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14529/15

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LIMITE

AGRI 615 AGRILEG 226 PHYTOSAN 57 CODEC 1582

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 colegislators are included. Changes as compared to the Council position in the third column are higlighted 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.

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Chapter I	Chapter I	Chapter I	Chapter I
Subject matter, scope and	Subject matter, scope and	Subject matter, scope and	Subject matter, scope and
definitions	definitions	definitions	definitions
Article 1	Article 1	Article 1	Article 1
Subject matter and scope	Subject matter and scope	Subject matter and scope	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 parasitie 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	2.	For the purposes of this	Ok with Council text
Regulation references to third		Regulation references to	
countries shall be read as		third countries shall be read	
references to third countries		as references to third	
and to the territories listed in		countries, Ceuta, Melilla and	
Annex I.		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.	
		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.	
For the purposes of this	DEI	LETED	Ok with Council text
Regulation, references to the			
Union territory shall be read as			
references to the Union			
territory without the territories			
listed in Annex I.			
nstea in Aimex 1.			

	The Commission shall be	DELETED	IA/DA
	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:		
(a)	an addition to Annex I of one	DELETED	Ok with Council text
	or more territories that are		
	referred to in Article 355(1) of		
	the Treaty;		
(b)	a removal from Annex I of one	DELETED	Ok with Council text
	or more territories that are		
	referred to in Article 355(2) of		
	the Treaty.		

Article 2	Article 2	Article 2	Article 2
Definitions	Definitions	Definitions	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>	Ok with Council text
(b) out trace noteining foliops:		foliage;	
(h) cut trees retaining foliage;			
(i) leaves, foliage;			
(j) plant tissue cultures,			
including cell cultures,			
germplasm, meristems,			
chimaeric clones, micro-			
propagated material;		4)1: 11	
(k) live pollen;		(k) live pollen; and spores;	Ok with Council text
(l) buds, budwood, cuttings,			
scions, grafts;			

(2) 'plant products' means products	(2)	'plant products' means	(2) 'Plant products' means
of plant origin, unprocessed or		products of plant origin,	unmanufactured material of plant
having undergone simple		unprocessed or having	origin (including grain) and those
preparation, in so far as these		undergone simple preparation	manufactured products that, by their
are not plants.		processing to a point where	nature or that of their processing,
		the commodity remains	may create a risk for the spread of
Except where otherwise		capable of being infested	quarantine pests.
provided, wood shall only be		with quarantine pests, in so	
considered as a 'plant product'		far as these are not plants.	
if it has not undergone		_	
processing eliminating the		Except where otherwise	
phytosanitary risks, and		provided , in the	
complies with one or more of		implementing acts adopted	
the following points:		pursuant to Articles 27, 29	
		and 41, 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:	
(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	(d) it is, or is intended to be,	Ok with Council text
as packaging material or	used as packaging material-or	
dunnage, whether or not it is	dunnage, whether or not it is	
actually in use for transport of	actually in use for transport of	
goods;	goods;	
	(2a) 'planting' means any	Ok with Council text
	operation for the placing of	
	plants in a growing medium,	
	or by grafting or similar	
	operations, to ensure their	
	subsequent growth,	
	reproduction or	
	propagation;	

(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 eapable of and intended for producing entire plants, and which already planted and are intended to remain planted or are destined to be planted, or replanted after their introduction, or remain planted; - plants which are not planted at the time of introduction, but are destined to be planted thereafter;	(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/ [Office of Publications, please insert number of Regulation on Official Controls];				

(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 and other relevant elements, forming part of a consignment; (6a) 'trade unit' means the smallest applicable commercial or other useable unit, which may be the subset or the whole of a lot;	Ok with Council text 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, and legally reponsible for, one or more of the following activities concerning plants, plant products and other objects:	Ok with Council text
(a) planting;		
(b) growing;	(b) <u>breedinggrowing;</u>	Ok with Council text
(c) production;	(c) production, including growing, multiplying and maintaining;	Ok with Council text
(d) introduction into, and movement within, and out of the Union territory; (e) making available on the market;	(d) introduction into, and movement within, and out of the Union territory;	Ok with Council text
	(ea) storage, collection, dispatching and processing	Ok with Council text

	AM 21		AM withdrawn
	ea) breeding AM 22 eb) multiplication		AM withdrawn
	AM 23 ec) maintaining		AM withdrawn
	AM 24 ed) providing services		AM withdrawn
	AM 25 ee) preserving, including storing		AM withdrawn
	<i>y</i> 1	(7a) 'registered operator' means a professional operator registered in accordance with Article 61;	Ok with Council text
		(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	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;			

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

	(10d) 'containment' means the	(10d) 'containment' means the
	application of phytosanitary	application of phytosanitary
	measures in and around an	measures in and around an
	infested area to prevent the	infested area to prevent the spread
	spread of a pest out of that	of a pest.
	area.	_
	(10e) 'quarantine station' means	Ok with Council text
	any official station for	
	holding pests, plants, plant	
	products or other objects in	
	<u>quarantine;</u>	
	(10f) 'confinement facility'	Ok with Council text
	means any facility, other	
	than quarantine stations,	
	where pests, plants, plant	
	products or other objects are	
	kept under confinement	
	<u>conditions.</u>	
	(10h) 'traceability code' means a	Ok with Council text
	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.	

AM 26	AM withdrawn
(10a) 'operator' means operator as	
defined in Article 2(26) of	
Regulation (EU) No	
<i>XXX/XXXX</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)	

AM 27	AM withdrawn
(10b) "phytosanitary inspection" means official inspection of:	
(a) plants or goods;	
(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;	
(c) locations or areas in which such	
measures are carried out;	AM accented in substance
AM 28 (10c) 'phytosanitary measure'	AM accepted in substance
means all measures intended	(10i) 'phytosanitary measure'
to eliminate risks or prevent	means any official measure having
the entry of pests to the Union	the purpose to prevent the
territory from other Member	introduction and/or spread of
States or third countries	quarantine pests;
AM 29	AM withdrawn
(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.	

Chapter II	Chapter II		Chapter II
Quarantine pests	Quarantine pests		Quarantine pests
SECTION 1	SECTION 1		SECTION 1
QUARANTINE PESTS	QUARANTINE PESTS		QUARANTINE PESTS
Article 3	Article 3	Article 3	Article 3
Definition of quarantine pests	Definition of quarantine pests	Definition of quarantine pests	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,		(b) it is not present in that	EP: the text is largely duplicated in
within the meaning of point		territory, within the meaning	point (2) of Section 1 of Annex II.
(2)(a) of Section 1 of Annex II,		of point (2)(a) of Section 1 of	
or, if present, only distributed		Annex II, or, if present, only	TECHNICAL : j/l to sort this out
to a limited extent within that		<u>not widely</u> distributed to a	
territory, within the meaning of		limited extent within that	
points (2)(b) and (c) of Section		territory, within the meaning	
1 of Annex II;		of points (2)(b) and (c) of	
		Section 1 of Annex II;	

(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;		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.		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
Article 4 Definition of Union quarantine pests	Article 4 Definition of Union quarantine pests	Article 4 Definition of Union quarantine pests	Article 4 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).	pesso	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
Article 5 Prohibition of introduction and movement of Union quarantine pests	Article 5 Prohibition of introduction and movement of Union quarantine pests	Article 5 Prohibition of introduction, and movement, holding, multiplication or release of Union quarantine pests	Article 5 Prohibition of introduction and movement of Union quarantine pests
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 A list of pests fulfilling the conditions referred to in Article 3(b), (c) and (d) in respect of the Union territory, is set out in Annex Ia and shall be 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</u> <u>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 be empowered to adopt delegated acts in accordance with Article 98 concerning the amendment of the list amend the implementing act referred to in paragraph 2, where an assessment shows that a pest not listed in that list 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 list 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.	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

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

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

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

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

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).	AM 41 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.	AM 42 On duly justified imperative grounds of urgency relating to Where in the case of a serious phytosanitary risk the Commission shall adopt immediately applicable implementing acts, in accordance with imperative grounds of urgency so require, the procedure 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.	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

Article 7 Amendment of Section 1 and Section 2 of Annex II	Article 7 Amendment of Section 1 and Section 2 of Annex II	Article 7 Amendment of Section 1 and Section 2 of Annex II	Article 7 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.	AM 43 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 and international standards.	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, in order to adapt those criteria to taking into account the developments of technical and scientific knowledge and relevant international standards.	Ok with Council text

2.	The Commission shall be	DELETED	IA/DA
	empowered to adopt delegated		EP: could agree, but link with art. 6
	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.		

Article 8	Article 8	Article 8	Article 8
Union quarantine pests used for	Union quarantine pests used for	Union quarantine pests used for	Union quarantine pests used for
scientific purposes, trials, varietal	scientific purposes, trials, varietal	scientific <u>, technical or</u>	scientific technical or educational
selections, breeding or exhibitions	selections, breeding or exhibitions	educational purposes, trials,	purposes, trials, varietal selections,
		varietal selections, <u>or</u> breeding or	breeding
		exhibitions	
1 D C1 + C		1 D C1 + C	FD 1 6: 4 1 6: 1 4
1. By way of derogation from		1. By way of derogation from	[Redrafting to be confirmed at
Article 5(1), Member States		Article 5(1), Member States	trilogue]
may, on application, authorise		may, on application,	1. By way of derogation from
the introduction into, and the		temporarily authorise the	Article 5(1), Member States
movement within, their		introduction into, and the	may, on application, temporarily
territory of Union quarantine pests for use for scientific		movement within, and the	authorise the introduction into, and the movement within, and
purposes, trials, varietal		holding and multiplication in their territory of Union	the holding and multiplication in
selections, breeding or		quarantine pests or pests	their territory of Union
exhibitions if all of the		subject of the measures	quarantine pests or pests subject
following requirements are		adopted pursuant to Article	ot the measures adopted
fulfilled:		29(1) for use for scientific,	pursuant to Article 29(1) for use
Turrined.		technical, or and educational	for scientific, official testing
		purposes, trials, varietal	technical, or-educational
		selections, <u>or</u> breeding or	purposes, trials, varietal
		exhibitions.	selections, or breeding.
		CAMOTOMS <u>.</u>	selections, or electing.
		That authorisation shall be	That authorisation shall be
		granted for the activity	granted for the activity
		concerned only if adequate	concerned only if adequate
		restrictions are imposed to	restrictions are imposed to
		ensure that the introduction,	ensure that the introduction,
		movement, holding,	movement, holding,
		multiplication-and use of the	multiplication-and use of the
		pest concerned do not result	pest concerned do not result in
		in the establishment or	the establishment or

	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.	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.
	if all of the following requirements are fulfilled:	
(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	DELETED	Ok with Council text
	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).		
	On the basis of those	DELETED	Ok with Council text
	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.		

3. Where an authorisation is granted, it shall include all of the following conditions: (a) the pest is to be kept in	(a) the pest is to be kept in <u>a</u>	Ok with Council text
storage facilities found to be appropriate by the competent authorities and referred to in the authorisation;	location and under conditions storage facilities, found to be appropriate by the competent authorities and referred to in the authorisation;	
(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	4.	The authorisation shall be	Ok with Council text
	limited to the amount that is		limited to the amount and	
	adequate for the activity		duration that is adequate for	
	concerned and shall not exceed		the activity concerned and	
	the capacity of the designated		shall not exceed the capacity	
	quarantine station.		of the designated quarantine	
	-		station- or confinement	
	It shall include the restrictions		facility.	
	necessary to adequately			
	mitigate the risk of		It shall include the restrictions	
	establishment and spread of the		necessary to adequately	
	Union quarantine pest		mitigate eliminate the risk of	
	concerned.		establishment and spread of	
			the respective Union	
			quarantine pest or pest	
			subject to the measures	
			adopted pursuant to Article	
			29(1) concerned	

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 beby means of an implementing act set out specific be empowered to adopt delegated acts, in accordance with Article 98, laying down detailed rules concerning the following elements:	IA/DA Council could accept DA

(a) the exchange of information	(a) the exchange of information	Ok with Council text
between Member States and the	between Member States and the	
Commission concerning the	Commission concerning the	
introduction into, and movement	introduction into, and movement	
within, the Union territory of the	within, holding, multiplication	
pests concerned;	and use in the Union territory of	
	the pests concerned;	
	•	
(b) the assessments and	(b) the assessments	Ok with Council text
authorisation referred to in	and procedure and conditions	
paragraph 2; and	for granting the authorisation	
	referred to in paragraph 21; and	
	· · · · ·	
(c) the monitoring of compliance,	(c) the monitoring of	Ok with Council text
the action in case of non-	compliance, and the actions to	
compliance and the notification	be taken in case of non-	
thereof, as referred to in	compliance and the notification	
paragraph 5.	thereof, as referred to in	
	paragraph 5.	
	That implementing act shall	
	be adopted in accordance with	
	the examination procedure	
	referred to in Article 99(3).	

	Article 9	Article 9	DELETED	Article 9
No	otification of Union quarantine	Notification of Union quarantine		Notification of Union quarantine
pe	sts to the competent authorities	pests to the competent authorities		pests to the competent authorities
1.	Where anyone becomes aware of the presence of a Union quarantine pest or has reason to suspect such a presence, that person shall notify, in writing, the competent authority within ten calendar days.	AM 44 1. Where anyone becomes aware of the presence of a Union quarantine pest or has reason to suspect such a presence, that person shall notify the competent authority immediately and shall confirm notification, in writing, to 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

Article 10	Article 10	Article 10	Article 10
Measures in case of suspicion of	Measures in case of suspicion of	Measures in case of suspicion of	Measures in case of suspicion of
the presence of a Union	the presence of a Union	the presence of a Union	the presence of a Union quarantine
quarantine pest	quarantine pest	quarantine pest	pest
		Notification of imminent dangers	
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		DELETED	Ok with Council text
whether that pest is present or not.			
		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.	Ok with Council text

	1a.	Paragraph 1 shall also apply	Ok with Council text
		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>2.</u>	Professional operators shall	Ok with Council text
		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).	

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

	official confirmation of the	official confirmation of the presence
	presence of that pest, the	of that pest, the Member States
	Member States concerned may	concerned shall, where applicable,
	take phytosanitary measures to	take phytosanitary measures to
	eliminate the risk of spread of	eliminate the risk of spread of that
	that pest.	pest.
	The suspicion or evidence	The suspicion or evidence referred to
	referred to in the first	in the first subparagraph may be
	subparagraph may be based on	based on any information received
	any information received	pursuant to Articles 15 and 15a, or
	pursuant to Articles 15 and 15a,	any other source.
	or any other source.	
1. A Member State shall notify,	DELETED	Ok with Council text
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:		
(a) its competent authority has	DELETED	Ok with Council text
received 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], confirming		
(hereinafter: 'officially		
confirming') the presence in its		
territory of a Union quarantine		
pest not known to be present in		
that Member State:		
mai Member State,		

(b) its competent authority has officially confirmed the presence	DELETED	Ok with Council text
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;		
(c) its competent authority has	DELETED	Ok with Council text
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.		
2. The notifications referred to in	DELETED	Ok with Council text
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.		

