Council of the European Union

Brussels, 14 December 2015
(OR. en)

15142/15

Interinstitutional File:
2013/0141 (COD)

LIMITE

AGRI 657
AGRILEG 245
PHYTOSAN 60
CODEC 1695

PUBLIC

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 - Confirmation of the final compromised text

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:* the text which has been provisionally agreed with the European Parliament, including on recitals[1].

Changes as compared to the Council position in the third column are highlighted in bold or strikethrough. Discussions have not been concluded yet on issues related to implementing and delegated acts and corresponding recitals. Those issues are marked with "IA/DA" throughout the text.

[1] Most of the text was already presented and agreed upon at Coreper on 4 and 11 December 2015; only additional technical adjustments have been introduced to Chapters VI, VII, VIII, Annexes and recitals.

On 18 December 2015 Coreper will be invited to confirm its support on the provisional agreement reached with the European Parliament on the whole text, including Chapters VI, VII, VIII, Annexes and recitals.

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 thereof,		Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 **(2)**~~,~~ **and 114** thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 (2)~~, and 114~~ thereof,
Having regard to the proposal from the European Commission,			
After transmission of the draft legislative act to the national Parliaments,			
Having regard to the opinion of the European Economic and Social Committee[2],			
Having regard to the opinion of the Committee of the Regions[3],			
Acting in accordance with the ordinary legislative procedure,			
Whereas:			

[2] OJ C , , p. .
[3] OJ C , , p. .

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(1) Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community [4]sets out a plant health regime.			
(2) On 21 November 2008, the Council invited the Commission to proceed to an evaluation of that plant health regime[5].			
(3) In the light of the outcome of that evaluation and the experience gained from the application of Directive 2000/29/EC, that Directive should be replaced. To ensure uniform application of the new rules, the act replacing that Directive should take the form of a Regulation.			

[4] OJ L 169, 10.7.2000, p. 1.

[5] Council of the European Union, 2906th Economic and Financial Affairs / Budget, 21 November 2008. Council Conclusions on the Review of the EU Plant Health Regime. Document no. 104228.

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(4) Plant health is very important for plant production, public and private green, natural ecosystems, ecosystem services and biodiversity in the Union. Plant health is threatened by species injurious to plants and plant products, hereinafter 'pests'. To fight that threat, it is necessary to adopt measures concerning the determination of the phytosanitary risks posed by those pests and the reduction of those risks to an acceptable level.	**AM 1** (4) Plant health is very important for plant production, public and private green, natural ecosystems, ecosystem services and biodiversity in the Union. Plant health is threatened by species injurious to plants and plant products, hereinafter 'pests'***, which now present a greater risk of being introduced into the Union territory owing to globalisation of trade and climate change.*** To fight that threat, it is necessary to adopt measures concerning the determination of the phytosanitary risks posed by those pests and the reduction of those risks to an acceptable level.	(4) Plant health is very important for plant production, **forests** ~~public and private green,~~ **natural and planted areas**, natural ecosystems, ecosystem services and biodiversity in the Union. Plant health is threatened by species injurious to plants and plant products~~,~~ ~~hereinafter 'pests'~~. To fight that threat, it is necessary to adopt measures concerning the determination of the phytosanitary risks posed by those pests and the reduction of those risks to an acceptable level.	AM accepted (4) Plant health is very important for plant production, forests, natural and planted areas, natural ecosystems, ecosystem services and biodiversity in the Union. Plant health is threatened by species injurious to plants and plant products**, which now present a greater risk of being introduced into the Union territory owing to globalisation of trade and climate change**. To fight that threat, it is necessary to adopt measures concerning the determination of the phytosanitary risks posed by those pests and the reduction of those risks to an acceptable level.

