exhibitions.		5. By way of derogation from the measures adopted pursuant to paragraph 1, Article 46 shall apply to the introduction into, and the movement within, the Union territory of plants, <u>plant products or other objects</u> for planting used for scientific, <u>technical or and educational</u> purposes, trials, varietal selection, <u>and</u> breeding <u>and</u> exhibitions.	5. By way of derogation from the measures adopted pursuant to paragraph 1, Article 46 shall apply to the introduction into, and the movement within, the Union territory of plants, plant products or other objects used for scientific, <u>official testing,</u> technical or educational purposes, trials, varietal selection and breeding.
6. Member States shall notify the Commission and the other Member States where a plant, plant product or other object has been subject to the measures referred to in points (a) or (b) of paragraph 2. Member States shall notify the Commission and the other Member States where, following the application of the measures referred to in points (a) or (b) of paragraph 2, a pest has been found which is likely to pose new phytosanitary risks.		6. <u>By 30 April each year</u> Member States shall <u>submit a report to the</u> notify the Commission and the other Member States <u>on the application</u> where a plant, plant product or other object has been subject to <u>of</u> the measures referred to in points (a) or (b) of paragraph 2, <u>during the preceding year.</u> Member States shall notify the Commission and the other Member States where, following the application of the measures referred to in points (a) or (b) of paragraph 2, a pest has been found which is likely to pose new <u>pest</u> phytosanitary risks.	Ok with Council text

Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and the other Member States where the introduction of a plant, plant product or other object into the Union territory was refused, or its movement within the Union territory prohibited, because the Member State concerned considered that the prohibition referred to in point (c) of paragraph 2 was violated. Where applicable, those notifications shall include the measures taken by the Member States on the plants, plant products and other objects concerned pursuant to Article 64(3) of Regulation (EU) No .../... [Office of Publications, please insert number of Regulation on Official Controls]. Where applicable, the third country from which the plants, plant products or other objects were dispatched for introduction into the Union territory shall also be notified.		Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and the other Member States where the introduction of a plant, plant product or other object into the Union territory was refused, or its movement within the Union territory prohibited, because the Member State concerned considered that the prohibition referred to in point (c) of paragraph 2 was violated. Where applicable, those notifications shall include the measures taken by the Member States on the plants, plant products and <u>or</u> other objects concerned pursuant to Article 64(3) of Regulation (EU) No .../... [Office of Publications, please insert number of Regulation on Official Controls]. Where applicable, the third country from which the plants, plant products or other objects were dispatched for introduction into the Union territory shall also be notified.	
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	<u>AM 98</u> <i>Article 47 a</i> <i>By ...*, the Commission shall present a report to the European Parliament and the Council, including a cost-benefit analysis, on the enforcement and effectiveness of measures relating to imports into the Union territory, and if appropriate present a legislative proposal.</i> <i>* OJ: please insert the date: five years after the date of entry into force of this Regulation.</i>		AM accepted
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<i>Article 48</i> Amendment of Annex III	<i>Article 48</i> Amendment of Annex III	<i>Article 48</i> Amendment of Annex III	<i>Article 48</i> Amendment of Annex III and Annex IIIA
The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending Annex III on elements to identify plants for planting which pose phytosanitary risks for the Union territory, as regards the characteristics and origin of those plants for planting, to adapt to the developments of technical and scientific knowledge.	AM 99 The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending Annex III on elements to identify plants for planting which pose phytosanitary risks for the Union territory, as regards the characteristics and origin of those plants for planting, to adapt to the developments of technical and scientific knowledge and international standards.	The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending Annex III on elements to identify plants, plant products and other objects for planting which pose unacceptable pest phytosanitary risks for the Union territory, as regards the characteristics and origin of those plants, plant products and other objects plants for planting, in order to adapt those elements to the developments of technical and scientific knowledge and relevant international standards.	1. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending Annex III on elements to identify plants or plant products and other objects which are likely to pose unacceptable newly identified pest risks or other suspected phytosanitary risks for the Union territory, as regards the characteristics and origin of those plants or plant products and other objects plants for planting, in order to adapt those elements to the developments of technical and scientific knowledge and relevant international standards.
			2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending Annex IIIA on criteria to assess high risk plants, plant products or other objects as referred to in Article 41a, in order to adapt those criteria to the developments of technical and scientific knowledge and relevant international standards.

		<u>Article 48a</u> <u>Temporary measures by Member States concerning imminent danger</u>	
		<u>1. Where a Member State considers that the introduction into, or movement within, its territory of plants, plant products or other objects from certain third countries or certain other Member States poses an unacceptable level of pest risk concerning the entry into, and establishment and spread in, its territory of a Union quarantine or a pest assessed to fulfil the conditions for inclusion in the list of Union quarantine pests, and that risk is not adequately mitigated by the measures referred to in Article 16(1), Article 16(2), Article 17(1), Article 18(1), Article 27(1), Article 27(2), Article 28(1), Article 29(1), Article 29(2), Article 40(1), Article 40(2), Article 41(1), Article 41(2) and</u>	Ok with Council text (whole Article)

		<u>Article 47(1), Article 49 it shall notify in writing the Commission and the other Member States of the Union measures it would like to be taken, together with the technical or scientific justification for those measures.</u>	
		<u>1a. If it considers that those Union measures are not being, or cannot be, taken in sufficient time to mitigate that risk, it may take temporary measures to protect its territory against the imminent danger. Those temporary measures, and the technical justification for those measures, shall be notified immediately to the Commission and the other Member States.</u>	

		<u>2. Where the Commission receives the notification referred to in paragraph 1, it shall immediately assess whether the risk referred to in paragraph 1 is adequately mitigated by the measures referred to in Article 16(1), Article 16(2), Article 17(1), Article 18(1), Article 27(1), Article 27(2), Article 28(1), Article 29(1), Article 29(2), Article 40(1), Article 40(2), Article 41(1), Article 41(2), Article 47(1) and Article 49, or whether any new measure should be adopted pursuant to those Articles.</u>	
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		<u>3. Where, on the basis of the assessment referred to in paragraph 2, the Commission concludes that that risk is not adequately mitigated by the temporary measures, taken by the Member State pursuant to paragraph 1a, or if those measures are disproportionate or not adequately justified, it may decide, by means of an implementing act, that those measures are to be repealed or amended. Until that implementing act has been adopted by the Commission, the Member State may maintain the measures that it has employed.</u> <u>That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).</u>	
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SECTION 2 MEASURES RELATING TO PROTECTED ZONES	SECTION 2 MEASURES RELATING TO PROTECTED ZONES		SECTION 2 MEASURES RELATING TO PROTECTED ZONES
<i>Article 49</i> Prohibition of introduction of plants, plant products and other objects into protected zones	<i>Article 49</i> Prohibition of introduction of plants, plant products and other objects into protected zones	<i>Article 49</i> Prohibition of introduction of plants, plant products and other objects into protected zones	<i>Article 49</i> Prohibition of introduction of plants, plant products and other objects into protected zones
		<u>01.</u> A plant, plant product or other object listed in the implementing act provided for in paragraph 1 shall not be introduced into the respective protected zone from the third country, or area of the Union territory, concerned.	<u>01.</u> Certain plants, plant products or other objects originating from third countries or within the territory of the Union, shall not be introduced into certain protected zones.