3. The Commission shall be		DELETED	IA/DA
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.			
Article 12	Article 12	Article 12	Article 12
Information on Union quarantine	Information on Union quarantine	Information on Union quarantine	Information on Union quarantine
nosts provided to professional	wasta waswidad ta wasfassiawal	pests provided to professional	masta muaridad ta muafassiamal
pests provided to professional	pests provided to professional	pesis provided to professional	pests provided to professional
pests provided to professional operators by the competent	operators by the competent	operators by the competent	operators by the competent
operators by the competent	operators by the competent	operators by the competent	operators by the competent
operators by the competent	operators by the competent	operators by the competent authorities	operators by the competent
operators by the competent	operators by the competent	operators by the competent authorities Notification of Union quarantine	operators by the competent
operators by the competent authorities	operators by the competent	operators by the competent authorities Notification of Union quarantine pests by the Member States to the Commission and the other Member States	operators by the competent authorities
operators by the competent authorities Where the conditions of one of the	operators by the competent	operators by the competent authorities Notification of Union quarantine pests by the Member States to the Commission and the other	operators by the competent
operators by the competent authorities	operators by the competent	operators by the competent authorities Notification of Union quarantine pests by the Member States to the Commission and the other Member States	operators by the competent authorities
where the conditions of one of the points of Article 11(1) are fulfilled, the competent authority concerned	operators by the competent	operators by the competent authorities Notification of Union quarantine pests by the Member States to the Commission and the other Member States	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 by the competent	operators by the competent authorities Notification of Union quarantine pests by the Member States to the Commission and the other Member States	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	operators by the competent	operators by the competent authorities Notification of Union quarantine pests by the Member States to the Commission and the other Member States	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	operators by the competent	operators by the competent authorities Notification of Union quarantine pests by the Member States to the Commission and the other Member States	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	operators by the competent	operators by the competent authorities Notification of Union quarantine pests by the Member States to the Commission and the other Member States	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	operators by the competent	operators by the competent authorities Notification of Union quarantine pests by the Member States to the Commission and the other Member States	operators by the competent authorities

1. A Member State shall	notify,
through the electronic	
notification system ref	<u>'erred</u>
to in Article 97, the	
Commission and the o	<u>ther</u>
Member States, in cas	e one
of the following -condi	tions is
fulfilled:	
(a) its competent author	ity has
officially confirmed of the	
presence in its territory of	<u>a</u>
Union quarantine pest not	known
to be present in that Memb	oer
State;	

	(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;	
	(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.	
	Those notifications shall be	
	submitted by the single authority,	
	referred to in Article 3(2) of	
	Regulation [Official Controls], of	
	the Member State concerned.	
1	the intermediate contention	

Article 13	Article 13	Article 13	Article 13
Information on priority pests	Information on priority pests	Information on priority pests	Information on priority pests
provided to the public by the	provided to the public by the	provided to the public by the	provided to the public by the
competent authorities	competent authorities	competent authorities	competent authorities
		Information on Union quarantine	
		pests provided to professional	
		operators by the competent	
		<u>authorities</u>	
Where the conditions of one of the		Where one of the conditions	Ok with Council text
points of Article 11(1)(a) or (b) are		referred to in of one of the points of	
fulfilled as regards a priority pest,		Article 11(1)(a) or (b) <u>12(1)</u> are is	
the competent authority shall inform		fulfilled, the competent authority	
the public about the measures taken		shall inform the public about the	
and to be taken by that competent		measures taken and to be taken by	
authority and, where applicable, to		that competent authority and, where	
be taken by particular professional		applicable, to be taken by particular	
operators or other persons.		relevant categories of professional	
		operators or other persons.	
		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.	

AM 45

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.

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."

	Article 14	Article 14	Article 14	Article 14
No	tification of imminent dangers	Notification of imminent dangers	Notification of imminent dangers Information on priority pests provided to the public by the competent authorities	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]

	When one of the conditions	[Ok with Council text]
	referred to in points (a) or (b) of	[OK With Council text]
	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.	
AM 46		AM withdrawn
2a. In case of an imminent danger		(see text in art. 11)
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.		

Article 15	Article 15	Article 15	Article 15
Measures to be taken immediately	Measures to be taken immediately	Measures to be taken	Measures to be taken immediately
by professional operators	by professional operators	immediately by professional	by professional operators
		operators	
1. Where a professional operator		1. Where a professional operator	Ok with Council text (whole article)
becomes aware that a Union		suspects or becomes aware	
quarantine pest is present in		that a Union quarantine pest <u>or</u>	
plants, plant products or other		a pest subject to measures	
objects which are under its		adopted pursuant to Article	
control, it shall, immediately,		29(1) is present in plants, plant	
and after informing and		products or other objects	
consulting with the competent		which are under its control, it	
authority concerned, take the		shall , immediately , and after	
phytosanitary measures		informing and consulting with	
necessary to eliminate that pest		the notify to the competent	
from the plants, plant products		authority- concerned,take the	
or other objects concerned and		phytosanitary measures	
from its premises, where		necessary to eliminate that pest	
applicable, and prevent the		from the plants, plant products	
spread of that pest.		or other objects concerned and	
		from its premises, where	
That professional operator		applicable, and prevent the	
shall, immediately and after		spread of that pestthat	
informing and consulting with		suspicion or awareness, in	
the competent authority		order for the competent	
concerned, inform the persons		authority to take actions	
in the trade chain from whom		according to Article 11. As	
those plants, plant products or		appropriate, it the	
other objects had been		professional operator shall	
obtained.		also take immediately	
		precautionary measures to	
		prevent the establishment	
		and 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.
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.
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.

That competent authority shall,	DELETED	
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.		
2. Where the plants, plant products	2. Where the plants, plant products	
or other objects referred to in	or other objects referred to in	
paragraph 1 have left the control	paragraph 1 have left the control	
of the professional operator	of the professional operator	
concerned, that professional	concerned, that professional	
operator shall, immediately and	operator shall, immediately and	
after informing and consulting	after informing and consulting	
with the competent authority	with the competent authority	
concerned, inform the persons in	concerned, inform the persons in	
the trade chain from whom those	the trade chain from whom	
plants, plant products or other	those plants, plant products or	
objects had been obtained and to	other objects had been obtained	
whom those plants, plant	and to whom those plants, plant	
products and other objects had	products and other objects had	
been supplied, of the presence of	been supplied, of the presence of	
the pest.	the pest.	
	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	
	<u>instructions.</u>	

	2a.V	Where so instructed by the	
	c	competent authority, the	
	p	professional operator shall	
		also take the necessary	
	_	neasures to eliminate that	
	_	pest from the plants, plant	
	_	products or other objects	
	_	concerned and from its	
	_	oremises, land, soil, water or	
	_	other infested elements which	
	_	are under its control.	
3. The competent authority shall,	3.	The competent authority shall,	
where appropriate, ensure that	٥.	where appropriate, ensure that	
the professional operator		the professional operator	
concerned recalls from the		concerned recalls from the	
market the plants, plant		market the plants, plant	
products and other objects in		products and other objects in	
which the pest may be present		which the pest may be present	
and, where the plants, plant		and, where the plants, plant	
products and other objects may		products and other objects may	
have reached the final user, to		have reached the final user, to	
recall them from those final		recall them from those final	
users.		users.	
		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.	

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
<u>informing the persons in the</u>
trade chain to whom those
plants, plant products and
other objects had been
supplied, of the presence of
the pest.
That information shall
include guidelines on the
necessary measures to be
taken during shipment of the
respective plants, plant
products and other objects to
reduce the risk of spread or
escape of the pests
concerned.

4. Where paragraph 1 or 2	4.	Where paragraph 1 or 2	
applies, the professional		applies, the professional	
operator concerned shall		operator concerned shall	
provide all information which		provide all information which	
is relevant for the public to the		is relevant for the public to the	
competent authority concerned.		competent authority	
That authority shall inform the		concerned. That authority shall	
public in case action needs to		inform the public in case	
be taken with regard to the		action needs to be taken with	
plants, plant products or other		regard to the plants, plant	
objects in which the respective		products or other objects in	
pest may be present.		which the respective pest may	
		be present.	
		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. ThatWithout	
		prejudice to Article 1413,	
		Tthat authority shall as soon	
		as possible inform the public	
		in case action needs to be	
		taken with regard to the	
		plants, plant products or	
		other objects in which the	
		respective pest may be	
		present.	

	Article <u>15a</u>	
	Measures to be taken by persons	
	other than professional operators	
	1. Where any person, other	Where any person, other than a
	than a professional operator,	professional operator, becomes aware
	becomes aware of the	of the presence of a Union quarantine
	presence of a Union	pest or has reason to suspect such a
	quarantine pest or has	presence, that person shall
	reason to suspect such a	immediately notify the competent
	presence, that person shall	authority within five calendar days.
	notify the competent	Where the notification is not
	authority within five	submitted in writing, the competent
	calendar days.	authority shall officially record it.
	Where the notification is not	If so requested by the competent
	submitted in writing, the	authority, that person shall provide
	competent authority shall	that authority with the information
	officially record it.	which is in its possession concerning
	If so requested by the	that presence.
	competent authority, that	
	person shall provide that	
	authority with the	
	information which is in its	
	possession concerning that	
	presence.	
	1a. The competent authority	Ok with Council text
	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>2.</u>	Following the notification	Ok with Council text
		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>Article 15b</u>	
		Derogations to notification	
		<u>obligations</u>	
		obligation for notification as	Ok with Council text (whole article)
	refe	erred to in articles 15 and 15a	
	shal	ll not apply to the following	
	case	es:	
	<u>(a)</u>	Union quarantine pests	
		nd to be present in the	
	infe	sted zone of a demarcated	
		a established for the	
	con	tainment of that pest, as	
		erred to in Article 17(2);	

Article 16 Eradication of Union quarantine	Article 16 Eradication of Union quarantine	(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. Article 16 Eradication of Union quarantine	Article 16 Eradication of Union quarantine
pests	pests AM 47	pests	pests AM withdrawn
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.	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, if possible, from the area concerned (hereinafter: 'to eradicate') or, where eradication is not possible, and to prevent its spread out of that area (hereinafter: 'to eradicate contain'). Those measures shall be adopted in accordance with Annex IV on measures and principles for the management of the risks of pests.	1. Following the official confirmation referred to in Article 12(1)(a) or (b), Where the presence of a Union quarantine pest is officially confirmed, the competent authority shall immediately take all necessary phytosanitary measures to eradicate eliminate that pest from in the area concerned and to prevent its spread out of that area (hereinafter: 'to eradicate'). Those measures shall be adopted taken in accordance with Annex IV on measures and principles for the management of the risks of pests.	Alvi withdrawn

		The obligation to eradicate,	Ok with Council text
			OK WITH COUNCIL TOXT
		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.	
	AM 40	specifies other wise.	AM withdrawn
l '	<u>AM 48</u>		Alvi withdrawii
	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		

	+ 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.			
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.	The competent authority shall without delay investigate the source of Where the presence of the Union quarantine pest concerned, in particular where that presence 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. 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.	Ok with Council text

Article 17 Establishment of restricted areas	Article 17 Establishment of restricted areas	Article 17 Establishment of restricted	Article 17 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 1+12(1)(a) or (b), the competent authority shall immediately establish an area, 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. 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, as applicable, 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	(c) all other plants liable to <u>have</u>	Ok with Council text
infested by that pest due to their	been or become be contaminated	
susceptibility to that pest and	or infested by that pest, including	
their close proximity to infested	plants liable to be infested due to	
plants, or common source of	their susceptibility to that pest and	
production, if known, with	their close proximity to infested	
infested plants, or plants grown	plants, or common source of	
from them.	production, if known, with infested	
	plants, or plants grown from them-;	
	(ca) land, soil, water courses or	Ok with Council text
	other elements infested, or liable	
	to be infested, by the pest	
	concerned.	
3. The buffer zone shall be	3. The buffer zone shall be	Ok with Council text
adjacent to the infested zone	adjacent to the infested zone	
and shall surround it.	and shall surround it.	
Its size shall be appropriate in	Its size shall be appropriate in	Ok with Council text
view of the risk of the pest	view of the risk of the pest	
concerned spreading out of the	concerned spreading out of the	
infested zone naturally, or by	infested zone naturally, or by	
human activities in the infested	human activities in the	
zone and its surroundings, and	infested zone and its	
shall be decided in accordance	surroundings, and shall be	
with the principles set out in	decided in accordance with	
Section 2 of Annex IV on	the principles set out in	
measures and principles for the	Section 2 of Annex IV on	
management of the risks of	measures and principles for	
pests.	the management of the risks	
	of pests.	

	However, where any risk of the	However, where any risk of the pest Ok with Council text
	pest spreading out of the	spreading out of the infested zone is
	infested zone is sufficiently	eliminated or reduced to an
	mitigated through natural or	acceptable level sufficiently
	artificial barriers, no buffer	mitigated through natural or
	zone need be established.	artificial barriers, no buffer zone
		needs to be established.
4.	By way of derogation from	4. By way of derogation from Ok with Council text
	paragraph 1, where upon first	paragraph 1, where upon first
	sight the competent authority	sight the competent authority
	concludes, in view of the	concludes, in view of the
	nature of the pest concerned	nature of the pest, the plant,
	and the site where it was found,	plant product or other object
	that the pest concerned can be	concerned, and the site where
	eliminated immediately, the	it was found, that the pest
	competent authority may	concerned can be eliminated
	decide not to establish a	immediately, the competent
	restricted area.	authority may decide not to
		establish a restricted
		demarcated area.
	In that case, it shall carry out a	In that case, it shall carry out a Check deletion of notification
	survey to determine whether	survey to determine whether obligations [v.]
	any further plants or plant	any further plants or plant
	products have been infested.	products have been infested.
	On the basis of that survey, the	On the basis of that survey, the
	competent authority shall	competent authority shall
	determine whether there is a	determine whether there is a
	need to establish a restricted	need to establish a restricted
	area. The competent authority	<u>demarcated</u> area. The
	concerned shall notify to the	competent authority concerned
	Commission and the other	shall notify to the Commission
	Member States the conclusions	and the other Member States
	of that survey.	the conclusions of that survey.

5.	Where in accordance with	5.	Where in accordance with	Ok with Council text
	paragraphs 2 and 3 a restricted		paragraphs 2 and 3 a restricted	
	area is to extend into the		demarcated area is to extend	
	territory of another Member		into the territory of another	
	State, the Member State where		Member State, the Member	
	the pest concerned was found		State where the pest concerned	
	to be present shall immediately		was found to be present shall	
	contact the Member State into		immediately contact the	
	whose territory the restricted		Member State into whose	
	area is to extend in order to		territory the restricted	
	allow that Member State to		demarcated area is to extend	
	take all appropriate actions, as		in order to allow that Member	
	referred to in paragraphs 1 to 4.		State to take all appropriate	
			actions, as referred to in	
			paragraphs 1 to 4.	
6.	By 31 March of each year,	6.	By 30 April 31 March of each	Ok with Council text
	Member States shall notify to		year, Member States shall	
	the Commission and the other		notify to the Commission and	
	Member States the number and		the other Member States the	
	locations of the restricted areas		number and locations of the	
	established, the pests		restricted demarcated areas	
	concerned, and the respective		established, the pests	
	measures taken during the		concerned, and the respective	
	preceding year.		measures taken during the	
			preceding year.	
			This paragraph shall apply	Ok with Council text
			without prejudice to any	
			obligation for the	
			notification of demarcated	
			areas set out by the	
			implementing acts referred	
			to in Article 97a.	

	Article 18 Surveys and modifications of restricted areas, and lifting of restrictions 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	Article 18 Surveys and modifications of restricted areas, and lifting of restrictions AM 49 1. Competent authorities shall, on a risk basis and with appropriate frequency, annually carry out a survey of each restricted area as regards the development of the presence of the pest concerned.		Article 18 Surveys and modifications of stricted demarcated areas, and lifting of restrictions 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	Article 18 Surveys and modifications of restricted areas, and lifting of restrictions 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 the 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.	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 to verify the pest free status.	4.	Competent authorities may decide to abolish a restricted demarcated area and terminate the respective eradication measures, provided that that area has been found free from the pest concerned through during the surveys referred to in paragraph 1, and no presence of the pest concerned has been found in that restricted demarcated area for a sufficiently long period—resulting in the verification of the pest-free status of that area.	AM withdrawn Ok with Council text

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

			_
		The Commission shall, by means	IA/DA
		of an implementing act, further	Council could accept DA
		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).	
Article 19	Article 19	Article 19	Article 19
Reports on measures taken in	Reports on measures taken in	Reports on measures taken in	Reports on measures taken in
accordance with Articles 16, 17	accordance with Articles 16, 17	accordance with Articles 16, 17	accordance with Articles 16, 17
and 18	and 18	and 18	and 18
		1. Where measures are taken	Ok with Council text (whole article)
		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.	
		2. Where so requested by the	
		Commission or by any other	
		Member State, a Member	
		State shall submit a report	
		on specific measures taken in	
		accordance with Articles 16,	
		17 and 18.	