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(5) The need for such measures has long been recognised. They have formed the subject of international agreements and international conventions, including the International Plant Protection Convention (IPPC) of 6 December 1951 concluded at the United Nations Food and Agricultural Organisation (FAO) and its new revised text approved by the Food and Agriculture Organisation Conference in November 1997 at its 29th session. The Union is party to the IPPC.	**AM 2** 5) The need for such measures has long been recognised. They have formed the subject of international agreements and international conventions, including the International Plant Protection Convention (IPPC) of 6 December 1951 concluded at the United Nations Food and Agricultural Organisation (FAO) and its new revised text approved by the Food and Agriculture Organisation Conference in November 1997 at its 29th session ***as well as the International Convention on Biological Diversity (CBD) of 29 December 1993***. The Union is party to ***both*** the IPPC ***and the CBD***.	(5) The need for such measures has long been recognised. They have formed the subject of international agreements and international conventions, including the International Plant Protection Convention (IPPC) of 6 December 1951 concluded at the United Nations Food and Agricultural Organisation (FAO) and its new revised text approved by the Food and Agriculture Organisation Conference in November 1997 at its 29th session. The Union **and all its Member States are** ~~is party~~**party~~ies** to the IPPC.	AM withdrawn Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(6) It has appeared that for the determination of the scope of this Regulation it is important to take into account bio-geographical factors to avoid that pests not present in the European territory of the Union spread to that territory. Consequently, non-European territories (outermost regions) of Member States referred to in Article 355(1) TFEU should be excluded from the territorial scope of this Regulation. Those territories should be listed. Where the status of such a territory or a territory referred to in Article 355(2) TFEU is amended pursuant to Article 355(6) TFEU, that list should be amended to ensure that the territorial scope of this Regulation remains confined to the European part of the Union territory. References to third countries should be read as references also to the territories included in that list.		(6) It has appeared that for the determination of the scope of this Regulation it is important to take into account bio-geographical factors to avoid that pests not present in the European territory of the Union spread to that territory. Consequently, **Ceuta, Melilla and** ~~non-European territories (~~outermost regions~~)~~ of Member States referred to in Article 355(1) TFEU**, other than the islands of Madeira and the Azores,** should be excluded from the territorial scope of this Regulation. ~~Those territories should be listed. Where the status of such a territory or a territory referred to in Article 355(2) TFEU is amended pursuant to Article 355(6) TFEU, that list should be amended to ensure that the territorial scope of this Regulation remains confined to the European part of the Union territory~~. References to third countries should be read as references also to the **abovementioned** territories ~~included in that list~~.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(7) Directive 2000/29/EC sets out rules concerning official controls to be carried out by the competent authorities as regards protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community. Such rules are presently set out by Regulation (EU) No …/…. 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 and 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		(7) Directive 2000/29/EC sets out rules concerning official controls to be carried out by the competent authorities as regards protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community. Such rules are presently set out by Regulation (EU) No …/…. 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 and 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~~,~~ **and 652/2014** ~~[….]/2013~~	Ok with Council text [JL to adjust reference to official controls]

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
[*Office of Publications, please insert number of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material*], and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation)[6] [*Office of Publications, please insert number of Regulation on Official Controls and, in the footnote, the reference to the Official Journal*] and therefore should not be part of this Regulation.		~~[Office of Publications, please insert number of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material]~~, and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation)[7] [*Office of Publications, please insert number of Regulation on Official Controls and, in the footnote, the reference to the Official Journal*] ~~and therefore should not be part of this Regulation~~.	