1. The Commission shall adopt an implementing act, containing the plants, plant products and other objects, and the prohibitions and the protected zones concerned, as set out in Part B of Annex III to Directive 2000/29/EC. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2) of this Regulation. In the list established by that implementing act, the plants, plant products and other objects shall be identified by their respective CN code.		1. The Commission shall adopt an implementing act, containing the plants, plant products and other objects, and the prohibitions and the protected zones concerned, as set out in Part B of Annex III to Directive 2000/29/EC. That implementing act shall be adopted in accordance with the <u>advisory examination</u> procedure referred to in Article 99(2<u>3</u>) of this Regulation. In the list established by that implementing act, the plants, plant products and other objects, shall <u>also</u> be identified by their respective CN code, <u>where that code is available.</u> <u>Other codes, laid down by Union legislation, shall in addition be used in the case where they specify further the applicable CN code for a specific plant, plant product or other object.</u>	1.The Commission shall by means of implementing acts, adopt a list containing the plants, plant products and other objects referred to in paragraph 01, which are prohibited from being introduced into certain protected zones. The first time that the Commission adopts that implementing act, it shall include the plants, plant products and other objects and their respective protected zones and, where applicable, their country of origin as listed in Part B of Annex III to Directive 2000/29/EC. In the list established by that implementing act, the plants, plant products and other objects, shall also be identified by their respective CN code, where that code is available. Other codes, laid down by Union legislation, shall in addition be used referred to where they specify further the applicable CN code for a specific plant, plant product or other object.
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2. In case a plant, plant product or other object, coming from outside the protected zone concerned, poses a phytosanitary risk of an unacceptable level by its likelihood to host a protected zone quarantine pest, and that risk cannot be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures to manage the risks and pathways of quarantine pests, the Commission shall amend, as appropriate, the implementing act referred to in paragraph 1, to include in it that plant, plant product or other object and the protected zones concerned.		2. In case a plant, plant product or other object, coming from outside the protected zone concerned, poses a phytosanitarypest risk of an unacceptable level by its likelihood to host a protected zone quarantine pest, and that risk cannot be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures to manage the risks and pathways of quarantine pests, the Commission shall amend, as appropriate, the implementing act referred to in paragraph 1, to include in it that plant, plant product or other object and the protected zones concerned.	Ok with Council text
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In case a plant, plant product or other object included in that implementing act does not pose a phytosanitary risk of an unacceptable level, or it poses such a risk but that risk can be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures to manage the risks and pathways of quarantine pests, the Commission shall amend that implementing act. Those amendments shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation. The acceptability of the level of that phytosanitary risk shall be assessed in accordance with the principles set out in Section 2 of Annex II on principles for the management of the risks of pests.		In case a plant, plant product or other object included in that implementing act does not pose a phytosanitarypest risk of an unacceptable level, or it poses such a risk but that risk can be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures to manage the risks and pathways of quarantine pests, the Commission shall amend that implementing act <u>accordingly</u>. Those amendments shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation. The acceptability of the level of that phytosanitarypest risk shall be assessed in accordance with the principles set out in Section 2 of Annex <u>IV</u> on principles for the management of the risks of pests.	
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3. A plant, plant product or other object listed in the implementing act provided for in paragraph 1 shall not be introduced into the respective protected zone from the third country, or area of the Union territory, concerned.		DELETED	Ok with Council text
4. 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).		4. On duly justified imperative grounds of urgency to address a serious phytosanitary pest risk, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 99(4).	Ok with Council text
5. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States of any cases where plants, plant products or other objects have been introduced into, or moved within the protected zone concerned, in violation of the prohibitions adopted pursuant to this Article.		5. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States of any cases where plants, plant products or other objects have been introduced into, or moved within the protected zone concerned, in violation of the prohibitions adopted pursuant to this Article.	Ok with Council text

Where applicable, the third country from which the plants, plant products or other objects were introduced into the protected zone concerned shall also be notified.		Where applicable, <u>the Member States or the Commission, shall notify the</u> third country from which the plants, plant products or other objects were introduced into the protected zone concerned shall also be notified.	
<i>Article 50</i> Plants, plant products and other objects subject to special requirements for protected zones	<i>Article 50</i> Plants, plant products and other objects subject to special requirements for protected zones	<i>Article 50</i> Plants, plant products and other objects subject to special requirements for protected zones	<i>Article 50</i> Plants, plant products and other objects subject to special requirements for protected zones
		<u>01. A plant, plant product or other object listed in the implementing act provided for in paragraph 1 may only be introduced into, or moved within, the respective protected zone if the special requirements for that protected zone are fulfilled.</u>	01. Certain plants, plant products or other objects may only be introduced into, or moved within, certain protected zones if special requirements are fulfilled.

1. The Commission shall adopt an implementing act, containing the plants, plant products and other objects, the respective protected zones and the requirements, as set out in Part B of Annex IV to Directive 2000/29/EC. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2) of this Regulation.		1. The Commission shall adopt an implementing act, containing the plants, plant products and other objects, the respective protected zones and the requirements, as set out in Part B of Annex IV to Directive 2000/29/EC. That implementing act shall be adopted in accordance with the advisory examination procedure referred to in Article 99(23) of this Regulation.	1. The Commission shall, by means of implementing acts, adopt a list containing the plants, plant products and other objects, their respective protected zones and the special requirements. The first time that the Commission adopts that implementing act, it shall include the plants, plant products and other objects, the respective protected zones and the special requirements as listed in Part B of Annex IV to Directive 2000/29/EC. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation.
In the list established by that implementing act, the plants, plant products and other objects shall be identified by their respective CN code.		In the list established by that implementing act, the plants, plant products and other objects shall also be identified by their respective CN code, where that code is available. <u>Other codes, laid down by Union legislation, shall in addition be used in the case where they specify further the applicable CN code for a specific plant, plant product or other object.</u>	In the list established by that implementing act, those plants, plant products and other objects shall also be identified by their respective CN code, where that code is available. Other codes, laid down by Union legislation, shall in addition be used in the case referred to where they specify further the applicable CN code for a specific plant, plant product or other object.