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.	DELETED	
That report shall be submitted, on request, to the Commission and the other Member States.		

Article 20 Article 20 Article 20 Article 20 **Amendment of Annex IV Amendment of Annex IV Amendment of Annex IV Amendment of Annex IV AM 52** TECHNICAL The Commission shall be The Commission shall be [add an explicit reference to IPPC in The Commission shall be empowered to adopt delegated acts empowered to adopt delegated acts empowered to adopt delegated acts recital 691 in accordance with Article 98. in accordance with Article 98, in accordance with Article 98, amending Section 1 of Annex IV on amending Section 1 of Annex IV on amending Section 1 of Annex IV [redrafting to be confirmed at measures to manage the risks of measures to manage the risks of on measures to manage the risks of trilogue] quarantine pests, as regards the quarantine pests, as regards the guarantine pests, as regards the "The Commission shall be measures targeting prevention and measures targeting prevention and measures targeting prevention and empowered to adopt delegated acts in elimination of infestation of elimination of infestation of elimination of infestation of accordance with Article 98. amending Section 1 of Annex IV as cultivated and wild plants, measures cultivated and wild plants, measures cultivated and wild plants, targeting consignments of plants, targeting consignments of plants, measures targeting consignments of regards the measures targeting plant products and other objects, plant products and other objects, plants, plant products and other prevention and elimination of measures targeting other pathways measures targeting other pathways objects, measures targeting other infestation of cultivated and wild for quarantine pests, and amending for quarantine pests, and amending pathways for quarantine pests, and plants, measures targeting Section 2 of that Annex on Section 2 of that Annex on amending Section 2 of that Annex consignments of plants, plant principles for the management of principles for the management of the on principles for the management products and other objects, measures of the risks of pests, as regards the risks of pests, as regards risks of pests, as regards principles targeting other pathways for principles for the management of for the management of the risks of principles for the management of quarantine pests, and amending the risks of pests, taking into pests, taking into account the the risks of pests, taking into Section 2 of that Annex, as regards account the developments of developments of technical and account the in order to adapt principles for the management of the technical and scientific knowledge. scientific knowledge as well as risks of pests, in order to adapt those measures and principles to the developments of technical and those measures and principles to International Standards for scientific knowledge or the developments of technical and Phytosanitary Measures (ISPMs), agreed under the International international standards. scientific knowledge or relevant Plant Protection Convention international standards." (IPPC).

Article 21	Article 21	Article 21	Article 21
Surveys on Union quarantine	Surveys on Union quarantine	Surveys on Union quarantine	Surveys on Union quarantine pests
pests and pests provisionally	pests and pests provisionally	pests and pests provisionally	and pests provisionally qualifying
qualifying as Union quarantine	qualifying as Union quarantine	qualifying as Union quarantine	as Union quarantine pest
pest	pest	pest	
	<u>AM 53</u>	1. Member States shall conduct	AM accepted (without "apparent")
Member States shall conduct	1. Member States shall conduct	surveys, over specific periods	
surveys, over specific periods	surveys based on apparent	of time, checking at least for:	Ok with Council text
of time, checking for the	risks, over specific periods of	(a) the presence of any Union	
presence of any Union	time, checking for the presence	quarantine pest, and;	"1. Member States shall conduct
quarantine pest, and signs or symptoms of any pest	of any Union quarantine pest, and signs or symptoms of any	(b) signs or symptoms of any pest	risk-based surveys, over
provisionally qualifying as	pest provisionally qualifying as	subject to the measures	specific periods of time,
Union quarantine pest,	Union quarantine pest, pursuant	referred to in Article 28 or	checking at least for:
pursuant to Section 3 of Annex	to Section 3 of Annex II, in all	to measures adopted	(a) the presence of any Union
II, in all areas where that pest	areas where that pest was not	pursuant to Article	quarantine pest, and;
was not known to be present.	known to be present.	29(1).provisionally qualifying	(b) signs or symptoms of any pest
		as Union quarantine pest,	subject to the measures referred
		pursuant to Section 3 of	to in Article 28 or to measures
		Annex II,	adopted pursuant to Article
		Those surveys shall take	29(1).
		<pre>place in all areas where that</pre>	Those surveys shall take place
		the pest concerned was not	in all areas where that the pest
		known to be present.	concerned was not known to be
		2.—Those surveys do not need to	present.
		be carried out for pests for	Those surveys do not need to be
		which it is unequivocally	carried out for pests for which it
		concluded that they cannot	is unequivocally concluded that
		be established or spread in	they cannot be established or
		the Member State	spread in the Member State
		concerned, due to the	concerned, due to the
		ecoclimatic conditions or to	ecoclimatic conditions or to the
		the absence of its host	absence of its host species."
		species.	

2. Those surveys shall consist, at	<u>2.</u>	The design of those surveys	
least, of visual examinations by		shall be based on the risk	
the competent authority, and,		that the pest concerned	
where appropriate, collection of		occurs in the respective area.	
samples and performance of		They shall consist, at least, of	
tests. They shall be based on		visual examinations by the	
sound scientific and technical		competent authority, and,	
principles, and shall be carried		where appropriate, collection	
out at appropriate times with		of samples and performance of	
regard to the possibility to		tests. Those surveys shall be	
detect the pest concerned.		carried out in all appropriate	
detect the pest concerned.		locations, and shall include	
		as appropriate premises,	
		vehicles, machinery and	
		packaging used by	
		professional operators and	
		-	
		other persons. 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		Those surveys shall take	
account of scientific and		account of scientific and	
technical evidence, and any		technical evidence, and any	
other appropriate information,		other appropriate information,	
concerning the presence of the		concerning the presence of the	
pests concerned.		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.

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).

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)."

[]Article 22	Article 22	
Multi-annual survey programmes	Multi-annual survey program	nmes
and collection of information	and collection of information	
Member States shall establish	1. Member States shall estab	lish [Article to be confirmed at trilogue]
multi-annual programmes	multi-annual programmes	"1. Member States shall establish
setting out the content of the	setting out the content of t	he multi-annual programmes setting out
surveys to be carried out	surveys to be carried out	the content of the surveys to be
pursuant to Article 21. Those	pursuant to Article 21. The	ose carried out pursuant to Article 21.
programmes shall provide for	programmes shall provide	for Those programmes shall provide for
the collection and recording of	the collection and recording	ng of the collection and recording of the
the scientific and technical	the scientific and technical	scientific and technical evidence and
evidence and other information	evidence and other inform	
as referred to in the second	as referred to in the second	d second subparagraph of Article
subparagraph of Article 21(2).	subparagraph of Article 21	
		Those programmes shall set out
Those programmes shall set out	Those programmes shall se	
the following elements: the	the following elements: the	
specific objective of each	specific objective of each	specific objective of each survey, its
survey, its spatial and	survey, its spatial and	scope as regards the area concerned
temporary scope, the pests,	temporary scope as regard	
plants and commodities	the area concerned and t	
targeted, the survey	<u>time scale covered</u> , the pe	
methodology and quality	plants and commodities	management including a description
management including a	targeted, the survey	of the procedures for visual
description of the procedures	methodology and quality	examination, sampling and testing
for visual examination,	management including a	and their technical justification, the
sampling and testing and their	description of the procedu	
technical justification, the	for visual examination,	scheduled visual examinations,
timing, frequency and numbers	sampling and testing and t	
of scheduled visual	technical justification, the	recording of the information
examinations,	timing, frequency and num	
	of scheduled visual	multi-annual programmes shall be for
	examinations,	a period of five to seven years."

2.	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. Member States shall notify		2.	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. Member States shall notify	Ok with Council text
2.	their multi-annual survey programmes upon their establishment to the Commission and the other Member States.		۷.	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. 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).	"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)."

	Article 23	Article 23		Article 23	Article 23
	Surveys of priority pests	Surveys of priority pests		Surveys of priority pests	Surveys of priority pests
1.			1.	Surveys of priority pests 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—, as far as it is possible in relation to the biology of the pest concerned or the ecoclimatic conditions. 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.	

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.			
Article 24	Article 24	Article 24	Article 24
Contingency plans for priority	Contingency plans for priority	Contingency plans for priority	Contingency plans for priority
pests	pests	pests	pests
1 Fach Manshau State aball duam	AM 55	Each Member State shall draw	AM accepted with modifications
1. Each Member State shall draw	1. Each Member State shall draw		Ok with Council text
up and keep up to date, for	up and keep up to date, for each	up and keep up to date, for	Ok with Council text
each priority pest which is	priority pest which is capable	each priority pest which is	"1. Each Member State shall draw
capable of entering into and	of entering into and	capable of entering into and	
establishing in its territory, or a	establishing in its territory, or a	establishing in its territory, or	up and keep up to date, for each
part thereof, a separate plan	part thereof, a separate plan	a part thereof, a separate plan	priority pest which is capable of
containing information	containing information	containing information	entering into and establishing in its
concerning the decision making	concerning the decision making	concerning the decision	territory, or a part thereof, a separate
processes, procedures and	processes, procedures and	making processes, procedures	plan containing information
protocols to be followed, and	protocols to be followed, and	and protocols to be followed,	concerning the decision making
resources to be made available, in case of a confirmed or	resources to be made available, in case of a confirmed or	and <u>minimum</u> resources to be made available and	processes, procedures and protocols
			to be followed, and minimum resources to be made available and
suspected presence of the pest	suspected presence of the pest concerned, hereinafter 'the	procedures to make available	
concerned, hereinafter 'the	*	further resources, in case of a	procedures to make available further resources, in case of a confirmed or
contingency plan'.	contingency plan'. <i>Member</i>	confirmed or suspected presence of the pest concerned,	suspected presence of the pest
	States shall at an early stage involve all relevant	* *	concerned, hereinafter 'the
	stakeholders in the process	hereinafter 'the contingency plan'.	concerned, nereinalter the contingency plan'.
	drawing up and keeping up to	ριαιι .	Member States shall, at an
	date the contingency plan.		appropriate stage, consult all relevant
	ume the contingency plan.		stakeholders in the process of drawing
			up and keeping up to date the
			contingency plan."

	Those contingency plans do	Ok with Council text
	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.	
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/ [Office of		
Publications, please insert		
number of Regulation of Official		
Controls], delegated bodies or		
natural persons involved, as		
referred to in Article 25(1) of		
Regulation (EU) No/		
[Office of Publication, please		
insert number of Regulation of		
Official Controls], laboratories		
and professional operators,		
including co-ordination with		
neighbouring Member States and		
neighbouring third countries,		
where appropriate;		

(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	(b) access of competent authorities to premises of professional operators, other relevant operators and of natural persons;	Ok with Council text
of the priority pest concerned;	(ba) access of competent	Ok with Council text
	authorities, where necessary, to laboratories, equipment, personnel, external expertise and resources necessary for the rapid and effective eradication or, where appropriate, containment of the priority pest concerned;	
(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	(g) principles for the	Ok with Council text
geographical demarcation of	geographical demarcation of	
restricted areas;	restricted demarcated areas;	
(h) protocols describing the		
methods of visual examinations,		
sampling and laboratory testing;		
and		
(i) principles concerning the	(i) principles concerning the	Ok with Council text
training of personnel of the	training of personnel of the	
competent authorities.	competent authorities- and, as	
•	appropriate, the bodies, public	
	authorities, laboratories,	
	professional operators and other	
	persons referred to in point (a).	
Where appropriate, points (a)	Where appropriate, points (a) (c) to	Ok with Council text
to (i) shall take the form of	(i) shall take the form of instruction	
instruction manuals.	manuals.	

	<u>2a.</u>	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	Ok with Council text
		pest concerned.	
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.	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. Within one year from the date of the inclusion of the any further pest concerned in the that 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.
	Article 25	Article 25	Article 25	Article 25
	Simulation exercises	Simulation exercises	Simulation exercises for priority	Simulation exercises
			<u>pests</u>	
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 <u>phytosanitary</u> 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.

		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.	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.	AM 58 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, where appropriate, together by the Member States concerned on the basis of their respective contingency plans. Where appropriate and applicable, Member States shall carry out those simulation exercises with neighbouring third countries, if so agreed by those countries.	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, o request, make available on the results of each simulation exercise to	e a report		
Commission and to the			
Member States.			
	AM 59	DELETED	AM accepted
4. The Commission shall	be 4. The Commission shall be		•
empowered to adopt de	elegated empowered to adopt		
acts, in accordance wit	,		
98, setting out:	with Article 98, setting out		
(a) the frequencies, conte	_ ` ` / <u>-</u> · · ·	DELETED	
format of simulation exe			
	exercises;	DEL EMED	
(b) simulation exercises		DELETED	
more than one priority pe			
()	priority pest;	DELETED	
(c) co-operation between Member States, and of N		DELETED	
States with third countrie			
States with time country	countries:		
(d) contents of the report		DELETED	
simulation exercises pro	_ \ \ /		
in paragraph 3.	for in paragraph 3.		
Article 26	Article 26	Article 26	Article 26
Eradication plans for p	riority Eradication plans for priorit	y Eradication Action plans for	Action plans for priority pests
pests	pests	priority pests	
	<u>AM 60</u>		OPEN
1. Where the presence of			
priority pest is officiall			
confirmed in the territor			
Member State pursuant		Member State pursuant to	
Article 11(1)(a), the co	ompetent Article 11(1)(a), the compet	ent Article $11(1)(a)$, the competent	

authority shall immediately adopt a plan setting out the measures for the eradication of the pest concerned, as provided for in Articles 16, 17 and 18, and a time schedule for the application of those measures. That plan is referred to as the 'eradication plan.

The eradication plan shall include a description of the design and organisation of the surveys to be carried out and set out the number of visual examinations, samples to be taken and laboratory tests to be carried out.

authority, after consulting the operators concerned, shall immediately adopt a plan setting out the measures for the eradication of the pest(s) concerned, as provided for in Articles 16, 17 and 18, and a time schedule for the application of those measures. That plan is referred to as the 'eradication plan.

The eradication plan shall include a description of the design and organisation of the surveys to be carried out and set out the number of visual examinations, samples to be taken and laboratory tests to be carried out.

authority shall immediately adopt a plan setting out the measures for the eradication of the pest concerned, as provided for in Articles 16, 17 and 18, or the containment of the pest concerned, as provided for in Article 27(2), and a time schedule for the application of those measures. That plan is referred to as the 'action eradication plan'.

The <u>action</u> eradication plan shall include a description of the design and organisation of the surveys to be carried out and set out the number of visual examinations, samples to be taken and laboratory tests to be carried out, as well as the methodology to be applied for the examination, sampling and testing.

[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."