[6] OJ L …, ……, p. …
[7] OJ L …, ……, p. …

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(8) Criteria should be set out in order to allow pests to be identified for which it is necessary to adopt measures of control for the entire Union territory. Such pests are referred to as 'Union quarantine pests'. Criteria should also be set out for the identification of pests for which it is necessary to adopt measures of control only as regards one or more parts of that territory. Such pests are referred to as 'protected zone quarantine pests'.		(8) Criteria should be set out in order to allow pests to be identified for which it is necessary to adopt measures **to prevent introduction into and spread within** ~~of control for~~ the entire Union territory. Such pests are referred to as 'Union quarantine pests'. Criteria should also be set out for the identification of pests for which it is necessary to adopt measures of control only as regards one or more parts of that territory. Such pests are referred to as 'protected zone quarantine pests'. **In case those pests are plants, the implementation of this Regulation should focus in particular on plants which are parasitic to other plants, when they are most injurious to plant health.**	Ok with Council text
(9) In order to allow efforts for the control of Union quarantine pests to concentrate on pests whose economic, environmental or social impact is most severe for the Union territory as a whole, a restricted list of such pests, hereinafter 'priority pests', should be established.		(9) In order to allow efforts for the control of Union quarantine pests to concentrate on pests whose **potential** economic, environmental or social impact is most severe for the Union territory as a whole, a restricted list of such pests, hereinafter 'priority pests', should be established.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(10) It is appropriate to provide for exemptions from the prohibition of introduction into and movement within the Union territory of Union quarantine pests for scientific purposes, trials, varietal selections, breeding and exhibitions.		DELETED	Ok with Council text
(11) In order to ensure effective and timely action in case of the presence of a Union quarantine pest, notification obligations should apply to the public, professional operators and to the Member States.	**AM 3** (11) In order to ensure effective and timely action in case of the presence of a Union quarantine pest, notification obligations should apply to the public, professional operators and to the Member States. ***It is essential to raise awareness of plant pests among green space workers, local authority officials, garden centres, nurseries, importers, landscape gardeners, arboriculturalists, teachers, researchers, business operators, staff of official agencies, elected representatives and ordinary citizens, and to train them in combating such pests.***	(11) In order to ensure effective and timely action in case of the presence of a Union quarantine pest, notification obligations should apply to ~~the public, professional operators and to~~ the Member States**, professional operators and the public**.	AM withdrawn (covered by rec. 26a)

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(12) Where those notification obligations imply that personal data of natural or legal persons should be disclosed to the competent authorities, this may constitute a limitation of Article 8 (Protection of Personal Data) of the Charter on Fundamental Rights. However that limitation would be necessary and proportionate to achieve the public interest objective of this Regulation.			
(13) A professional operator becoming aware of the presence of a Union quarantine pest in a plant, plant product or other object which is or was under its control should be under an obligation to take all measures that may be appropriate as regards the elimination of the pest, the withdrawal or recall of the plants, plant products or other objects concerned and the information of the competent authority, other persons in the trade chain and the public.		(13) A professional operator **suspecting or** becoming aware of the presence of a Union quarantine pest in a plant, plant product or other object which is or was under its control should be under an obligation to **notifiy to the competent authority that suspicion or awareness and** take all measures that may be appropriate as regards the elimination of the pest, the withdrawal or recall of the plants, plant products or other objects concerned and the information of the competent authority, other persons in the trade chain and the public.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(14) Member States should take all necessary measures to eradicate Union quarantine pests, when found present in their territories. It is appropriate to set out measures which may be taken by Member States in such a case and the principles based on which they are to decide what measures to take. Those measures should include the establishment of restricted areas, consisting of an infested zone and a buffer zone.		(14) Member States should take all necessary **phytosanitary** measures to eradicate Union quarantine pests, when found present in their territories. It is appropriate to set out measures which may be taken by Member States in such a case and the principles based on which they are to decide what measures to take. Those measures should include the establishment of ~~restricted~~ **demarcated** areas, consisting of an infested zone and a buffer zone **and, when applicable, the determination of actions which should be taken by a professional operator or other person in order to eliminate the quarantine pest or to prohibit spread of that pest**.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(15) In certain cases, Member States should impose measures for the eradication of quarantine pests on plants in private premises, because eradication of pests can only be successful if all sources of infestation are removed. For this purpose, the competent authorities of Member States should have legal access to those premises. This may constitute a limitation of Article 7 (Respect for Private and Family Life) and Article 17 (Right to Property) of the Charter on Fundamental Rights. That limitation is necessary and proportionate to achieve the public interest objective of the regime, in so far as Member States ensure fair compensation in good time for the loss of private property.		(15) In certain cases, Member States should impose measures for the eradication of quarantine pests on plants in private premises, because eradication of pests can only be successful if all sources of infestation are removed. For this purpose, the competent authorities of Member States should have legal access to those premises. This may constitute a limitation of Article 7 (Respect for Private and Family Life) and Article 17 (Right to Property) of the Charter on Fundamental Rights. That limitation ~~is~~ **should be** necessary and proportionate to achieve the public interest objective of the regime~~, in so far as Member States ensure fair compensation in good time for the loss of private property~~.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(16) Early detection of the presence of pests is extremely important for timely and effective eradication. Member States should therefore conduct surveys for the presence of Union quarantine pests in the areas where those pests were not known to be present. In view of the number of Union quarantine pests and the time and resources required to carry out those surveys, Member States should establish multi-annual survey programmes.	**AM 4** (16) ***Prevention, protective measures and e***~~E~~arly detection of the presence of pests is extremely important for timely and effective eradication. Member States should therefore conduct surveys for the presence of Union quarantine pests in the areas where those pests were not known to be present. In view of the number of Union quarantine pests and the time and resources required to carry out those surveys, Member States should establish multi-annual survey programmes.		Rephrased AM accepted (16) **Prevention and e**~~E~~arly detection of the presence of pests is extremely important for timely and effective eradication. Member States should therefore conduct surveys for the presence of Union quarantine pests in the areas where those pests were not known to be present. In view of the number of Union quarantine pests and the time and resources required to carry out those surveys, Member States should establish multi-annual survey programmes.
	AM 5 ***(16a) Preventative agronomic measures and integrated pest management in line with Directive 2009/128/EC should not include systematic prophylaxis with pesticides, that is, applying biocides before the pest is even detected.***		AM withdrawn