2. In case a plant, plant product or other object, coming from outside the protected zone concerned poses a phytosanitary risk of an unacceptable level for that protected zone by its likelihood to host a protected zone quarantine pest, and that risk can be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures to manage the risks and pathways of quarantine pests, the		2. In case a plant, plant product or other object, coming from outside the protected zone concerned poses a phytosanitary pest risk of an unacceptable level for that protected zone by its likelihood to host a protected zone quarantine pest, and that risk can be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures to manage the risks and pathways of quarantine pests, the	Ok with Council text
Commission shall amend the implementing act referred to in paragraph 1, to include in it that plant, plant product or other object and the measures to be applied to it. Those measures, and the requirements referred to in paragraph 1, are hereinafter referred to as 'special requirements for protected zones'.		Commission shall amend the implementing act referred to in paragraph 1, to include in it that plant, plant product or other object and the measures to be applied to it. Those measures, and the requirements referred to in paragraph 1, are hereinafter referred to as 'special requirements for protected zones'.	

In case a plant, plant product or other object included in that implementing act does not pose a phytosanitary risk of an unacceptable level for the protected zone concerned, or it poses such a risk but that risk cannot be reduced to an acceptable level by the special requirements for protected zones, the Commission shall amend that implementing act. Those amendments shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation. The acceptability of the level of that phytosanitary risk shall be assessed, and the measures to reduce that risk to an acceptable level shall be adopted, in accordance with the principles set out in Section 2 of Annex II on principles for the management of the risks of pests.		In case a plant, plant product or other object included in that implementing act does not pose a phytosanitary pest risk of an unacceptable level for the protected zone concerned, or it poses such a risk but that risk cannot be reduced to an acceptable level by the special requirements for protected zones, the Commission shall amend that implementing act <u>accordingly</u>. Those amendments shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation. The acceptability of the level of that phytosanitary pest risk shall be assessed, and the measures to reduce that risk to an acceptable level shall be adopted, in accordance with the principles set out in Section 2 of Annex II IV on principles for the management of the risks of pests.	
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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).		On duly justified imperative grounds of urgency to address a serious phytosanitary pest risk, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 99(4).	
3. A plant, plant product or other object listed in the implementing act provided for in paragraph 1 may only be introduced into, or moved within, the respective protected zone if the special requirements for protected zones are fulfilled.		DELETED	Ok with Council text

4. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States where plants, plant products or other objects have been introduced into, or moved within, the protected zone concerned, in violation of the measures adopted pursuant to this Article. Where applicable, the third country from which the plants, plant products or other objects were introduced into the Union territory shall also be notified.		4. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States where plants, plant products or other objects have been introduced into, or moved within, the protected zone concerned, in violation of the measures adopted pursuant to this Article. Where applicable, <u>the Member States or the Commission, shall notify the</u> third country from which the plants, plant products or other objects were introduced into the Union territory shall also be notified.	Ok with Council text
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<i>Article 51</i> Information to be provided to travellers, clients of postal services and internet clients as regards protected zones	<i>Article 51</i> Information to be provided to travellers, clients of postal services and internet clients as regards protected zones	<i>Article 51</i> Information to be provided to travellers; <u>and</u> clients of postal services and internet clients as regards protected zones	<i>Article 51</i> Information to be provided to travellers, clients of postal services and internet clients as regards protected zones
Article 43 concerning information to be provided to travellers, clients of postal services and internet clients shall apply accordingly as regards the introduction of plants, plant products and other objects from third countries into protected zones.		Article 43 concerning information to be provided to travellers; <u>and</u> clients of postal services and internet clients shall apply accordingly as regards the introduction <u>into, or movement within, protected zones</u> of plants, plant products and other objects from third countries into protected zones.	Ok with Council text
<i>Article 52</i> Exception from prohibitions and requirements for frontier zones as regards protected zones	<i>Article 52</i> Exception from prohibitions and requirements for frontier zones as regards protected zones	<i>Article 52</i> Exception from prohibitions and requirements for frontier zones as regards protected zones	<i>Article 52</i> Exception from prohibitions and requirements for frontier zones as regards protected zones
Article 44 concerning the exceptions from prohibitions and requirements for frontier zones shall apply as regards the plants, plant products and other objects listed pursuant to Article 49(1) and (2) and Article 50(1) and (2) with regard to protected zones bordering third country frontier zones.		Article 44 concerning the exceptions from prohibitions and requirements for frontier zones shall apply <u>shall apply accordingly</u> as regards the plants, plant products and other objects listed pursuant to Article 49(1) and (2) and Article 50(1) and (2) with regard to <u>which are introduced from the frontier zone of a third country into the respective protected zones bordering third country that frontier zones zone.</u>	Ok with Council text

<i>Article 53</i> Exception from prohibitions and requirements for phytosanitary transit as regards protected zones	<i>Article 53</i> Exception from prohibitions and requirements for phytosanitary transit as regards protected zones	<i>Article 53</i> Exception from prohibitions and requirements for phytosanitary transit as regards protected zones	<i>Article 53</i> Exception from prohibitions and requirements for phytosanitary transit as regards protected zones
Article 45 concerning the exceptions from prohibitions and requirements for phytosanitary transit shall apply accordingly as regards the plants, plant products and other objects listed pursuant to Article 49(1) and (2) and Article 50(1) and (2) with regard to phytosanitary transit through protected zones.			OK
<i>Article 54</i> Plants, plant products and other objects used for scientific purposes, trials, varietal selection, breeding and exhibitions as regards protected zones	<i>Article 54</i> Plants, plant products and other objects used for scientific purposes, trials, varietal selection, breeding and exhibitions as regards protected zones	<i>Article 54</i> Plants, plant products and other objects used for scientific, <u>technical or educational</u> purposes, trials, varietal selection, <u>and</u> breeding and exhibitions as regards protected zones	<i>Article 54</i> Plants, plant products and other objects used for scientific purposes, trials, varietal selection, breeding and exhibitions as regards protected zones