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
Article 27	Article 27	Article 27	Article 27
Union measures for specific Union	Union measures for specific Union	Union measures for specific Union	Union measures for specific Union
quarantine pests	quarantine pests AM 61	quarantine pests	quarantine pests IA/DA
1. The Commission may, by	1. The Commission may, by		[also add a recital]
means of implementing acts,	means of implementing acts,		
set out measures against	shall be empowered to adopt		[to be confirmed at trilogue]
specific Union quarantine	delegated acts in accordance		"The Commission may, by means of
pests. Those measures shall	with Article 98 set out		implementing acts, set out measures
implement, specifically for	measures against specific		against specific Union quarantine
each of the pest(s) concerned,	Union quarantine pests. Those		pests. Those measures may be
one or more of the following	measures shall implement,		adopted where it is concluded that
provisions:	specifically for each of the		the respective phytosanitary risks
	pest(s) concerned, one or more		are better addressed at Union level
	of the following provisions:		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:"
			8 F - 0 1 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 -

(a) Article 10 concerning measures in case of suspicion of the presence of a Union quarantine pest;	(a) Article 1011 concerning measures official confirmation by competent authorities in ease of suspicion of the presence of a that 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;		
	(ba) Article 15a concerning measures to be taken by persons other than professional operators	Ok with Council text
(c) Article 16 concerning eradication of Union quarantine pests;		

(d) Article 17 concerning establishment of restricted areas;		(d) Article 17 concerning establishment of restricted demarcated areas;	Ok with Council text
(e) Article 18 concerning surveys, modifications of restricted areas and lifting of		(e) Article 18 concerning surveys, modifications of restricted demarcated areas and	Ok with Council text
restrictions; (f) Article 21 concerning surveys on Union quarantine pests and pests provisionally qualifying as Union quarantine pest;		lifting of restrictions;	
(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 <u>action</u> 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

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

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'.

Where, as regards a restricted demarcated area, it is the Commission concludeds. 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'

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.

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."

3.	In case the Commission concludes that prevention measures in locations outside	AM 64 3. In case the Commission concludes that prevention measures in locations outside	3.	In case the Commission concludes that prevention measures in areas locations	IA/DA EP could accept IA
	restricted areas are necessary to protect the part of the Union	restricted areas are necessary to protect the part of the Union		outside restricted demarcated areas are necessary to protect	
	territory where the Union quarantine pest concerned is	territory where the Union quarantine pest concerned is		the part of the Union territory where the Union quarantine	
	not present, the Commission may adopt implementing acts,	not present, the Commission may shall be empowered to adopt delegated implementing		pest concerned is not present, the Commission may adopt implementing acts, as referred	
	as referred to in paragraph 1, setting out such measures.	acts, as referred to in paragraph 1, in accordance		to in paragraph 1, setting out such measures.	
		with Article 98, setting out such measures.		such measures.	
4.	The measures referred to in paragraphs 1, 2 and 3 shall be	300000000000000000000000000000000000000	4.	The measures referred to in paragraphs 1, 2 and 3 shall be	Ok with Council text
	taken in accordance with Annex IV on measures and			taken in accordance with Annex IV on measures and	
	principles for the management of the risks of pests, taking into			principles for the management of the risks of pests, taking	
	account the specific risks of the Union quarantine pests concerned and the need to			into account the specific risks of the Union quarantine pests concerned, the specific	
	implement the necessary risk mitigation measures in a			ecoclimatic conditions and risks as regards the Member	
	harmonised manner at Union level.			States 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, 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 delegated 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.
- 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 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. 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).

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). 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.

IA/DA EP could accept IA

7.	Member States shall notify,	7.	Member States shall notify,	Ok with Council text
	through the electronic		through the electronic	OK WITH COUNCIL TEXT
	notification system referred to		notification system referred to	
	in Article 97, the Commission		in Article 97, the Commission	
	and other Member States of		and other Member States of	
	any cases of non-compliance		any cases of- non-compliance	
	by professional operators with		by professional operators or	
	the measures adopted pursuant		persons other than	
	to this Article.		professional operators with	
			the measures adopted pursuant	
			to this Article, which creates	
			a risk of spread of Union	
			quarantine pests.	

Article 28	Article 28	Article 28	Article 28
Measures by Member States	Measures by Member States	Measures by Member States	Measures by Member States
concerning pests not listed as	concerning pests not listed as	concerning pests not listed as	concerning pests not listed as
Union quarantine pests	Union quarantine pests	Union quarantine pests	Union quarantine pests
1. Where the presence of a pest		1. Where the presence of a pest	Ok with Council text
that is not included in the list of		that is not included in the list	
Union quarantine pests in the		of Union quarantine pests is	
territory of a Member State is		officially confirmed in the	
officially confirmed, and the		territory of a Member State, is	
competent authority concerned		officially confirmed, and the	
considers that that pest may		Member State competent	
fulfil the conditions for		authority concerned considers	
inclusion in the list of Union		that that pest may fulfil the	
quarantine pests, it shall		conditions for inclusion in the	
immediately assess whether		list of Union quarantine pests,	
that pest fulfils the criteria of		it shall immediately assess	
Subsection 1 of Section 3 of		whether that pest fulfils the	
Annex II. If it concludes that		criteria of Subsection 1 of	
those criteria are fulfilled, it		Section 3 of Annex II. If it	
shall immediately take		concludes that those criteria	
eradication measures in		are fulfilled, it shall	
accordance with Annex IV on		immediately take eradication	
measures and principles for the		measures in accordance with	
management of the risks of		Annex IV on measures and	
pests. Articles 16 to 19 shall		principles for the management	
apply.		of the risks of pests. Articles	
		16 to 19 shall apply.	

Where a competent authority Where, as regards a suspects the presence in its demarcated area, it is territory of a pest fulfilling the concluded, on the basis of the criteria referred to in the first surveys referred to in Article subparagraph, Article 10 shall 18 or other evidence, that the eradication of the pest apply accordingly. concerned is not possible, Article 27(2) shall apply accordingly. 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.

		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. Pending the official confirmation of the presence of that pest, the Member States may take phytosanitary measures to mitigate the risk of its spread.	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. It shall also inform the Commission and the other Member States of 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

Article 29	Article 29	Article 29	Article 29
Measures by the Union	Measures by the Union	Measures by the Union	Measures by the Union concerning
concerning pests not listed as	concerning pests not listed as	concerning pests not listed as	pests not listed as Union
Union quarantine pests	Union quarantine pests	Union quarantine pests	quarantine pests
1. Where the Commission		1. Where the Commission	[Article to be confirmed at trilogue]
receives the notification		receives <u>a the</u> notification <u>as</u>	
referred to in the first		referred to in the first subparagraph	
subparagraph of Article 28(3),		of Article 28(3), or has other	
or has other evidence		evidence concerning the presence	
concerning the presence in, or		in, or imminent danger of entry	
imminent danger of entry into,		into, or spread within, the Union	
the Union territory of a pest		territory of a pest which is not	
which is not included in the list		included in the list of Union	
of Union quarantine pests and		quarantine pests and it considers	
it considers that that pest may		that that pest may fulfil the	
fulfil the conditions for		conditions for inclusion in that list,	
inclusion in that list, it shall		it shall immediately assess whether,	
immediately assess whether, as		as regards the Union territory, that	
regards the Union territory, that		pest fulfils the criteria of	
pest fulfils the criteria of		Subsection 2 of Section 3 of Annex	
Subsection 2 of Section 3 of		II.	
Annex II.			
Where it concludes that those		Where it concludes that those	
criteria are fulfilled, it shall		criteria are fulfilled, it shall	
immediately, by means of		immediately, by means of	
implementing acts, adopt		implementing acts, adopt measures	
measures for a limited time as		for a limited time as regards the	
regards the phytosanitary risks		phytosanitary risks posed by that	
posed by that pest. Those		pest. Those implementing acts shall	
implementing acts shall be		be adopted in accordance with the	
adopted in accordance with the		examination procedure referred to	
examination procedure referred		in Article 99(3).	
to in Article 99(3).			

	Those measures shall	Those measures shall, where	
	implement, specifically for	appropriate, implement,	
	each of the pests concerned,	specifically for each of the pests	
	one or more of the provisions	concerned, one or more of the	
	referred to in Article 27(1)(a)	provisions referred to in Article	
	to (f).	$\frac{1}{27(1)(a)}$ to (f).	
	()	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.	
2.	Where the Commission	2. Where it is the Commission	
2.	concludes, on the basis of	concludeds, on the basis of surveys	
	surveys referred to in Article	referred to in Article 18 and in	
	18 and in Article 21, or other	Article 21, or other evidence, that	
	evidence, that the eradication	the eradication of the pest	
	of the pest concerned is not	concerned is not possible in certain	
	possible in certain restricted	restricted demarcated areas, the	
	areas, the implementing acts	implementing acts referred to in the	
	referred to in the second	second subparagraph of paragraph	
		1 may set out measures with the	
	subparagraph of paragraph 1 may set out measures with the	single purpose to contain that pest.	
	•	single purpose to contain that pest.	
	single purpose to contain that		
	pest.		

_	T 4 0 1 1	•	XX72 4.4 X .1	
3.	In case the Commission	3.	Where it is In case the	
	concludes that prevention		Commission-concludeds that	
	measures in locations outside		prevention measures in areas	
	restricted areas are necessary to		locations outside restricted	
	protect the part of the Union		demarcated areas are	
	territory where the pest		necessary to protect the part of	
	concerned is not present, the		the Union territory where the	
	implementing acts referred to		pest concerned is not present,	
	in paragraph 1 may set out such		the implementing acts referred	
	measures.		to in paragraph 1 may set out	
			such measures.	
4.	The measures referred to in		2 000 22 22 20 000 000 000	
	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 measures has have been adopted by the Commission, the Member State may maintain the measures that it has employed-pursuant to Article 28.	
6.	On duly justified imperative grounds of urgency to address a serious phytosanitary risk, the Commission shall adopt immediately applicable implementing acts, in accordance with the procedure referred to in Article 99(4).	6.	On duly justified imperative grounds of urgency to address a serious pest phytosanitary risk, the Commission shall adopt immediately applicable implementing acts, in accordance with the procedure referred to in Article 99(4). 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.	

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

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

2.	Member States shall	2. Member States shall
	immediately notify the	immediately notify the
	Commission and the other	Commission and the other
	Member States of measures	Member States of measures
	adopted by them within the	adopted by them within the
	ambit of paragraph 1.	ambit of paragraph 1.
	Member States shall, on	Member States shall, on
	request, submit to the	request, submit to the
	Commission and the other	Commission and the other
	Member States an annual	Member States an annual
	report on the measures taken in	report on the measures taken
	accordance with paragraph 1.	in accordance with
		naragraph 1

SECTION 3	SECTION 3		SECTION 3
PROTECTED ZONE	PROTECTED ZONE		PROTECTED ZONE
QUARANTINE PESTS	QUARANTINE PESTS		QUARANTINE PESTS
Article 32	Article 32	Article 32	Article 32
Recognition of protected zones	Recognition of protected zones	Recognition of protected zones	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 ta

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-, or held, multiplied or released within that 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. 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.

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).

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-, and a code specifically attributed to the respective protected zone quarantine pest. That implementing act shall be adopted in accordance with the advisory examination procedure referred to in Article 99(23).

		1
The Commission may	The Commission may	Ok with Council text
recognise additional protected	recognise additional protected	
zones, by amending the	zones, by amending the	
implementing act referred to in	implementing act referred to in	
the first subparagraph, where	the first subparagraph, where	
the conditions provided for in	the conditions provided for in	
paragraph 1 are fulfilled. Such	paragraph 1 are fulfilled. Such	
an amendment shall be adopted	an amendment shall be	
in accordance with the	adopted in accordance with the	
examination procedure referred	examination procedure	
to in Article 99(3). The same	referred to in Article 99(3).	
procedure shall apply to a	The same procedure shall	
repeal or replacement of the	apply to a repeal or	
implementing act referred to in	replacement of the	
the first subparagraph.	implementing act referred to in	
	the first subparagraph, for	
	purposes of consolidating	
	<u>amendments.</u>	
Where Article 35 applies, an	DELETED	Ok with Council text
implementing act shall be		
adopted in accordance with the		
advisory procedure referred to		
in Article 99(2).		
4. With the application referred to		
in paragraph 1, the Member		
State concerned shall submit:		
(a) a description of the	(a) a description of the	Ok with Council text
boundaries of the protected zone	boundaries of the protected zone	
concerned, including maps; and	concerned, including maps; and	

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

The Commission shall be	The Commission <u>may</u> , <u>by</u> IA/DA
empowered to adopt delegated	means of implementing acts, OPEN
acts, in accordance with Article	shall be empowered to adopt
98, laying down detailed rules	delegated acts, in accordance
for surveys to be carried out for	with Article 98, laying down
purposes of the recognition of	detailed rules for the surveys
protected zones.	referred to in paragraph 4.
	to be carried out for purposes
	of the recognition of protected
	zones. 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).

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>uppreuton</u>
The recognition of a
temporary protected zone
shall last no longer than
three years after recognition,
and shall expire
automatically after three
years.
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.

Article 33	Article 33	Article 33	Article 33
General obligations concerning	General obligations concerning	General obligations concerning	General obligations concerning
protected zones	protected zones	protected zones	protected zones
1. With regard to a protected			Ok with Council text (whole article)
zone, the obligations set out in			
the following Articles shall			
apply accordingly to the			
protected zone quarantine			
pests:			
(a) Articles 9 to 12 concerning		(a) Articles 9 <u>10</u> to <u>1214</u>	
the confirmation, notification		concerning the official	
and information as regards the		confirmation, notification and	
presence of Union quarantine		information as regards the	
pests;		presence of Union quarantine	
		pests;	
(b) Article 15 concerning		(b) Article 15 <u>and 15a</u>	
measures to be taken		concerning measures to be taken	
immediately by professional		immediately by professional	
operators;		operators; and persons other	
		than professional operators;	
(c) Articles 16, 17 and 18		(c) Articles 16, 17 and 18	
concerning the eradication of		concerning the eradication of	
Union quarantine pests, the		Union quarantine pests, the	
establishment and modification		establishment and modification	
of restricted areas and surveys in		of restricted demarcated areas	
those restricted areas.		and surveys in those restricted	
		demarcated areas.	

2.	A plant, plant product or other	2.	A plant, plant product or other	
	object originating in a		object originating in a	
	restricted area established, in		restricted demarcated area	
	accordance with Article 17, in a		established, in accordance with	
	protected zone for the protected		Article 17, in a protected zone	
	zone quarantine pest		for the protected zone	
	concerned, may not be moved		quarantine pest concerned,	
	within or into any protected		may not be moved within	
	zone established for that		from that demarcated area	
	protected zone quarantine pest.		into the remaining part of	
			that protected zone, or into	
			any other protected zone	
			established for that protected	
			zone quarantine pest.	
	When moved out of the		By way of derogation to	
	protected zone concerned, that		subparagraph 1, When	
	plant, plant product or other		moved out of the protected	
	object shall be packed and		zone concerned, that plant,	
	moved in such a way that there		plant product or other object	
	is no risk of spreading the		may be moved out of that	
	respective protected zone		demarcated area through	
	quarantine pest within that		and out of the protected zone	
	protected zone.		concerned, only if it is shall	
	protected zone.			
			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		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	
Member States.		Commission and the other	
		Member States.	
Article 34	Article 34	Article 34	Article 34
Surveys on protected zone	Surveys on protected zone	Surveys on protected zone	Surveys on protected zone
quarantine pests	quarantine pests	quarantine pests	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. The provisions of Article 21(2) shall apply accordingly for the surveys carried out on protected	

	The Commission shall be	The Commission may , by	IA/DA
	empowered to adopt delegated	means of implementing acts,	OPEN
	acts, in accordance with Article	shall be empowered to adopt	3323
	98, laying down detailed rules	delegated acts, in accordance	
	for those surveys to be carried	with Article 98, laying down	
	out to confirm that the	detailed rules for those surveys	
	protected zones continue to	preparation and the content	
	fulfil the conditions set out in	of the surveys referred to in	
	Article 32(1).	subparagraph 1. to be carried out to confirm that the	
		protected zones continue to	
		fulfil the conditions set out in	
		Article 32(1).	
		Those implementing acts	
		shall be adopted in	
		accordance with the	
		examination procedure	
		referred to in Article 99 (3).	
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.		
	year.		

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

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-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).	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.	reserved to in the view 32 (e).	
4. The Commission shall revoke the recognition of a protected zone, in case the respective protected zone quarantine pest has been found to be present in that zone and one of the following conditions is fulfilled:		
(a) no restricted area has been designated, in accordance with Article 33(1), within three months after the presence of that pest was confirmed;	(a) no restricted demarcated area has been designated, in accordance with Article 33(1), within three months after the presence of that pest was confirmed;	

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

Chapter III	Chapter III	Chapter III	Chapter III
Union quality pests	Union quality pests	Union Regulated non-quarantine	Union <u>regulated non-quarantine</u>
		<u>Union quality</u> pests	pests
Article 36	Article 36	Article 36	Article 36
Definition of Union quality pests	Definition of Union quality pests	Definition of Union quality Union	Definition of Union <u>regulated non-</u>
		regulated non-quarantine pests	<u>quarantine</u> 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 or a pest subject to measures adopted pursuant to Article 29(1);	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
Article 37	Article 37	Article 37	Article 37
Prohibition of the introduction	Prohibition of the introduction	Prohibition of the introduction	Prohibition of the introduction and
and movement of Union quality	and movement of Union quality	and movement of Union quality	movement of Union regulated non-
pests on plants for planting	pests on plants for planting	regulated non-quarantine pests	quarantine pests on plants for
		on plants for planting	planting
1. A Union quality pest shall not		1. Professional operators shall	TECHNICAL
be introduced into or moved		not introduce a A-Union	[EP to consider]
within the Union territory on		quality regulated non-	RNQP are about economic effects,
the plants for planting through		<u>quarantine</u> pest -shall not be	which are not relevant when private
which it is transmitted, as		introduced into, or moved that	persons are involved. Therefore we
specified in the list referred to		<u>pest</u> within, the Union territory	should just focus on professional
in paragraph 2.		on the plants for planting	operators.
		through which it is transmitted,	
		as specified in the list referred	
		to in paragraph 2.	
		The prohibition in the first subparagraph shall not apply in one or more of the following cases:	

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

2a. The Commission shall, by **OPEN** means of an implementing act, as appropriate, set out [redrafting to be confirmed at measures to prevent the trilogue] presence of those pests on the "The Commission shall, by means of respective plants for planting, as referred to in an implementing act, as appropriate, **Article 36(f). Those measures** set out measures to prevent the shall, as appropriate, presence of those pests on the concern the introduction into respective plants for planting, as and the movement within the referred to in Article 36(f). Those **Union of those plants. Those** measures shall, as appropriate, measures shall be adopted in concern the introduction into and the accordance with the movement within the Union of those principles set out in Section 2 plants. Those measures shall be of Annex IV on principles for adopted in accordance with the the management of the risks principles set out in Section 2 of Annex IV on principles for the of pests. 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."

IA/DA

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 vine ¹ ;	

OJ L 93, 17.4.1968, p. 15.

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(c) the Annex of Commission	(c) the Annex of Commission	DELETED	
Directive 93/48/EEC of 23 June	Directive 93/48/EEC of 23 June		
1993 setting out the schedule	1993 setting out the schedule		
indicating the conditions to be	indicating the conditions to be		
met by fruit plant propagating	met by fruit plant propagating		
material and fruit plants intended	material and fruit plants		
for fruit production, pursuant to	intended for fruit production,		
Council Directive 92/34/EEC;	pursuant to Council Directive		
	92/34/EEC ;		
(d) the Annex of Commission	(d)the Annex of Commission	DELETED	
Directive 93/49/EEC of 23 June	Directive 93/49/EEC of 23 June		
1993 setting out the schedule	1993 setting out the schedule		
indicating the conditions to be	indicating the conditions to be		
met by ornamental plant	met by ornamental plant		
propagating material and	propagating material and		
ornamental plants pursuant to	ornamental plants pursuant to		
Council Directive 91/682/EEC;	Council Directive 91/682/EEC;		

(e) point (b) of Annex II to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed; (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;	(e) point (b) of Annex II to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed; (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;	(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; (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 ³ of 13 June 2002 on the marketing of seed potatoes and point B of Annex II thereto, and the acts adopted	
		pursuant to point (c) of Article 18 of that Directive;	
(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.		

OJ L 193, 20.7.2002, p. 33. OJ L 193, 20.7.2002, p. 60.

	(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.	
That implementing act shall be AM 73 That implementing act shall	That Those implementing acts shall	IA/DA
adopted in accordance with the be adopted in accordance	be adopted in accordance with the	
advisory procedure referred to with the advisory procedur		
in Article 99(2). referred to in Article 99(2).	referred to in Article $99(2\underline{32})$.	
	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	

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

- The Commission shall amend the implementing act referred to in paragraph 2 be empowered to adopt delegated acts in accordance with Article 98 concerning the amendment of Annex Ic, where an assessment shows that a pest not listed in that *Annex* fulfils the conditions referred to in Article 36, a pest listed in that Annex 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. *Prior to adopting* such delegated acts, the Commission shall consult stakeholders.
- 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 or measures adopted pursuant to paragraph 2.

	AM 75		AM accepted
The Commission shall make	The Commission shall make		
that assessment available to the	that assessment available to the		
Member States.	Member States without delay.		
		All amendments to the	IA/DA
		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.	

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
	/[Office of Publications,
	please insert number of
	Regulation on plant
	reproductive material law], 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.

Where Article 36(e) is only fulfilled for one or more of the 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 categories referred to in Article 12(1) of Regulation (EU) No .../.... [Office of Publications, please insert number of Regulation on plant reproductive material law], 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.

5. Where Article 36(e) is only fulfilled if the pest concerned is present above a certain threshold, the list referred to in paragraph 1 shall set out that threshold stating that the prohibition of introduction and movement provided for in paragraph 1 only applies above that threshold. A threshold shall only be set if the following points are fulfilled:	5. Where Article 36(e) is only fulfilled if the pest concerned is present at an incidence above a certain threshold higher than zero, the list referred to in paragraph 1 shall set out that threshold stating that the prohibition of introduction and movement provided for in paragraph 1 only applies above that threshold. A threshold higher than zero shall only be set if the following points are fulfilled:	5. Where Article 36(e) is only fulfilled if the pest concerned is present at an incidence above a certain threshold higher than zero, the list referred to in paragraph 1 shall set out that threshold stating that the prohibition of introduction and movement provided for in paragraph 1 only applies above that threshold. Such A threshold higher than zero shall only be set if the following points are fulfilled:
(a) it is possible to ensure by measures taken by the professional operator that the presence of that Union quality pest on those plants for planting does not exceed that threshold; and	(a) it is possible <u>for</u> <u>professional operators</u> to ensure <u>by measures taken by the</u> <u>professional operator</u> that the <u>incidence presence</u> of that Union <u>quality regulated non-</u> <u>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

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

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

The prohibition provided for in		The prohibition provided for in	The prohibition provided for in
Article 37 shall not apply to Union		Article 37 shall not apply to Union	Article 37 shall not apply to Union
quality pests present on the plants		quality regulated non-quarantine	regulated non-quarantine pests
for planting concerned, and used for		pests present on the plants for	present on the plants for planting
scientific purposes, trials, varietal		planting concerned, and or used for	concerned, or used for scientific,
selections, breeding or exhibitions.		scientific, technical or educational	technical or educational purposes,
		purposes, trials, varietal selections,	trials, varietal selections, breeding or
		breeding or exhibitions.	exhibitions.
Chapter IV	Chapter IV		Chapter IV
Measures concerning plants, plant	Measures concerning plants, plant		Measures concerning plants, plant
products and other objects	products and other objects		products and other objects
SECTION 1	SECTION 1		SECTION 1
MEASURES RELATING TO	MEASURES RELATING TO		MEASURES RELATING TO
THE ENTIRE UNION	THE ENTIRE UNION		THE ENTIRE UNION
TERRITORY	TERRITORY		TERRITORY
Article 40	Article 40	Article 40	Article 40
Prohibition of introduction of	Prohibition of introduction of	Prohibition of introduction of	Prohibition of introduction of
plants, plant products and other	plants, plant products and other	plants, plant products and other	plants, plant products and other
objects into the Union territory	objects into the Union territory	objects into the Union territory	objects into the Union territory
		01. A plant, plant product or	
		other object listed in the	01. Certain plants, plant products
		implementing act provided for in	or other objects shall not be
		paragraph 1 shall not be	introduced into the territory of the
		introduced into the Union	Union if they originate from all or
		territory from the third country	certain third countries or
		of origin, concerned by that	territories.
		listing.	

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.

The Commission shall adopt an implementing act, containing the plants, plant products and other objects and the prohibitions and the third countries country, group of third countries or specific areas of third country concerned, referred to in paragraph 01. That implementing act shall include the list 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.

That implementing act shall be	That implementing act shall	
adopted in accordance with the	be adopted in accordance with	
advisory procedure referred to	the advisory examination	
in Article 99(2) of this	procedure referred to in Article	
Regulation.	99 (2) (3) of this Regulation.	
regulation.	37(2) (5) of this Regulation.	
In the list established by that	In the list established by that	
implementing act, the plants,	implementing act, the plants,	
plant products and other	plant products and other	
objects shall be identified by	objects shall <u>also</u> be identified	
their respective code in	by their respective code in	
accordance with the	accordance with the	
classification in the Combined	classification in the Combined	
Nomenclature as laid down in	Nomenclature as laid down in	
Council Regulation (EEC) No	Council Regulation (EEC) No	
2658/87 of 23 July 1987 on the	2658/87 of 23 July 1987 on	
tariff and statistical	the tariff and statistical	
nomenclature and on the	nomenclature and on the	
Common Customs Tariff	Common Customs Tariff ⁴	
(hereinafter: 'CN code').	(hereinafter: 'CN code'),	
	where that code is available.	
	Other codes, laid down by Union	Other codes, laid down by Union
	legislation, shall in addition be	legislation, shall in addition be used
	used in the case where they	in the case referred to where they
	specify further the applicable CN	specify further the applicable CN
	code for a specific plant, plant	code for a specific plant, plant
	product or other object.	product or other object.

OJ L 256, 7.9.1987, p. 1.

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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.

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.

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 <u>pest</u> 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 <u>pest</u> 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.

	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 That notification shall also include the third country from which the plants, plant products or other objects were introduced into the Union territory shall be notified.	Ok with Council text

Article 41	Article 41	Article 41	Article 41
Plants, plant products and other	Plants, plant products and other	Plants, plant products and other	Plants, plant products and other
objects subject to special and	objects subject to special and	objects subject to special and	objects subject to special and
equivalent requirements	equivalent requirements	equivalent requirements	equivalent requirements
		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 Union territory if the special requirements, or equivalent requirements, are fulfilled.	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.
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 subject to special requirements, and the special requirements concerned, and, where applicable, the third countries country, group of third countries or specific areas of third country 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 examination 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 In the list established by that In the list established by that implementing act, those plants, implementing act, those plants, implementing act, those plants, plant products and other objects shall also plant products and other plant products and other objects shall be identified by objects shall also be identified be identified by their respective CN their respective CN code. by their respective CN codecode, where that code is available. Other codes, laid down by Union where that code is available. Other codes, laid down by legislation, shall in addition be used Union legislation, shall in in the case referred to where they addition be used in the case specify further the applicable CN where they specify further code for a specific plant, plant the applicable CN code for a product or other object. specific plant, plant product or other object.

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'.
I	

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

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 introduction into, and movement within, the Union **territory** 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 <u>pest phytosanitary</u> 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</u>, <u>plant product or other object from the list or by including it in the list referred to in Article 40(2)</u>.

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).

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. In case 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 01 3-2 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.	Ok with Council text

	Where applicable, that notification shall also include the third country from which the plants, plant products or other objects were introduced into the Union territory. shall also be notified. Article 41a Specific import conditions for the introduction into the Union territory of high risk plants, plant products and other objects	Article 41a 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
	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). That preliminary assessment shall take into account, as appropriate for the plant, plant product or other object concerned the criteria set out	1. Whenever there is a Should 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). That preliminary assessment

in Annex IIIA.	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.

	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.	Ok with Council text
	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 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 by [Office of publication insert the date corresponding to two years after the entry into force]. In the list established by that implementing act, those plants, plant products and	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

other objects, where force]. applicable, shall also be In the list established by that identified by their respective implementing act, those plants, CN code, where that code is plant products and other available. Other codes, laid objects, where applicable, shall down by Union legislation, shall in addition be used in also be identified by their respective CN code, where that the case where they specify further the applicable CN code is available. Other codes, code for a specific plant, laid down by Union legislation, shall in addition be plant product or other referred to used in the case object. where they specify further the applicable CN code for a specific plant, plant product or other object.

4. If it is concluded, on the	
basis of a risk assessment,	Ok with Council text
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	

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.

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

	and add it to the list referred	
	to in Article 41.	
	Those implementing acts shall be	
	adopted in accordance with	
	the examination procedure	
	referred to in Article 99(3).	
		Ok with Council text
	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.	
	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.	

	6. The Commission may, by	Ok with Council text
	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.	
	That implementing act shall be	
	adopted in accordance with the	
	examination procedure referred	
	to in Article 99(3).	

		Article 41b	
		Specific import conditions for the	
		introduction into the Union	
		territory of wood packaging	
		material	
		Wood packaging material,	Ok with Council text (whole article)
		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:	
		(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);	
		(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).	
		This paragraph shall not apply to	
		wood packaging material which	
		is subject to the exemptions	
		provided for in ISPM15.	
T .	I and the second		

			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.	
			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.	
	Article 42	Article 42	Article 42	Article 42
	Setting out of equivalent	Setting out of equivalent	Setting out of equivalent	Setting out of equivalent
	requirements	requirements	requirements	requirements
1.	Equivalent requirements, as		_	Ok with Council text (whole article)
	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:			

(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	(b) the third country concerned objectively demonstrates to the	
Commission that the specified measures referred to in point (a)	Commission that the specified measures referred to in point (a)	
achieve the level of	achieve the level of	
phytosanitary protection referred	phytosanitary protection referred	
to in that point.	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		
/ [Office of Publications,		
please insert number of		
Regulation on Official		
Controls], 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).			
	Article 43	Article 43	Article 43	Article 43
	Information to be provided to	Information to be provided to	Information to be provided to	Information to be provided to
	travellers, clients of postal	travellers, clients of postal services	travellers <u>and</u> , clients of postal	travellers, clients of postal services
	services and internet clients	and internet clients	services and internet clients	and internet clients
		<u>AM 86</u>		AM withdrawn
1.	Member States and	1. <i>The Commission</i> , Member	1. Member States, seaports,	
	international transport	States and international	airports, and international	
	operators shall make	transport operators shall make	transport operators shall make	
	information available to	information available to	information available to	
	passengers concerning the	passengers concerning the	passengers concerning the	
	prohibitions, set out pursuant to	prohibitions, set out pursuant to	prohibitions, set out pursuant	
	Article 40(3), the requirements,	Article 40(3), the requirements,	to Article 40(3 <u>01</u>), the	
	set out pursuant to Articles	set out pursuant to Articles	requirements, set out pursuant	
	41(1) and 42(2), and the	41(1) and 42(2), and the	to Articles 41(1) and 42(2),	
	exemptions, set out pursuant to	exemptions, set out pursuant to	and the exemptions, set out	
	Article 70(2), as regards the	Article 70(2), as regards the	pursuant to Article 70(2), as	
	introduction of plants, plant	introduction of plants, plant	regards the introduction of	
	products and other objects into	products and other objects into	plants, plant products and	
	the Union territory.	the Union territory.	other objects into the Union	
			territory.	