By way of derogation from the prohibitions and requirements provided for in Articles 49(3) and 50(3), Article 46 shall apply as regards the plants, plant products and other objects listed pursuant to Article 49(1) and (2) and Article 50(1) and (2) with regard to the introduction into and the movement within protected zones of plants, plant products and other objects used for scientific purposes, trials, varietal selection, breeding and exhibitions.		By way of derogation from the prohibitions and requirements provided for in Articles 49(301) and 50(301), Article 46 shall apply accordingly as regards the plants, plant products and other objects listed pursuant to Article 49(1) and (2) and Article 50(1) and (2) with regard to the introduction into and the movement within protected zones of plants, plant products and other objects used for scientific, technical or educational purposes, trials, varietal selection, and breeding and exhibitions.	By way of derogation from the prohibitions and requirements provided for in Articles 49(01) and 50(01), Article 46 shall apply accordingly as regards the plants, plant products and other objects listed pursuant to Article 49(1) and (2) and Article 50(1) and (2) with regard to the introduction into and the movement within protected zones of plants, plant products and other objects used for scientific, official testing technical or educational purposes, trials, varietal selection, and breeding.
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SECTION 3 OTHER MEASURES CONCERNING PLANTS, PLANT PRODUCTS AND OTHER OBJECTS	SECTION 3 OTHER MEASURES CONCERNING PLANTS, PLANT PRODUCTS AND OTHER OBJECTS		SECTION 3 OTHER MEASURES CONCERNING PLANTS, PLANT PRODUCTS AND OTHER OBJECTS
<i>Article 55</i> General requirements for packaging and vehicles	<i>Article 55</i> General requirements for packaging and vehicles	<i>Article 55</i> General requirements for <u>vehicles, machinery and packaging and vehicles material</u>	<i>Article 55</i> General requirements for packaging and vehicles
1. Packaging material used for plants, plant products or other objects, referred to in the implementing acts adopted pursuant to Articles 27(1) and (2), 29(1) and (2), 40(1), 41(1) and (2), 47(1), 49(1) and 50(1) and moving into or within the Union territory, shall be free from Union quarantine pests. The same shall apply to vehicles transporting such plants, plant products and other objects.		1. <u>Vehicles, machinery and</u> P packaging material used for plants, plant products or other objects, referred to in the implementing acts adopted pursuant to Articles 27(1) and (2), 29(1) and (2), 40(1), 41(1) and (2), and 47(1), 49(1) and 50(1) and moving into or within the Union territory, <u>or through the Union territory pursuant to Article 45</u> , shall be free from Union quarantine pests, <u>and from the pests subject to measures adopted pursuant to Article 29(1)</u> . The same shall apply to vehicles transporting such plants, plant products and other objects.	Ok with Council text (whole Article)

2. The packaging material referred to in paragraph 1, other than wood packaging material, shall cover the plants, plant products and other objects concerned in such a way that, during their movement into or within the Union territory, there is no risk of spreading of Union quarantine pests.		DELETED	
The vehicles referred to in paragraph 1 shall, as appropriate, be covered or closed in such a way that, during their movement into or within the Union territory, there is no risk of spreading of Union quarantine pests.		DELETED	
3. Paragraphs 1 and 2 shall apply to protected zones also as regards the respective protected zone quarantine pests.		3. Paragraphs 1 and 2 shall apply to protected zones also as regards the respective protected zone quarantine pests.	

<i>Article 56</i> Designation of quarantine stations	<i>Article 56</i> Designation of quarantine stations	<i>Article 56</i> Designation of quarantine stations and confinement facilities	<i>Article 56</i> Designation of quarantine stations
1. Member States shall designate in their territory quarantine stations for plants, plant products, other objects and pests, or authorise the use of designated quarantine stations in other Member States, provided that those stations fulfil the requirements set out in paragraph 2. The competent authority may, in addition, on request, designate a facility as a quarantine station provided that it fulfils the requirements set out in paragraph 2.		1. <u>For the purposes referred to in Articles 8, 46 and 47 ,</u> Member States shall <u>take one or more of the following actions, taking into account the respective pest risk :</u> The competent authority may, in addition, on request, designate a facility as a quarantine station provided that it fulfils the requirements set out in paragraph 2.	Ok with Council text (whole Article)
		<u>(a)</u> designate in their territory quarantine stations for plants, plant products, other objects and pests, or <u>or confinement facilities , ;</u>	
		<u>(b)</u> authorise the use of designated quarantine stations in other <u>or confinement facilities in another Member StatesState, provided that these, where applicable, the other Member State has given its consent for that authorisation;</u>	

		<u>(c) designate temporarily the premises of professional operators or other persons as confinement facilities for the pests, plants, plant products or other objects and their respective uses as set out by the Articles referred to in this paragraph.</u>	
		<u>1a. Those quarantine stations or confinement facilities shall fulfil the requirements set out in Article 56b.</u>	
2. Quarantine stations shall meet the following conditions:		DELETED	
(a) they provide physical isolation of the plants, plant products and other objects to be kept in quarantine and ensure they cannot be accessed or removed from those stations without consent of the competent authority;		DELETED	
(b) where the activities carried out in the quarantine stations concern plants, plant products or other objects, they provide suitable growing or incubation conditions conducive for the development on those plants, plant products and other objects of signs and symptoms of quarantine pests;		DELETED	

(c) they have surfaces of smooth and impervious material allowing effective cleaning and decontamination;		DELETED	
(d) they have surfaces resistant to deterioration and to attack by insects and other arthropods;		DELETED	
(e) they have irrigation, sewage and ventilation systems which exclude the transmission or escaping of quarantine pests;		DELETED	
(f) they have systems for sterilisation, decontamination or destruction of infested plants, plant products and other objects, waste and equipment before removal from the stations;		DELETED	
(g) they provide for protective clothing and shoe covering;		DELETED	
(h) they have, if appropriate, systems for de-contamination of personnel and visitors upon exit of the station;		DELETED	
(i) a definition of the tasks of those stations, and the conditions under which they shall carry out those tasks, is available;		DELETED	
(j) a sufficient number of suitably qualified, trained and experienced personnel is available.		DELETED	

3. Member States shall communicate a list of the designated quarantine stations in their territory to the Commission and the other Member States upon request.		3. Member States shall communicate a list of the designated quarantine stations <u>and confinement facilities</u> in their territory to the Commission and the other Member States upon request.	
		<u>Article 56b</u> <u>Requirements for quarantine stations and confinement facilities</u>	
		<u>Quarantine stations and confinement facilities shall meet the following conditions to prevent the spread of Union quarantine pests:</u>	Ok with Council text (whole Article)
		<u>(a) they provide physical isolation of the pests, plants, plant products and other objects to be kept in quarantine or confinement and ensure they cannot be accessed or removed from those stations or facilities without consent of the competent authority;</u>	
		<u>(b) they have systems, or access to systems, for sterilisation, decontamination or destruction of infested plants, plant products and other objects, waste and equipment before removal from the stations or facilities;</u>	

		<u>(c) an identification and description of the tasks of those stations and facilities, the persons responsible for carrying out those tasks and the conditions under which they shall carry out those tasks, is available;</u>	
		<u>(d) a sufficient number of suitably qualified, trained and experienced personnel is available-;</u>	
		<u>(e) a contingency plan is available to effectively eliminate any unintended presence of Union quarantine pests and pests subject to measures adopted pursuant to Article 29(1) and prevent their spread.</u>	
<i>Article 57</i> Operation of quarantine stations	<i>Article 57</i> Operation of quarantine stations	<i>Article 57</i> Operation of quarantine stations and confinement facilities	<i>Article 57</i> Operation of quarantine stations
1. The person responsible for the quarantine station shall monitor that station and the immediate vicinity of that station for the presence of quarantine pests.		1. The person responsible for the quarantine station, <u>or confinement facility</u> , shall monitor that station <u>or facility</u> and the immediate vicinity of that station <u>or facility</u> for the <u>unintended</u> presence of <u>Union</u> quarantine pests <u>and pests subject to measures adopted pursuant to Article 29(1).</u>	Ok with Council text (whole Article)