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

2.	The information referred to in paragraph 1 shall be made		The Commission may shall be empowered to adopt, 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. DELETED	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.
	available by postal services, and by professional operators involved in sales through distance contracts, to their clients through the internet.			
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

Article 44	Article 44	Article 44	Article 44
Exception from prohibitions and	Exception from prohibitions and	Exception from prohibitions and	Exception from prohibitions and
requirements for frontier zones	requirements for frontier zones	requirements for frontier zones	requirements for frontier zones
1. By way of derogation from		1. By way of derogation from	Ok with Council text
Articles 40(3) and 41(3),		Articles 40(3 <u>01)</u> , and 41(3 <u>01</u>)	
Member States may authorise		and [41a(2)], Member States	
the introduction of plants, plant		may authorise the introduction	
products and other objects into		of plants, plant products and	
the Union territory, where the		other objects into the Union	
plants, plant products and other		territory, where the plants,	
objects fulfil the following		plant products and other	
conditions:		objects fulfil <u>all of</u> the	
		following conditions:	
			AM accepted
	<u>AM 89</u>		
(a) they are grown or produced	(a) they are grown or produced	(a) they are grown or produced	
in areas of third countries in the	in areas of third countries in the	in areas of third countries in the	
vicinity of their border with	vicinity of their <i>land</i> border with	vicinity of their <u>land</u> border	
Member States (hereinafter:	Member States (hereinafter:	with Member States	
'third country frontier zones');	'third country frontier zones');	(hereinafter: 'third country	
		frontier zones');	
(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	(c) they are to be subject to	Ok with Council text
the respective Member State	industrial processing processed	
frontier zones in such a manner	in the respective Member State	
that any phytosanitary risk is	frontier zones in such a manner	
eliminated;	that any pest phytosanitary risk	
,	is eliminated;	
(d) they do not pose any risk of	(d) they do not pose any risk of	Ok with Council text
spreading quarantine pests	spreading Union quarantine	
caused by movements within the	pests or pests subject to	
frontier zone.	measures adopted pursuant to	
	Article 29(1) caused by	
	movements within the frontier	
	zone.	
Those plants, plant products and	Those plants, plant products and	Ok with Council text
other objects shall only move	other objects shall only movebe	
into and within the Member	moved into and within the	
State frontier zones, and only	Member State frontier zones,	
under the official control of the	and only under the official	
competent authority.	control of the competent	
	authority.	
2. The Commission shall be	2. The Commission shall be	OPEN
empowered to adopt delegated	empowered to adopt delegated acts,	IA/DA
acts, in accordance with Article	in accordance with Article 98,	
98, setting out the following:	setting out the following may, by	
	means of an implementing act,	
	lay down uniform rules	
	concerning:	
(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	The width of those zones shall	
such to ensure that the	be such to ensure that the	
introduction and movement of	introduction and movement of	
those plants, plant products and	those plants, plant products and	
other objects in the Union	other objects in the Union	
territory does not pose any	territory does not pose any pest	
phytosanitary risks to the Union	phytosanitary risks to the Union	
territory or parts of it.	territory or parts of it.	
	That implementing act shall	
	be adopted in accordance with	
	the examination procedure	
	referred to in Article 99(3) of	
	this Regulation.	

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, and, where appropriate, taking into account the development of scientific and technical knowledge developments and international standards.

Those implementing acts shall be adopted, and as appropriate repealed or replaced, in accordance with the examination procedure referred to in Article 99(3).

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 12 and 2 and 3 in violation of those paragraphs.

The That notification shall also include the third country from which the plants, plant products or other objects were introduced into the frontier zone concerned shall also be notified.

(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;	AM 91 (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, 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;	DELETED	back to COM proposal

	AM 92	DELETED	AM withdrawn
(c) they are introduced into,	(c) they are introduced into,		Ok with Council text
passed through and, without	passed through and, without		
delay, moved out of the Union	delay, moved out of the Union		
territory under official control by	territory under official control by		
the competent authorities	the competent authorities		
concerned.	concerned 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.		
	AM 93		AM withdrawn
	1.a. Plants, plant products and	<u>1a.</u> Competent authorities shall	Ok with Council text
	other objects that are in	prohibit phytosanitary	
	phytosanitary transit through	transit if the plants, plant	
	Union territory from one third	products or other objects	
	country to another are	concerned do not comply, or	
	required to satisfy the plant	there is reasonable evidence	
	health requirements under	that they-will not comply,	
	Article 40 without prejudice to	with paragraph 1.	
	other applicable plant health		
	rules.		

AM 94	AM withdrawn
1.b. In accordance with	Ok with Council text
subparagraph 1a, whe	re those
plants, plant products	or other
objects are introduced	
for the first time moved	d within,
the Union territory, the	e
competent authority of	
Member State concern	ned must
perform the document	
check on that introduc	
shall be responsible fo	
sealing of goods pursu	uant to
point b of the first	
subparagraph.	
<u>AM 95</u>	AM withdrawn
1.c. Similarly, the competer	
authority of the Memb	
where the goods in tra	
moved out of Union te	
shall inform the compo	
authorities of the Mem	
State into which they v	
introduced, and the M	
State(s) through which	
have been moved, of the	
that the goods have be	
moved out of Union te	rritory.

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

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	DELETED	Ok with Council text
4.	point (a) of paragraph 1. The Commission may, by	DELETED	Ok with Council text
	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).		
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.		

Article 46 Plants, plant products and other objects used for scientific purposes, trials, varietal selection, breeding and exhibitions	Article 46 Plants, plant products and other objects used for scientific purposes, trials, varietal selection, breeding and exhibitions	Article 46 Plants, plant products and other objects used for scientific technical or educational purposes, trials, varietal selection, and breeding and exhibitions	Article 46 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) 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, technical or educational purposes, trials, varietal selection, and breeding and exhibitions.	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.

	That authorisation shall be	OK with Council text
	granted for the activity	
	concerned only if all of the	
	following requirements adequate	
	restrictions are fulfilled.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.	
(a) the presence of the plants,	DELETED	OK with Council text
plant products or other objects		OIL WILL COMMON CONT
concerned does not cause an		
unacceptable risk of the spread		
of a Union quarantine pest if		
adequate restrictions are		
*		
imposed;		

(b) the storage facilities in which those plants, plant	DELETED	OK with Council text
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;		
(c) the scientific and technical	DELETED	OK with Council text
qualifications of the personnel by		
whom the activity involving		
those plants, plant products or		
other objects is to be carried out		
are appropriate.		
2. The competent authority shall	DELETED	OK with Council text
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.		

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). On the basis of those	DELETED	OK with Council text
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 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

	1
` ' '	OK with Council text
those plants, plant products or	
other objects is to be carried out	
in a quarantine station, or	
confinement facility,	
designated in accordance with	
Article 56 by the competent	
authority and referred to in the	
authorisation;	
(c) the activity involving	OK with Council text
those plants, plant products or	
other objects is to be carried out	
by personnel whose scientific	
appropriate by the competent	
authorisation;	
,	
	those plants, plant products or other objects is to be carried out in a quarantine station, or confinement facility, designated in accordance with Article 56 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 competencies are found to be appropriate by the competent authority and referred to in the

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.	4.	The authorisation shall be limited to the amount <u>and</u> <u>duration</u> that is adequate for the activity concerned and shall not exceed the capacity of the designated quarantine station <u>or confinement</u> <u>facility</u> .	OK with Council text
	It shall include the restrictions necessary to adequately mitigate the risk of the spread of the Union quarantine pests concerned.		It shall include the restrictions necessary to adequately mitigate eliminate the risk of the spread of the respective Union quarantine pests or pests subject to measures adopted pursuant to Article 29(1) concerned.	
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. Where appropriate, that action shall be the revocation of the authorisation referred to in paragraph 1.	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 may, by means of an implementing act shall be empowered to adopt delegated acts, in accordance with Article 98, laying down_set out_detailed specific rules concerning the following elements:	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 procedures and conditions for granting assessments and the authorisation referred to in paragraph 12; and	
(c) the monitoring of compliance, the action in case of non-compliance and notification thereof, as referred to in paragraph 5.	(c) the requirements for the monitoring of compliance and, the actions to be taken in case of non-compliance and notification thereof, as referred to in paragraph 5. That implementing act shall be adopted in accordance with	
	the examination procedure referred to in Article 99(3).	

7.	Member States shall notify,	DELETED	OK with Council text
	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.		
	Where applicable, those	DELETED	OK with Council text
	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 appliable the third		
	Where applicable, the third		
	country from which the plants,		
	plant products or other objects were introduced into the Union		
1	territory shall also be notified.		

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
Article 47 Temporary measures concerning plants for planting	Article 47 Temporary measures concerning plants for planting	Article 47 Temporary measures concerning plants for planting, plant products and other objects provisionally assessed to pose unacceptable pest risks	Article 47 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</i> and other objects 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, plant products ander other objects for planting from third countries, where the following conditions are fulfilled:	Ok with Council text

				(a0) the plants, plant products other objects are likely to pose newly identified pestrisks which are not sufficiently covered by an Union measures and are relinked, or cannot yet be linked, to Union quarantitipests listed pursuant to Article 5(2) and (3) or pessubject to measures adop pursuant to Article 29(1).	y not ne ts ted
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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 littleinsufficient phytosanitary experience, such as in relation to new plant species or pathways, as regards trade in the plants, plant products andor 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]

2.	Those implementing acts shall be adopted, and as appropriate repealed or replaced, in accordance with the examination procedure referred to in Article 99(3). 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:	AM 142 The temporary measures referred to in paragraph 1 shall be adopted in accordance with Annex III on elements to identify plants, plant products and other objects 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 taking into account the elements listed in accordance with Annex III on elements to identify plants-for planting-, plant products and other objects which pose pest 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 or more 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 accordance with Annex III on elements to identify plants- or plant products and other objects which are likely to pose newly identified pest risks or other suspected phytosanitary risks for the Union territory and Section 2 of Annex IV on principles for the management of the risks of pests.
r c	a) intensive sampling, at the point of introduction, of each lot of plants for planting introduced into the Union territory and esting of samples;	AM 143 (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) systematic and intensive visual inspection and intensive sampling, at the point of introduction, of each lot of plants, plant products or other objects 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, plant products and other objects concerned into the Union territory, a quarantine period to verify the absence of that phytosanitary risk in those plants, plant products and other objects;	(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, within a quarantine station or a confinement facility as referred to in Article 56, to verify the absence of that pest phytosanitary risk in those plants, plant products or other objects 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 newly identified pest 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, plant products and other objects concerned into the Union territory and a quarantine period, prohibition of the introduction of those plants, plant products and other objects 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, plant products or other objects for planting into the Union territory. 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.	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 an appropriate and reasonable period of time, maximum of two years., 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. This period may be prolonged once for a maximum of two	3. The temporary measures referred to in paragraph 1 shall apply for an 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.	once for a maximum of two years. 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). Those acts shall be adopted in accordance with Section 2 of Annex IV on principles for the management of the risks of pests.	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, plant products or other objects for planting used for scientific, technical or and educational purposes, trials, varietal selection, and 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, plant products or other objects used for scientific, official testing, 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.	By 30 April each year Member States shall submit a report to the notify the Commission and the other Member States on the application where a plant, plant product or other object has been subject to of the measures referred to in points (a) or (b) of paragraph 2, during the preceding year. 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 pest 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 or 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.

AM 98	AM accepted
Article 47 a	
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.	
* OJ: please insert the date: five	
years after the date of entry into	
force of this Regulation.	

Article 48 Amendment of Annex III	Article 48 Amendment of Annex III	Article 48 Amendment of Annex III	Article 48 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.

Article 48a
Temporary measures by Member
States concerning imminent
<u>danger</u>
1. Where a Member State Ok with Council text (whole Article)
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
<u>risk is not adequately</u>
mitigated by the measures
referred to in Article 16(1),
<u>Article 16(2), Article 17(1),</u>
<u>Article 18(1), Article 27(1),</u>
<u>Article 27(2), Article 28(1),</u>
<u>Article 29(1), Article 29(2),</u>
Article 40(1), Article 40(2),
<u>Article 41(1), Article 41(2)</u>
and and

	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.	
	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.	

2	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.	

3.	Where, on the basis of the	
<u>s.</u>	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.	
	That implementing act shall	
	be adopted in accordance	
	with the examination	
	procedure referred to in	
	Article 99(3).	
	111 11010 //(0)	

SECTION 2	SECTION 2		SECTION 2
MEASURES RELATING TO	MEASURES RELATING TO		MEASURES RELATING TO
PROTECTED ZONES	PROTECTED ZONES		PROTECTED ZONES
Article 49	Article 49	Article 49	Article 49
Prohibition of introduction of			
plants, plant products and other			
objects into protected zones			
		01. A plant, plant product or	01. Certain plants, plant products
		other object listed in the	or other objects originating from
		implementing act provided	third countries or within the
		for in paragraph 1 shall not	territory of the Union, shall not be
		be introduced into the	introduced into certain protected
		respective protected zone	zones.
		from the third country, or	
		area of the Union territory,	
		concerned.	

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 advisoryexamination procedure referred to in Article 99(23) of this Regulation.

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.

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 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 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.

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 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

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 accordingly.

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 HIV on principles for the management of the risks of pests.

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.	D	ELETED	Ok with Council text
4.	On duly justified imperative	4.	3 3	Ok with Council text
	grounds of urgency to address a		grounds of urgency to address	
	serious phytosanitary risk, the		a serious phytosanitary pest	
	Commission shall adopt		risk, the Commission shall	
	immediately applicable		adopt immediately applicable	
	implementing acts in		implementing acts in	
	accordance with the procedure		accordance with the procedure	
<u> </u>	referred to in Article 99(4).		referred to in Article 99(4).	
5.	Member States shall notify,	5.	3,	Ok with Council text
	through the electronic		through the electronic	
	notification system referred to		notification system referred to	
	in Article 97, the Commission and other Member States of		in Article 97, the Commission and other Member States of	
	any cases where plants, plant		any cases where plants, plant	
	products or other objects have		products or other objects have	
	been introduced into, or moved		been introduced into, or moved	
	within the protected zone concerned, in violation of the		within the protected zone concerned, in violation of the	
	prohibitions adopted pursuant to this Article.		prohibitions adopted pursuant to this Article.	
	to this Article.		to this Afticle.	

Where applicable, the third		Where applicable, the	
country from which the plants,		Member States or the	
plant products or other objects		Commission, shall notify the	
were introduced into the		third country from which the	
protected zone concerned shall		plants, plant products or other	
also be notified.		objects were introduced into	
		the protected zone concerned	
		shall also be notified.	
Article 50	Article 50	Article 50	Article 50
Plants, plant products and other	Plants, plant products and other	Plants, plant products and other	Plants, plant products and other
objects subject to special	objects subject to special	objects subject to special	objects subject to special
requirements for protected zones	requirements for protected zones	requirements for protected zones	requirements for protected zones
		01. A plant, plant product or	01. Certain plants, plant products
		other object listed in the	or other objects may only be
		implementing act provided	introduced into, or moved within,
		<u>for in paragraph 1 may only</u>	certain protected zones if special
		be introduced into, or moved	requirements are fulfilled.
		within, the respective	
		protected zone if the special	
		requirements for that	
		protected zone 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.	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 advisoryexamination procedure referred to in Article 99(23) of this	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.		Regulation. 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.	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	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	Ok with Council text
	of quarantine pests, the		and pathways of quarantine 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 for protected zones'.	para plan and Tho requ para to as	nmission shall amend the lementing act referred to in agraph 1, to include in it that at, plant product or other object the measures to be applied to it. se measures, and the airements referred to in agraph 1, are hereinafter referred is 'special requirements for ected 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 accordingly.

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 HIV on principles for the management of the risks of pests.