Where such a pest is found to be present, the person responsible for the quarantine station concerned shall take the appropriate action. It shall notify the competent authority of that presence and of that action.		<u>1a.</u> Where <u>an unintended presence of</u> such a pest is found to be present, or in case of suspicion of the unintended presence of such a pest, the person responsible for the quarantine station <u>or confinement facility</u> concerned shall take the appropriate action. It shall notify the competent authority of that presence and of that action, <u>based on the contingency plan referred to in point (e) of Article 56b.</u> <u>The obligations set out for professional operators in Articles 15 shall apply accordingly to the person responsible for the quarantine station or confinement facility.</u>	
2. The person responsible for the quarantine station shall ensure that personnel and visitors wear protective clothing and shoe covering and, where appropriate, are subject to decontamination upon leaving that station.		DELETED	

3. The person responsible for the quarantine station shall keep records on the following points:		3. The person responsible for the quarantine station <u>or confinement facility</u> shall keep records on the following points:	
(a) the personnel employed;			
(b) the visitors accessing the station;		(b) the visitors accessing the station <u>or facility</u> ;	
(c) the plants, plant products and other objects entering and leaving the station;		(c) the <u>pests</u> , plants, plant products and other objects entering and leaving the station <u>or facility</u> ;	
(d) the place of origin of such plants, plant products and other objects;			
(e) observations concerning the presence of pests on such plants, plant products and other objects.		(e) observations concerning the presence of pests on such plants, plant products and other objects <u>inside the quarantine station or confinement facility and in its immediate vicinity</u> .	
Those records shall be kept for three years.			

<i>Article 58</i> Supervision of quarantine stations and revocation of designation	<i>Article 58</i> Supervision of quarantine stations and revocation of designation	<i>Article 58</i> Supervision of quarantine stations <u>and confinement facilities</u> and revocation of designation	<i>Article 58</i> Supervision of quarantine stations and revocation of designation
1. The competent authority shall organise audits or inspections of the quarantine stations, at least one per year, to verify whether those stations meet the conditions referred to in Article 56(2) and Article 57.	<u>AM 100</u> 1. The competent authority shall organise audits or inspections of the quarantine stations, at least one per year once every two years , to verify whether those stations meet the conditions referred to in Article 56(2) and Article 57.	1. The competent authority shall organise audits or inspections of <u>regularly inspect</u> the quarantine stations, at least one per year <u>and confinement facilities</u> , to verify whether those stations <u>and facilities</u> meet the <u>requirements referred to in Articles 56b and the operation conditions referred to in Article 56(2) and Article 57.</u> <u>The frequency of those inspections shall be determined by the competent authority according to the pest risk related to the operation of the quarantine stations or confinement facilities.</u>	AM withdrawn Ok with Council text (whole Article)
2. The competent authority shall revoke the designation referred to in Article 56(1) without delay where:		DELETED	
(a) following an audit or inspection, it appears that that quarantine station fails to fulfil the conditions referred to in Article 56(2) or Article 57;		DELETED	

(b) the person responsible for that quarantine station fails to take appropriate and timely remedial action.		DELETED	
		<u>On the basis of the inspection referred to in paragraph 1, the competent authority may require the person responsible for quarantine station or confinement facility to implement corrective actions as regards compliance with Articles 56b and 57, either immediately or within a specified period of time, to ensure compliance with those provisions .</u>	
		<u>In case the competent authority concludes that the quarantine station or confinement facility fails to comply with Articles 56b and 57, that authority shall without delay take the measures necessary to ensure that non-compliance with those provisions does not continue. Those measures may include the revocation or suspension of the designation referred to in Article 56(1).</u>	

	<u>AM 101</u> <i>2a. The Commission shall be encouraged to draft a guidance document to harmonise rules of procedures across Member States and avoid undue delays for the release of plants, plant products and other objects from quarantine stations. That guidance document shall, in particular, give clear indications of when restrictions may be necessary and what risk mitigation measures may be taken.</i>	<u>2a. Where the competent authority has taken measures in accordance with paragraph 2, other than the revocation of the the designation referred to in Article 56(1), and non-compliance continues, that authority shall without delay revoke that designation.</u>	AM withdrawn (covered by Council text under art. 59a (1)(b))
<i>Article 59</i> Release of plants, plant products and other objects from quarantine stations	<i>Article 59</i> Release of plants, plant products and other objects from quarantine stations	<i>Article 59</i> Release of plants, plant products and other objects from quarantine stations <u>and confinement facilities</u>	<i>Article 59</i> Release of plants, plant products and other objects from quarantine stations
1. Plants, plant products and other objects shall only leave the quarantine stations, upon authorisation by the competent authorities, if it is confirmed that they are free from Union quarantine pests, or, where applicable, protected zone quarantine pests.		1. Plants, plant products and other objects shall only leave the quarantine stations <u>or confinement facilities</u>, upon authorisation by the competent authorities, if it is confirmed that they are free from Union quarantine pests <u>and pests subject to measures adopted pursuant to Article 29(1)</u>, or, where applicable, protected zone quarantine pests.	Ok with Council text (whole Article)

2. Competent authorities may authorise the movement of plants, plant products and other objects from the quarantine stations to other quarantine stations or to any other locations only if measures are taken to ensure that no Union quarantine pests, or, where applicable, protected zone quarantine pests, are spread in the area concerned.		2. Competent authorities may authorise the movement of plants, plant products or other objects <u>infested by a Union quarantine pest or pest subject to measures adopted pursuant to Article 29(1) from a quarantine station or a confinement facility to another quarantine station or confinement facility, if that movement is justified by scientific or technical reasons and takes place under the conditions set by the competent authority</u> objects from the quarantine stations to other quarantine stations or to any other locations only if measures are taken to ensure that no Union quarantine pests, or, where applicable, protected zone quarantine pests, are spread in the area concerned.	
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		<u>Article 59a</u> <u>Implementing powers concerning the designation, authorisation, operation and supervision of quarantine stations and confinement facilities and the release of plants, plant products and other objects from quarantine stations and confinement facilities</u>	
		<u>1. The Commission may, by means of implementing acts, further specify the requirements and operation conditions set out in Articles 56, 56b, 57, 58 and 59 as regards the following elements:</u>	TECHNICAL [Council compromise proposal] “lay down specific rules concerning the application of Articles 56, 56b, 57, 58 and 59, taking into account relevant international standards, as regards the following elements:” EP: prefers to have specific and more limited empowerments in each one of the Articles 56, 56b, 57, 58 and 59
		<u>a) designation, authorisation, operation and supervision of quarantine stations and confinement facilities, including specific requirements for scientific, technical or educational purposes, trials, varietal selections, or breeding;</u>	