On duly justified imperat	ive	On duly justified imperative	
grounds of urgency to add	dress a	grounds of urgency to address a	
serious phytosanitary risk	z, the	serious phytosanitary pest risk, the	
Commission shall adopt		Commission shall adopt	
immediately applicable		immediately applicable	
implementing acts in		implementing acts in accordance	
accordance with the proc	edure	with the procedure referred to in	
referred to in Article 99(4	4).	Article 99(4).	
3. A plant, plant product or	other	DELETED	Ok with Council text
object listed in the			
implementing act provide	ed for		
in paragraph 1 may only	be		
introduced into, or moved			
within, the respective pro	tected		
zone if the special require	ements		
for protected zones are			
fulfilled.			

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, the Member States or the Commission, shall notify the 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

Article 51	Article 51	Article 51	Article 51
Information to be provided to	Information to be provided to	Information to be provided to	Information to be provided to
travellers, clients of postal	travellers, clients of postal services	travellers <u>, and</u> clients of postal	travellers, clients of postal services
services and internet clients as	and internet clients as regards	services and internet clients as	and internet clients as regards
regards protected zones	protected zones	regards protected zones	protected zones
Article 43 concerning information		Article 43 concerning information	Ok with Council text
to be provided to travellers, clients		to be provided to travellers, and	
of postal services and internet		clients of postal services and	
clients shall apply accordingly as		internet clients shall apply	
regards the introduction of plants,		accordingly as regards the	
plant products and other objects		introduction into, or movement	
from third countries into protected		within, protected zones of plants,	
zones.		plant products and other objects	
		from third countries into protected	
		zones.	
Article 52	Article 52	Article 52	Article 52
Exception from prohibitions and	Exception from prohibitions and	Exception from prohibitions and	Exception from prohibitions and
requirements for frontier zones as	requirements for frontier zones as	requirements for frontier zones	requirements for frontier zones as
requirements for frontier zones as regards protected zones		requirements for frontier zones as regards protected zones	requirements for frontier zones as regards protected zones
requirements for frontier zones as regards protected zones Article 44 concerning the	requirements for frontier zones as	requirements for frontier zones as regards protected zones Article 44 concerning the	requirements for frontier zones as
requirements for frontier zones as regards protected zones Article 44 concerning the exceptions from prohibitions and	requirements for frontier zones as	requirements for frontier zones as regards protected zones Article 44 concerning the exceptions from prohibitions and	requirements for frontier zones as regards protected zones
requirements for frontier zones as regards protected zones Article 44 concerning the exceptions from prohibitions and requirements for frontier zones shall	requirements for frontier zones as	requirements for frontier zones as regards protected zones Article 44 concerning the exceptions from prohibitions and requirements for frontier zones	requirements for frontier zones as regards protected zones
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	requirements for frontier zones as	requirements for frontier zones as regards protected zones Article 44 concerning the exceptions from prohibitions and requirements for frontier zones shall apply shall apply	requirements for frontier zones as regards protected zones
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	requirements for frontier zones as	requirements for frontier zones as regards protected zones Article 44 concerning the exceptions from prohibitions and requirements for frontier zones shall apply shall apply accordingly as regards the plants,	requirements for frontier zones as regards protected zones
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)	requirements for frontier zones as	requirements for frontier zones as regards protected zones Article 44 concerning the exceptions from prohibitions and requirements for frontier zones shall apply shall apply accordingly as regards the plants, plant products and other objects	requirements for frontier zones as regards protected zones
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	requirements for frontier zones as	requirements for frontier zones as regards protected zones Article 44 concerning the exceptions from prohibitions and requirements for frontier zones shall apply shall apply accordingly as regards the plants, plant products and other objects listed pursuant to Article 49(1) and	requirements for frontier zones as regards protected zones
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	requirements for frontier zones as	requirements for frontier zones as regards protected zones Article 44 concerning the exceptions from prohibitions and requirements for frontier zones shall apply 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	requirements for frontier zones as regards protected zones
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	requirements for frontier zones as	requirements for frontier zones as regards protected zones Article 44 concerning the exceptions from prohibitions and requirements for frontier zones shall apply 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 towhich are introduced	requirements for frontier zones as regards protected zones
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	requirements for frontier zones as	requirements for frontier zones as regards protected zones Article 44 concerning the exceptions from prohibitions and requirements for frontier zones shall apply 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 towhich are introduced from the frontier zone of a third	requirements for frontier zones as regards protected zones
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	requirements for frontier zones as	requirements for frontier zones as regards protected zones Article 44 concerning the exceptions from prohibitions and requirements for frontier zones shall apply 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 towhich are introduced from the frontier zone of a third country into the respective	requirements for frontier zones as regards protected zones
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	requirements for frontier zones as	requirements for frontier zones as regards protected zones Article 44 concerning the exceptions from prohibitions and requirements for frontier zones shall apply 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 towhich are introduced from the frontier zone of a third	requirements for frontier zones as regards protected zones

Article 53	Article 53	Article 53	Article 53
Exception from prohibitions and	Exception from prohibitions and	Exception from prohibitions and	Exception from prohibitions and
requirements for phytosanitary	requirements for phytosanitary	requirements for phytosanitary	requirements for phytosanitary
transit as regards protected zones	transit as regards protected zones	transit as regards protected zones	transit as regards protected zones
Article 45 concerning the			OK
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.			
Article 54	Article 54	Article 54	Article 54
Plants, plant products and other	Plants, plant products and other	Plants, plant products and other	Plants, plant products and other
objects used for scientific	objects used for scientific	objects used for scientific,	objects used for scientific purposes,
purposes, trials, varietal selection,	purposes, trials, varietal selection,	technical or educational	trials, varietal selection, breeding
breeding and exhibitions as	breeding and exhibitions as	purposes, trials, varietal	and exhibitions as regards
regards protected zones	regards protected zones	selection, <u>and</u> breeding and	protected zones
		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.

SECTION 3	SECTION 3		SECTION 3
OTHER MEASURES	OTHER MEASURES		OTHER MEASURES
CONCERNING PLANTS,	CONCERNING PLANTS,		CONCERNING PLANTS, PLANT
PLANT PRODUCTS AND	PLANT PRODUCTS AND		PRODUCTS AND OTHER
OTHER OBJECTS	OTHER OBJECTS	4 : 1 55	OBJECTS 55
Article 55	Article 55	Article 55	Article 55
General requirements for	General requirements for	General requirements for	General requirements for
packaging and vehicles	packaging and vehicles	vehicles, machinery and	packaging and vehicles
		packaging and vehicles material	
1. Packaging material used for		1. Vehicles, machinery and	Ok with Council text (whole Article)
plants, plant products or other		Ppackaging material used for	
objects, referred to in the		plants, plant products or other	
implementing acts adopted		objects, referred to in the	
pursuant to Articles 27(1) and		implementing acts adopted	
(2), 29(1) and (2), 40(1), 41(1)		pursuant to Articles 27(1) and	
and (2), 47(1), 49(1) and 50(1)		(2), 29(1) and (2), 40(1), 41(1)	
and moving into or within the		and (2), and 47(1), 49(1) and	
Union territory, shall be free		50(1) and moving into or	
from Union quarantine pests.		within the Union territory, or	
		through the Union territory	
The same shall apply to		pursuant to Article 45, shall	
vehicles transporting such		be free from Union quarantine	
plants, plant products and other		pests, and from the pests	
objects.		subject to measures adopted	
		pursuant to Article 29(1).	
		The same shall apply to	
		vehicles transporting such	
		plants, plant products and	
		other objects.	

2.	The packaging material	DELETED	
	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.		
	The vehicles referred to in	DELETED	
	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.		
3.	Paragraphs 1 and 2 shall apply	3. Paragraphs 1 and 2 shall apply	
	to protected zones also as	to protected zones also as	
	regards the respective protected	regards the respective	
	zone quarantine pests.	protected zone quarantine	
	_	pests.	

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

	(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.	
	1a. Those quarantine stations	
	or confinement facilities shall	
	fulfil the requirements set out in	
	Article 56b.	
2. Quarantine stations shall meet	DELETED	
the following conditions:		
(a) they provide physical	DELETED	
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	DELETED	
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;		

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

3. Member States shall	3. Member States shall	
communicate a list of the	communicate a list of the	
designated quarantine stations	designated quarantine stations	
in their territory to the	and confinement facilities in	
Commission and the other	their territory to the	
Member States upon request.	Commission and the other	
The second secon	Member States upon request.	
	Article 56b	
	Requirements for quarantine	
	stations and confinement facilities	
	Quarantine stations and	Ok with Council text (whole Article)
	confinement facilities shall meet	(
	the following conditions to	
	prevent the spread of Union	
	quarantine pests:	
	(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;	
	(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;	
	iacinues,	

		(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;	
		(d) a sufficient number of	
		suitably qualified, trained and	
		experienced personnel is	
		available-;	
		(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.	
Article 57	Article 57	Article 57	Article 57
Operation of quarantine stations	Operation of quarantine stations	Operation of quarantine stations	Operation of quarantine stations
		and confinement facilities	
1. The person responsible for the		1. The person responsible for the	Ok with Council text (whole Article)
quarantine station shall monitor		quarantine station, or	
that station and the immediate		confinement facility, shall	
vicinity of that station for the		monitor that station or facility	
presence of quarantine pests.		and the immediate vicinity of	
		that station or facility for the	
		<u>unintended</u> presence of <u>Union</u>	
		quarantine pests and pests	
		subject to measures adopted	
		pursuant to Article 29(1).	

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

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</u> <u>confinement facility</u> shall keep records on the following points:	
(a) the personnel employed;		4	
(b) the visitors accessing the station;	(b) stat:	the visitors accessing the ion or facility;	
(c) the plants, plant products and other objects entering and leaving the station;		the pests , plants, plant ducts and other objects entering leaving the station or facility ;	
(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.	plar insi con	observations concerning the sence of pests on such plants, at products and other objects de the quarantine station or finement facility and in its nediate vicinity.	
Those records shall be kept for three years.			

Article 58	Article 58	Article 58	Article 58
Supervision of quarantine stations and revocation of designation	Supervision of quarantine stations and revocation of designation	Supervision of quarantine stations and confinement facilities	Supervision of quarantine stations and revocation of designation
and revocation of designation	and revocation of designation	and revocation of designation	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.	AM 100 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 regularly inspect the quarantine stations, at least one per year and confinement facilities, to verify whether those stations and facilities meet the requirements referred to in Articles 56b and the operation conditions referred to in Article 56(2) and Article 57. The frequence of those inspections shall be determined by the competent authority according to the pest risk related to the operations or confinement facilities.	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	DELETED	
that quarantine station fails to		
take appropriate and timely		
remedial action.		
	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 .	
	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).	

	AM 101 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.	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 noncompliance continues, that authority shall without delay revoke that designation.	AM withdrawn (covered by Council text under art. 59a (1)(b))
Article 59	Article 59	Article 59	Article 59
Release of plants, plant products	Release of plants, plant products	Release of plants, plant products	Release of plants, plant products
and other objects from	and other objects from quarantine	and other objects from	and other objects from quarantine
quarantine stations	stations	quarantine stations <u>and</u> confinement facilities	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 or confinement facilities, upon authorisation by the competent authorities, if it is confirmed that they are free from Union quarantine pests and pests subject to measures adopted pursuant to Article 29(1), 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.

Competent authorities may authorise the movement of plants, plant products or other objects 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 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.

	4 . 7 . 70	
	<u>Article 59a</u>	
	nenting powers concerning	
the de	esignation, authorisation,	
	ation and supervision of	
qu	arantine stations and	
confi	nement facilities and the	
	e of plants, plant products	
	nd other objects from	
	arantine stations and	
-	onfinement facilities	
	e Commission may, by	TECHNICAL
	ans of implementing acts,	[Council compromise proposal]
	ther specify the	"lay down specific rules concerning
req	uirements and operation	the application of Articles 56, 56b,
	nditions set out in Articles	57, 58 and 59, taking into account
	56b, 57, 58 and 59 as	relevant international standards, as
	gards the following	regards the following elements:"
	ments:	
		EP: prefers to have specific and more
		limited empowerments in each one of
		the Articles 56, 56b, 57, 58 and 59
a) design	nation, authorisation,	
	on and supervision of	
	tine stations and	
	ment facilities, including	
	requirements for	
	ic, technical or	
·	onal purposes, trials,	
<u>varietal</u>	selections, or breeding;	

		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); Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).	
Article 60	Article 60	DELETED	Article 60
Movement out of the Union	Movement out of the Union		Movement out of the Union
territory	territory		territory
1. Where the movement of a		DELETED	Ok with Council text
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.			

2. Where the movement of a	DELETED	Ok with Council text
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.		

3.	Where the movement of a	DELETED	Back to COM proposal
	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:		

Ī	(a) it is recognised by that		DELETED	
	third country as being present in			
	its territory and not under official			
	control;			
	(b) it can be reasonably		DELETED	
	assumed that it does not qualify			
	as a quarantine pest with respect			
	to the territory of that third			
	country.			
	Chapter V	Chapter V		Chapter V
	Registration of professional	Registration of professional		Registration of professional
	operators and traceability	operators and traceability		operators and traceability
	Article 61	Article 61	Article 61	Article 61
	Official register of professional	Official register of professional	Official register of professional	Official register of professional
	operators	operators	operators	operators
-	1. The competent authority shall	•	1. The competent authority shall	The competent authority shall keep
	keep and update a register		keep and update a register	and update a register containing the
	containing the professional		containing the professional	following professional operators,
	operators who carry out the		operators who carry out the	who operate in the territory of the
	activities, listed in the second		activities, listed in the second	Member State concerned:
			subparagraph, in the territory	
	subparagraph, in the territory of			
	subparagraph, in the territory of the Member State concerned,		of the Member State	
	1 0 1			

(a) they are professional	(a) they are professional	[Council compromise proposal]
operators whose activities	operators whose activities concern	(a) professional operators
concern plants, plant products or	plants, plant products or other	introducing into, or moving within,
other objects covered by an	objects covered by an	the Union plants, plant products and
implementing act provided for in	implementing act provided for in	other objects for which a
Articles 27(1), (2) or (3), 29(1),	Articles 27(1), (2) or (3), 29(1), (2)	phytosanitary certificate or a plant
(2) or (3), 40(1), 41(1) or (2),	or (3), 40(1), 41(1) or (2), 47(1),	passport is respecively is required
47(1), 49(1) or 50(1), or subject	49(1) or 50(1), or subject to the	on the basis of the implementing
to the provisions of Articles	provisions of Articles 43(1) or (2),	acts adopted pursuant to Articles
43(1) or (2), 44(1), 45(1), 51, 52	44(1), 45(1), 51, 52 or 53;	68(1), 69(1), 74(1) and 75(1) ;
or 53;	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];	
	(aa) professional operators	[Council compromise proposal]
	moving within the Union plants,	DELETED
	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];	

(b) they are professional operators within the meaning of Article 3(6) of Regulation (EU) No/ [Office of Publications, please insert number of Regulation on plant reproductive material law].	(b) they are professional operators within the meaning of Article 3(6) of Regulation (EU) No/ [Office of Publications, please insert number of Regulation on plant reproductive material law].professional operators authorised to issue plant	[Council compromise proposal] DELETED
	passports according to Article 84;	
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/ [Office of Publications, please insert number of Regulation on plant reproductive material law];	DELETED	Ok with Council text
(h) sales through distance contracts.	DELETED	Ok with Council text

That register shall be referred to	DELETED	Ok with Council text
as 'the register'. Professional		
operators registered pursuant to		
points (a) and (b) of the first		
subparagraph shall be referred to		
as 'registered operators'.		
	(c) professional operators	[Council compromise proposal]
	authorised to apply the marks,	DELETED
	referred to in Articles 92 or issue	
	the attestation referred to in	
	Article 93;	
	(d) professional operators who	
	request the competent authority	
	to issue the certificates referred	
	to in Articles 94, 95 and 96;	
		[Council compromise proposal]
		(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;
		[Council compromise proposal]
		(db) professional operators other
		than the ones referred to in points

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		(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);
	(e) professional operators	[Council compromise proposal]
	providing information according	DELETED
	to Articles 43 or 51;	
	(f) professional operators	[Council compromise proposal]
	introducing plants, plant	DELETED
	products or other objects to	
	frontier zones from a third	
	country frontier zones according	
	to Articles 44(1) or 52;	

	()	
	(g) professional operators	(g) professional operators whose
	whose activities concern the	activities concern the relevant plants
	relevant plants in demarcated	in demarcated areas referred to in
	areas referred to in Article 17,	Article 17, unless these operators are
	unless these operators are listed	listed in another official register
	in another official register which	which is accessible to the
	already exists for other purposes.	competent authorities.
	(h) Professional operators	[Council compromise proposal]
	other than the ones referred to in	DELETED
	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).	
	Member States may decide that	"Member States may decide that
	further categories of growers or	further categories of growers or other
	other professional operators may	professional operators shall be
	be registered, if so justified by the	registered, if so justified by the pest
	pest risk presented by the plants	risk presented by the plants that they
	that they grow or by any other of	grow or by any other of their
	their activities.	activities."