		<u>b) release of plants, plant products and other objects from those stations and facilities and, where appropriate, labelling requirements related to that release or to the movement referred to in Article 59(2);</u>	
		<u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).</u>	
<i>Article 60</i> Movement out of the Union territory	<i>Article 60</i> Movement out of the Union territory	DELETED	<i>Article 60</i> Movement out of the Union territory
1. Where the movement of a plant, plant product or other object out of the Union is governed by a phytosanitary agreement with a third country, that movement shall comply with that agreement.		DELETED	Ok with Council text

2. Where the movement of a plant, plant product or other object out of the Union is not governed by a phytosanitary agreement with a third country, that movement shall take place in accordance with the phytosanitary rules of the third country into which that plant, plant product or other object is to be moved.		DELETED	Ok with Council text
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3. Where the movement of a plant, plant product or other object out of the Union is neither governed by a phytosanitary agreement with a third country nor by the phytosanitary rules of the third country into which that plant, plant product or other object is to be moved, the requirements for movement of plants, plant products and other objects within the Union territory, as set out in the list referred to in Article 41(1) and (2), shall apply. Those requirements shall, however, not apply where they concern a pest that fulfils either of the following conditions:		DELETED	Back to COM proposal
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(a) it is recognised by that third country as being present in its territory and not under official control;		DELETED	
(b) it can be reasonably assumed that it does not qualify as a quarantine pest with respect to the territory of that third country.		DELETED	
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>	[Council compromise proposal] (a) professional operators introducing into, or moving within, the Union plants, plant products and other objects for which a phytosanitary certificate or a plant passport is respectively is required on the basis of the implementing acts adopted pursuant to Articles 68(1), 69(1), 74(1) and 75(1);
		(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>	[Council compromise proposal] DELETED

(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>] <u>professional operators authorised to issue plant passports according to Article 84;</u>	[Council compromise proposal] DELETED
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>	[Council compromise proposal] DELETED
		<u>(d) professional operators who request the competent authority to issue the certificates referred to in Articles 94, 95 and 96 ;</u>	
			[Council compromise proposal] <u>(da) professional operators authorised to apply the marks referred to in Article 92, authorised to issue the attestation referred to in Article 93, providing information according to Articles 43 or 51, introducing plants, plant productions or other objects to frontier zones according to Articles 44(1) or 52, or the activities of which 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>
			[Council compromise proposal] <u>(db) professional operators other than the ones referred to in points</u>

			<u>(a) to (da), if so required by the implementing act adopted pursuant to Articles 27(1), and 29 (1), 41(1), 47 (1), 49(1) or 50(1);</u>
		<u>(e) professional operators providing information according to Articles 43 or 51;</u>	[Council compromise proposal] DELETED
		<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>	[Council compromise proposal] DELETED

		<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>	[Council compromise proposal] DELETED
		<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."

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 ;	
			[Council compromise proposal] (aa) it supplies exclusively and directly to final users seeds, other than the seeds subject Article 68a;

(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 related to</u> 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 low pest risk related to their professional activities;
(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.	<u>3b. The Commission may, by means of an implementing act, set out</u> (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 <u>paragraph 3. Those figures shall be established as appropriate to the plants, plant products and other objects concerned and the respective pest risks.</u>	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,</u> genera and, or 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 appropriate <u>applicable</u>, submit <u>annually</u> an application for updating <u>update concerning any changes of</u> 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) , which shall include the two-letter code indicated in norm ISO 3166-1-alpha-2 ⁵ 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) as applicable, an indication whether the professional operator is authorised for each which of the activities referred to in point (c) of Article 62(2) the professional operator is authorised, and, as applicable, the specific plants, plant products or other objects concerned .	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, make available, on motivated request, make the information it contains available to the other Member States or the Commission, for their own use.	[Article to be confirmed at trilogue] OK with Council text

⁵ **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>	2. The Member State keeping the register shall make available, on justified reasoned request, the information referred to in points (a) and (b) of Article 62(2) and point (c) of Article 63, with regards to one particular registered operator, to any professional operator which is established in the Union, for its own use.
		<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 obtaining 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>	Ok with Council text

<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>	(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 at least 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>	[Council compromise proposal] 3. Professional operators shall keep the records referred to in paragraphs 1, 2 and 2a for at least three years from the date on which the plant, plant product or other object concerned was supplied to or by them; 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. 3a. The Commission may, by means of implementing acts, set out the following elements: (a) a shorter or longer minimum period than the one referred to in paragraph 3 with regards to specific plants, where so justified by the length of the cultivation period of those plants; (b) specify requirements as to the content, and the accessibility of the records to be kept by the professional operators referred to in paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).
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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 authority .	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
	<u>AM 105</u> <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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Chapter VI Certification of plants, plant products and other objects	Chapter VI Certification of plants, plant products and other objects		Chapter VI Certification of plants, plant products and other objects
SECTION 1 PHYTOSANITARY CERTIFICATES REQUIRED FOR THE INTRODUCTION OF PLANTS, PLANT PRODUCTS AND OTHER OBJECTS INTO THE UNION TERRITORY	SECTION 1 PHYTOSANITARY CERTIFICATES REQUIRED FOR THE INTRODUCTION OF PLANTS, PLANT PRODUCTS AND OTHER OBJECTS INTO THE UNION TERRITORY		SECTION 1 PHYTOSANITARY CERTIFICATES REQUIRED FOR THE INTRODUCTION OF PLANTS, PLANT PRODUCTS AND OTHER OBJECTS INTO THE UNION TERRITORY

<i>Article 68</i> Plants, plant products and other objects for which phytosanitary certificates are required	<i>Article 68</i> Plants, plant products and other objects for which phytosanitary certificates are required	<i>Article 68</i> Plants, plant products and other objects for which phytosanitary certificates are required	<i>Article 68</i> Plants, plant products and other objects for which phytosanitary certificates are required
1. The Commission shall, by means of an implementing act, establish a list of the plants, plant products and other objects, and the respective third countries of origin or dispatch, for which a phytosanitary certificate is required for introduction into the Union territory. That list shall include:			
		<u>(a0) all plants for planting, other than seeds;</u>	
(a) the plants, plant products and other objects listed in Point I of Part B of Annex V to Directive 2000/29/EC;		(a) the plants, plant products and other objects listed in Point I of Part B of Annex V to Directive 2000/29/EC;	
(b) plants, plant products and other objects for which requirements have been adopted pursuant to Articles 27(1) and 29(1) concerning their introduction into the Union territory;		(b) plants, plant products and other objects for which requirements have been adopted pursuant to Articles 27(1) <u>(c)</u> and 29(1) concerning their introduction into the Union territory;	
(c) seeds listed pursuant to Article 37(2);		(c) seeds listed pursuant to Article 37(2); <u>and subject to equivalence decisions adopted pursuant to seeds directives</u> ;	DELETED

(d) plants, plant products and other objects listed pursuant to Articles 41(1) and (2).		(d) plants , plant products and other objects listed pursuant to Articles 41(1) and (2).	
		<u>(e) plants, plant products and other objects subject to points (a) and (b) of Article 47(2).</u>	
Points (a) to (d) shall not apply, however, where the act adopted pursuant to Articles 27(1), 29(1) or 41(1) and (2) requires proof of compliance in the form of an official mark, as referred to in Article 91(1), or another official attestation, as referred to in Article 93(1). That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2).		Points (a) to (d) shall not apply, however, <u>and a phytosanitary certificate shall not be required</u> where the act adopted pursuant to Articles 27(1)(c), 29(1) or 41(1) and (2) requires proof of compliance in the form of an official mark, as referred to in Article 91(1), or another official attestation, as referred to in Article 93(1). That implementing act shall be adopted in accordance with the advisory <u>examination</u> procedure referred to in Article 99(32).	

		<u>In the list established by that implementing act, the plants, plant products and other objects shall also be identified by their respective CN code, where that code is available. Other codes, laid down by Union legislation, shall in addition be used in the case where they specify further the applicable CN code for a specific plant, plant product or other object.</u>	In the list established by that implementing act, the plants, plant products and other objects shall also be identified by their respective CN code, where that code is available. Other codes, laid down by Union legislation, shall in addition be used in the case referred to where they specify further the applicable CN code for a specific plant, plant product or other object.
2. The Commission shall, by means of an implementing act, amend the implementing act referred to in paragraph 1, in the following cases:			
(a) where a plant, plant product or other object, listed in that implementing act, does not fulfil paragraph 1(b), (c) or (d);			
(b) where a plant, plant product or other object, not listed in that act, fulfils paragraph 1(b), (c) or (d).			
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).	

3. The Commission may, by means of an implementing act, amend the implementing act referred to in paragraph 1, in accordance with the principles set out in Section 2 of Annex IV, where there is a risk that a plant, plant product or other object, not listed in that act, hosts a Union quarantine pest, or where, for a plant, plant product or other object listed in that act, that risk no longer exists. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).		3. <u>Further to paragraph 2,</u> The Commission may, by means of an implementing act, amend the implementing act referred to in paragraph 1, in accordance with the principles set out in Section 2 of Annex IV, where there is a risk that a plant, plant product or other object, not listed in that act, hosts a Union quarantine pest <u>or pest subject to measures adopted pursuant to Article 29 (1),</u> or where, for a plant, plant product or other object listed in that act, that risk no longer exists. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).	
4. By way of derogation from paragraphs 1, 2 and 3, no phytosanitary certificate shall be required for the plants, plant products or other objects, which are subject to Articles 44, 45, 46 and 70.		4. By way of derogation from paragraphs 1, 2 and 3, no phytosanitary certificate shall be required for the plants, plant products or other objects, which are subject to Articles 44, 45, 46 and 70<u>(1).</u>	

		<u>Article 68a</u> <u>Other plants for which phytosanitary certificates are required</u>	
		1. <u>The Commission shall, by means of an implementing act, set out that for the plants, other than the plants referred to in Article 68(1), a phytosanitary certificate is required for introduction into the Union territory.</u>	
		2. <u>However that implementing act shall set out that a phytosanitary certificate is not required for the plants where an assessment, based on evidence about pest risks and experience with trade, demonstrates that such a certificate is not necessary. That assessment shall take into account the criteria set out in Annex VIA. As appropriate, that assessment may only concern plants of a particular third country of origin or dispatch, or a group of third countries of origin or dispatch.</u>	[Council compromise proposal] 2. However that implementing act shall set out that a phytosanitary certificate is not required for the plants where an assessment, based on evidence about pest risks and experience with trade, demonstrates that such a certificate is not necessary. That assessment shall be based on take into account the criteria set out in Annex VIA. As appropriate, that assessment may only concern plants of a particular third country of origin or dispatch, or a group of third countries of origin or dispatch.

		<u>In the list established by that implementing act, the plants shall also be identified by their respective CN code, where that code is available. Other codes, laid down by Union legislation, shall in addition be used in the case where they specify further the applicable CN code for a specific plant.</u>	In the list established by that implementing act, the plants shall also be identified by their respective CN code, where that code is available. Other codes, laid down by Union legislation, shall in addition be used in the case referred to where they specify further the applicable CN code for a specific plant, plant product or other object.
		<u>3. That implementing act shall be adopted or amended in accordance with the examination procedure referred to in Article 99(3). It shall be adopted by [Office of publication insert the date corresponding to two years after the entry into force].</u>	
			[Council compromise proposal] 4. This Article shall also apply to seeds listed pursuant to Article 37(2) and subject to equivalence decisions adopted pursuant to Directives 66/401/EEC, 66/402/EEC, 68/198/EC, 98/56/EC, 1999/105/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC.
<u>ANNEX III</u>	<u>ANNEX III</u>		<u>ANNEX III</u>
<u>Elements to identify plants for</u>	<u>Elements to identify plants for</u>	<u>Elements to identify plants for</u>	Elements to identify plants or plant

<u>planting which pose phytosanitary risks for the Union territory, as referred to in Articles 47(2) and 48</u>	<u>planting which pose phytosanitary risks for the Union territory, as referred to in Articles 47(2) and 48</u>	<u>planting which pose phytosanitary pest risks for the Union territory, as referred to in Articles 47(2) and 48</u>	<u>products which are likely to pose newly identified pest risks or other suspected phytosanitary risks for the Union territory, as referred to in Articles 47(2) and 48</u>
Plants for planting from third countries shall be considered likely to pose phytosanitary risks for the Union territory, as referred to in Article 47(1), where those plants for planting fulfil at least three of the following conditions, including at least one of the conditions provided in points (1)(a), (b) and (c):	<u>AM 132</u> Plants for planting from third countries shall be considered likely to pose phytosanitary risks for the Union territory, as referred to in Article 47(1), where those plants for planting fulfil at least three one of the following conditions, including at least one of the conditions provided in points (1)(a), (b) and (c):	Plants for planting or plant products from third countries shall be considered likely to pose phytosanitary pest risks for the Union territory, as referred to in Article 47(1), where those plants for planting or plant products fulfil at least three of the following conditions, including at least one of the conditions provided in points (1)(a), (b) and (c):	Plants or plant products from third countries shall be considered likely to pose newly identified pest risks for the Union territory, as referred to in Article 47, where those plants or plant products fulfil at least three of the following conditions, including at least one of the conditions provided in points (1)(a), (b) and (c):