2. A professional operator may be		2. A professional operator may	Ok with Council text
registered in the register of a		be registered only once in the	
competent authority more than		register of a competent	
once, provided that each		authority-more than once,	
registration is linked to		provided that . Where	
different premises, collective		applicable, that registration	
warehouses and dispatching		shall be carried out with	
centres as referred to in Article		explicit references to each	
62(2)(d). For each of those		registration is linked to	
registrations, the procedure of		different premises, collective	
Article 62 shall apply.		warehouses and dispatching	
		centres as referred to in Article	
		62(2)(d). For each of those	
		registrations, the procedure of	
		Article 62 shall apply.	
3. Paragraph 1 shall not apply to a		3. Paragraph 1 shall not apply to	
professional operator covered		a professional operator	
by one or more of the		covered by one or more of the	
following points:		following points:	
	<u>AM 102</u>		
(a) it supplies exclusively	(a) it supplies exclusively	(a) it supplies exclusively <u>and</u>	
small, as appropriate to the	small, as appropriate to the	directly to final users small, as	
plants, plant products and other	plants, plant products and other	appropriate to the plants, plant	
objects concerned, quantities of	objects concerned, quantities of	products and other objects	
plants, plant products and other	plants, plant products and other	concerned, quantities of plants,	
objects to final users, by other	objects to final users, by other	plant products and other objects to	
means than sales through	means than sales through	final users, by other by means	
distance contracts;	distance contracts;	other than distant sales 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.			
		Member States may decide that	OK with Council text
		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>AM 103</u>		IA/DA
The Commission shall be	The Commission shall be	<u>3a.</u> The Commission shall be	
empowered to adopt delegated	empowered to adopt delegated	empowered to adopt delegated	
acts, in accordance with Article	acts, in accordance with Article	acts, in accordance with	
98, setting out one or more of the	98, setting out one or more of	Article 98, setting out one or	
following:	the following:	more of the following:	

(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	(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	(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 pest risk of related to their professional	(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;
professional activities;	them compared to the phytosanitary risk of their professional activities;	activities;	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, taking into account the nature of the activity or of the plant, plant product or other object concerned;	
(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.	The Commission may, by means of an implementing act, set out (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 paragraph 3. Those figures shall be established as appropriate to the plants, plant products and other objects concerned and the respective pest risks.	IA/DA Council: could accept DA

		That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).	
Article 62	Article 62	Article 62	Article 62
Procedure of registration	Procedure of registration	Procedure of registration	Procedure of registration
 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. That application shall include 		 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. That application shall include 	OK with Council text
the following elements:		<u>at least</u> the following elements:	Back to COM proposal
(a) name, address and contact details of the professional operator;		(a) name, address in the Member State of registration 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 eachone or more 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—each, as applicable, one or more 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	DELETED	OK with Council text
labels for plant reproductive		
material, pursuant to Article		
19 of Regulation (EU) No		
/ [Office of		
Publications, please insert		
number of Regulation on		
plant reproductive material];		
(d) address of the premises,	(d) address of the premises ,	OK with Council text
collective warehouses and	collective warehouses and	
dispatching centres used by the	dispatching centres and as	
professional operator in the	applicable, the location of	
Member State concerned to carry	<u>landplots</u> used by the professional	
out the activities referred to in	operator in the Member State	
Article 61(1) for the purpose of	concerned to carry out the activities	
the registration;	referred to in Article 61(1) for the	
	purpose of the registration;	

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

3a. By way of derogation from OK with Council text
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 .

4.	Registered professional	4.	Registered professional	OK with Council text
	operators shall, where		operators shall, where	
	appropriate, submit an		appropriateapplicable, submit	
	application for updating the		annually an application for	
	data referred to in points (a),		updatingupdate concerning	
	(d) and (e) of paragraph 2, and		any changes of the data	
	the statements referred to in		referred to in points (a), (d)	
	points (b) and (c) of paragraph		and (e) of paragraph 2, and the	
	or paragraph		statements referred to in points	
	۷.		(b) and (c) of paragraph 2.	
			That submission shall take	
			place by 30 April of each	
			year with regards to the	
			update of the data of the	
			preceding year.	
			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.	

5. Where the competent authority		5.	Where the competent authority	OK with Council text
becomes aware that the			becomes aware that the	
registered operator does not			registered operator does not	
carry out any more the			carry out any more the	
activities of Article 61(1), or			activities of Article 61(1), or	
that the registered operator has			that the registered operator has	
submitted an application no			submitted an application no	
longer complying with the			longer complying with the	
requirements of paragraph 2, it			requirements of paragraph 2, it	
shall request that operator to			shall request that operator to	
comply with those			comply with those	
requirements immediately or			requirements immediately or	
within a specified period of			within a specified period of	
time.			time.	
In case the registered operator			In case the registered operator	OK with Council text
does not comply with those			does not comply with those	
requirements within the period			requirements within the period	
of time set by the competent			of time set by the competent	
authority, the competent			authority, the competent	
authority shall revoke the			authority shall <u>, as</u>	
registration of that operator.			appropriate, amend or	
			revoke the registration of that	
			operator.	
Article 63	Article 63		Article 63	Article 63
Content of the register	Content of the register		Content of the register	Content of the register
The register shall contain the			e register shall contain at least	
elements set out in points (a), (b),			elements set out in points (a),	Back to COM proposal
(d) and (e) of Article 62(2) and the			(d) and (e) of Article 62(2) and	
following elements:		the	following elements:	
(a) the official registration number;		(a)	the official registration	OK with Council text
			number ;	

(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	OK with Council text
		registered:	
(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 eachwhich 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
Article 64	Article 64	Article 64	Article 64
Availability of information of	Availability of information of	Availability of information of	Availability of information of
official registers	official registers	official registers	official registers
1. The Member State keeping the register shall, on request, make the information it contains available to the other Member States or the Commission.		1. The Member State keeping the register shall, <u>make available</u> , on <u>motivated</u> request, <u>make</u> the information it contains available to the other Member States or the Commission, <u>for their own use</u> .	[Article to be confirmed at trilogue] OK with Council text

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

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

	(a) where applicable, the	OK with Council text
	professional operator who	
	supplied the trade unit concerned	
	<u>:</u>	
	(b) the professional operator to	OK with Council text
	whom the trade unit concerned	
	was supplied.	
	(c) relevant plant passport	(c) relevant information of the
	information	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, 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.

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.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).

[Council compromise proposal]

- 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).

4. On request, they shall		4. On request, theythe	OK with Council text
communicate the information		professional operators	
in the records referred to in		referred to in paragraph 3	
paragraphs 1 and 2 to the		shall communicate the	
competent authorities.		information in the records	
		referred to in paragraphs 1,	
		and 2 and 2a to the competent	
		authorities authority.	
5. Paragraphs 1 to 4 shall not		5. Paragraphs 1 to 4 shall not	OK with Council text
apply to the professional		apply to the professional	
operators referred to in point		operators referred to in points	
(b) of Article 61(3).		(b) and (c) of Article 61(3).	
Article 66	Article 66	Article 66	Article 66
Movements of plants, plant	Movements of plants, plant	Movements of plants, plant	Movements of plants, plant
products and other objects within	products and other objects within	products and other objects within	products and other objects within
1 1	1	^ 1	^4l
the premises of the professional	the premises of the professional	and between the premises of the	the premises of the professional
operator	the premises of the professional operator	professional operator	operator
			-
operator		professional operator	operator
operator 1. Professional operators shall		professional operator 1. The Pprofessional operators	operator
1. Professional operators shall have in place traceability		1. The Pprofessional operators which are supplied with, or	operator
1. Professional operators shall have in place traceability systems and procedures to		1. The Pprofessional operators which are supplied with, or supply, the plants, plant	operator
operator 1. Professional operators shall have in place traceability systems and procedures to allow identification of the		professional operator 1. The Pprofessional operators which are supplied with, or supply, the plants, plant products or other objects	operator
1. Professional operators shall have in place traceability systems and procedures to allow identification of the movements of their plants,		professional operator 1. The Pprofessional operators which are supplied with, or supply, the plants, plant products or other objects referred to in Article 65 (1)	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		professional operator 1. The Pprofessional operators which are supplied with, or supply, the plants, plant products or other objects referred to in Article 65 (1) and (2) shall have in place traceability systems and or procedures to allow	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.		1. The Pprofessional operator 1. The Pprofessional operators which are supplied with, or supply, the plants, plant products or other objects referred to in Article 65 (1) and (2) shall have in place traceability systems and or procedures to allow identification of the	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		1. The Pprofessional operator 1. The Pprofessional operators which are supplied with, or supply, the plants, plant products or other objects referred to in Article 65 (1) and (2) shall have in place traceability systems and or procedures to allow identification of the movements of their	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		1. The Pprofessional operators which are supplied with, or supply, the plants, plant products or other objects referred to in Article 65 (1) and (2) shall have in place traceability systems and or procedures to allow identification of the movements of their plants those plants, plant	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		1. The Pprofessional operators which are supplied with, or supply, the plants, plant products or other objects referred to in Article 65 (1) and (2) shall have in place traceability systems and or procedures to allow identification of the movements of their plants those plants, plant products and other objects	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		1. The Pprofessional operators which are supplied with, or supply, the plants, plant products or other objects referred to in Article 65 (1) and (2) shall have in place traceability systems and or procedures to allow identification of the movements of their plants those plants, plant	operator

			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		2.	The information, as identified	OK with Council text
by the systems and procedures			by the systems and or	
referred to in paragraph 1, on			procedures referred to in	
the movement of the plants,			paragraph 1, on the movement	
plant products and other			of the plants, plant products	
objects within those premises			and other objects within those	
shall be made available to the			premises shall be made	
competent authority on request.			available to the competent	
			authority on request.	
	<u>AM 105</u>			AM withdrawn
	Article 66a			
	Good plant protection practice			
	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:			

(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;	
(b) ensuring that the competent	
authorities have access to the	
facilities, as well as to	
surveillance data and all	
related documents;	
(c) taking measures, where	
necessary, to ensure that the	
phytosanitary quality of the	
plants, plant products and	
other objects is maintained;	

Chapter VI	Chapter VI	Chapter VI
Certification of plants, plant	Certification of plants, plant	Certification of plants, plant
products and other objects	products and other objects	products and other objects
SECTION 1	SECTION 1	SECTION 1
PHYTOSANITARY	PHYTOSANITARY	PHYTOSANITARY
CERTIFICATES REQUIRED	CERTIFICATES REQUIRED	CERTIFICATES REQUIRED
FOR THE INTRODUCTION OF	FOR THE INTRODUCTION OF	FOR THE INTRODUCTION OF
PLANTS, PLANT PRODUCTS	PLANTS, PLANT PRODUCTS	PLANTS, PLANT PRODUCTS
AND OTHER OBJECTS INTO	AND OTHER OBJECTS INTO	AND OTHER OBJECTS INTO
THE UNION TERRITORY	THE UNION TERRITORY	THE UNION TERRITORY

Article 68 Plants, plant products and other objects for which phytosanitary certificates are required	Article 68 Plants, plant products and other objects for which phytosanitary certificates are required	Article 68 Plants, plant products and other objects for which phytosanitary certificates are required	Article 68 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:			
		(a0) all plants for planting, other than seeds;	
(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)(c) 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); [and subject to equivalence decisions adopted pursuant to seeds directives];	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). (e) plants, plant products and other objects subject to points (a) and (b) of Article 47(2).
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 (a0) to (d) shall not apply, however, and a phytosanitary certificate shall not be required 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 examination procedure referred to in Article 99(32).

	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.	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 advisoryexamination procedure referred to in Article 99(23).	

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

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

		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.	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.
		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].	
			[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.
ANNEX III Elements to identify plants for	ANNEX III Elements to identify plants for	Elements to identify plants for	ANNEX III Elements to identify plants or plant
			Elements to identify plants of plant

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

(1) Characteristics of the plants for planting	for	naracteristics of the plants - planting or plant oducts	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, or are produced from, 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)		Ok with Council text

(c) They belong to a plant	(c)	They belong to, or	Ok with Council text
genus or family known		are produced from,	
to commonly harbour		a plant genus or	
pests without signs and		family known to	
symptoms of those		commonly harbour	
pests, or with a latent		pests without signs	
period for the		and symptoms of	
expression of those		those pests, or with a	
signs or symptoms of		latent period for the	
at least three months,		expression of those	
implying that the		signs or symptoms of	
presence of pests on		at least three months,	
those plants for		implying that the	
planting is likely to be		presence of pests on	
missed during official		those plants for	
controls at introduction		planting or plant	
into the Union		products is likely to	
territory, without		be missed during	
recourse to sampling		official controls at	
and testing or		introduction into the	
submission to		Union territory,	
quarantine procedures.		without recourse to	
•		sampling and testing	
		or submission to	
		quarantine	
		procedures.	

(d) They are grown outdoors in the third countries of origin.		(d) They are grown outdoors or grown produced from plants grown outdoors 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.	AM 133 (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.	AM 134 (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) Origin of the plants for planting		(2) Origin of the plants for planting or plant products	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>	ANNEX IIIA
	Criteria to identify high risk plants, plant products or other objects as referred to in Article 41a	Criteria to identify assess high risk plants, plant products or other objects as referred to in Article 41a
	The criteria to be taken into account for the assessment referred to in Article 41a, are the following:	DELETED
	1. As regards plants for planting other than seeds:	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;
	(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;	Ok with Council text

(b) they are collected in Ok with Council text
the wild or grown from
plants collected in the wild;
(c) they are grown Ok with Council text
<u>outdoors or grown from</u>
plants grown outdoors in
the third countries, group
<u>of third countries or</u>
specific areas of third
country concerned;
(d) they are known to DELETED
<u>host commonly hosted</u>
pests known to have major
impact on plant species
which are of major
economic, social or
environmental importance
to the Union territory;
(e) they are known to DELETED
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;
(f) they are perennial Ok with Council text
plants commonly traded as
old plants;

	2. As regards other plants, plant products or other objects:	2. As regards other plants, plantproducts or other objects: 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:
	(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;	Ok with Council text

(d) they are known to Ok with Council text
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
<u>Union territory;</u>

	ANNEX VIA	
	Criteria to identify plants	
	referred to in Article 68a, which	
	do not require a phytosanitary	
	certificate	
	The assessment referred to in	[Council compromise proposal]
	Article 68a shall take into	[country compression proposur]
	account the following criteria:	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:
	(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.	

	(2) 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.
	(3) 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.