(1) <u>Characteristics of the plants for planting</u>		(1) <u>Characteristics of the plants for planting or plant products</u>	Ok with Council text
(a) They belong to a plant genus or family known to commonly host pests regulated as quarantine pests in the Union territory or in third countries.		(a) They belong to, <u>or are produced from,</u> a plant genus or family known to commonly host pests regulated as quarantine pests in the Union territory or in third countries.	Ok with Council text
(b) They belong to a plant genus or family known to commonly host polyphagous pests, or monophagous pests known to have major impact to plant species grown in the Union territory which have major economic, social or environmental importance to the Union territory.		(b) They belong to, <u>or are produced from,</u> a plant genus or family known to <u>commonly host polyphagous pests, or monophagous commonly hosted</u> pests known to have major impact to plant species grown in the Union territory which have major economic, social or environmental importance to the Union territory.	Ok with Council text

(c) They belong to a plant genus or family known to commonly harbour pests without signs and symptoms of those pests, or with a latent period for the expression of those signs or symptoms of at least three months, implying that the presence of pests on those plants for planting is likely to be missed during official controls at introduction into the Union territory, without recourse to sampling and testing or submission to quarantine procedures.		(c) They belong to, <u>or are produced from,</u> a plant genus or family known to commonly harbour pests without signs and symptoms of those pests, or with a latent period for the expression of those signs or symptoms of at least three months, implying that the presence of pests on those plants for planting <u>or plant products</u> is likely to be missed during official controls at introduction into the Union territory, without recourse to sampling and testing or submission to quarantine procedures.	Ok with Council text
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(d) They are grown outdoors in the third countries of origin.		(d) They are grown outdoors <u>or grown produced from plants grown outdoors</u> in the third countries of origin.	Ok with Council text
(e) They are not treated with generic plant protection products prior to or during shipment.	<u>AM 133</u> (e) They are not treated with generic plant protection products prior to or during shipment.	DELETED	AM accepted
(f) They are not subject to official export controls and certification in the third country of origin.	<u>AM 134</u> (f) They are not subject to official export controls and certification in the third country of origin.	DELETED	AM accepted
(g) They are not shipped in closed containers or packaging, or when shipped in such a way, the shipments because of their size cannot be opened in closed premises for purposes of official controls at introduction into the Union territory.			
(2) <u>Origin of the plants for planting</u>		(2) <u>Origin of the plants for planting or plant products</u>	Ok with Council text

(a) They originate from, or are moved from, a third country which is the source of frequent notifications of interceptions of quarantine pests not listed pursuant to Article 5(2).		(a) They originate from, or are moved from, a third country which is the source of frequent repetitive notifications of interceptions of quarantine pests not listed pursuant to Article 5(2).	Ok with Council text
(b) They originate from, or are moved from, a third country which is not a member of the IPPC.			
		<u>ANNEX IIIA</u>	<u>ANNEX IIIA</u>
		<u>Criteria to identify high risk plants, plant products or other objects as referred to in Article 41a</u>	Criteria to identify assess high risk plants, plant products or other objects as referred to in Article 41a
		<u>The criteria to be taken into account for the assessment referred to in Article 41a, are the following :</u>	DELETED
		<u>1. As regards plants for planting other than seeds:</u>	As regards plants for planting other than seeds: Plants for planting other than seeds may be considered to be high risk plants, as referred to in Article 41a, where those plants for planting other than seeds fulfil at least one of the following conditions:

			(a0) they are known to host commonly hosted pests known to have major impact on plant species which are of major economic, social or environmental importance to the Union territory;
			(a00) they are known to commonly harbour pests without signs and symptoms of those pests, or with a latent period for the expression of those signs or symptoms, implying that the presence of pests is likely to be missed during inspections at introduction into the Union territory;
		<u>(a) they are usually introduced into the Union in the form of a shrub or tree or they are present in the Union territory in such form or are taxonomically related to such plants;</u>	Ok with Council text

		<u>(b) they are collected in the wild or grown from plants collected in the wild;</u>	Ok with Council text
		<u>(c) they are grown outdoors or grown from plants grown outdoors in the third countries, group of third countries or specific areas of third country concerned;</u>	Ok with Council text
		<u>(d) they are known to host commonly hosted pests known to have major impact on plant species which are of major economic, social or environmental importance to the Union territory;</u>	DELETED
		<u>(e) they are known to commonly harbour pests without signs and symptoms of those pests, or with a latent period for the expression of those signs or symptoms, implying that the presence of pests is likely to be missed during inspections at introduction into the Union territory;</u>	DELETED
		<u>(f) they are perennial plants commonly traded as old plants;</u>	Ok with Council text

		<u>2. As regards other plants, plant products or other objects:</u>	<u>2. As regards other plants, plant products or other objects:</u> Plants other than those referred to in point (1), plant products or other objects may be considered to be high risk plants plant products or other objects, as referred to in Article 41a, where those plants, plant products or other objects fulfil at least one of the following conditions:
		<u>(c) they are known to host and provide a significant pathway for commonly hosted pests known to have major impact on plant species which are of major economic, social or environmental importance to the Union territory;</u>	Ok with Council text

		<u>(d) they are known to commonly harbour and provide a significant pathway for pests without signs and symptoms of those pests, or with a latent period for the expression of those signs or symptoms, implying that the presence of pests is likely to be missed during inspections at introduction into the Union territory;</u>	Ok with Council text

		<u>ANNEX VIA</u>	
		Criteria to identify plants referred to in Article 68a, which do not require a phytosanitary certificate	
		<u>The assessment referred to in Article 68a shall take into account the following criteria:</u>	[Council compromise proposal] The assessment referred to in Article 68a shall be based on take into account the following criteria set out in this Annex.
			The plants other than the plants referred to in Article 68(1), and seeds listed pursuant to Article 37(2) and subject to equivalence decisions adopted pursuant to Directives 66/401/EEC, 66/402/EEC, 68/198/EC, 98/56/EC, 1999/105/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC, shall fulfil at least one of the following criteria:
		<u>(1) The plants do not host Union quarantine pests or pests subject to measures adopted pursuant to Article 29, or commonly hosted pests which may impact on plant species grown in the Union.</u>	

		(2) <u>The plants have a history of compliance with the requirements for introduction into the Union territory relevant to the third country or countries of origin.</u>	
		(3) <u>No indication of outbreak(s) is linked to the introduction of the plants concerned from one or more third countries, and those plants have not been subject to repetitive interceptions of Union quarantine pests or pests subject to the measures adopted pursuant to Article 29 during the introduction into the Union territory.</u>	