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(17) The Commission should be empowered to adopt measures in case of the suspected or confirmed presence of specific Union quarantine pests, concerning in particular their eradication and containment, and the establishment of restricted areas, surveys, contingency plans, simulation exercises and eradication plans as regards those pests.	**AM 6** (17) The Commission should be empowered to adopt measures in case of the suspected or confirmed presence of specific Union quarantine pests, concerning in particular their eradication and containment, and the establishment of restricted areas, surveys, contingency plans, simulation exercises and eradication plans as regards those pests. ***The Commission shall consult the Member States on the measures to be adopted.***	(17) The Commission should be empowered to adopt measures in case of the suspected or confirmed presence of specific Union quarantine pests, concerning in particular their eradication and containment, and the establishment of ~~restricted~~ **demarcated** areas, surveys, contingency plans, simulation exercises and **action** ~~eradication~~ plans as regards those pests.	AM withdrawn
		(17a) Where a Union quarantine pest has become established in a demarcated area and cannot be eradicated, the Commission should adopt Union measures as regards the containment of that pest in that area.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(18) In order to ensure swift and effective action against pests which are no Union quarantine pests but which Member States consider may fulfil the conditions for inclusion in the list of Union quarantine pests, provision should be made for measures to be taken by Member States in case they become aware of the presence of such a pest. Similar provisions should be set out for the Commission.			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(19) Under certain conditions Member States should be allowed to adopt more stringent eradication measures than required by Union legislation.	**AM 7** (19) Under certain conditions Member States should be allowed to adopt more stringent eradication measures than required by Union legislation***, as long as they are applied in a sustainable way***.	(19) Under certain conditions Member States should be allowed to adopt more stringent ~~eradication~~ measures than required by Union legislation.	AM withdrawn Ok with Council text
(20) Special provisions should apply to priority pests as regards the information of the public, surveys, contingency plans, eradication plans and co-financing of measures by the Union, in particular.		(20) Special provisions should apply to priority pests as regards the information of the public, surveys, contingency plans, **simulation exercises, action** ~~eradication~~ plans **for eradication** and co-financing of measures by the Union, in particular.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(21) Quarantine pests which are present in the Union territory but absent from specific parts of that territory designated as 'protected zones', and whose presence would have unacceptable economic, social or environmental impacts only for those protected zones, should be specifically identified and listed as 'protected zone quarantine pests'. The introduction into, movement within, and release into the respective protected zones of protected zone quarantine pests should be prohibited.			Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(22) Rules should be set out concerning the recognition, modification or revocation of recognition of protected zones, survey obligations for protected zones, and actions to be taken in case protected zone quarantine pests are found present in the respective protected zones. In case of findings of the presence of the protected zone quarantine pest inside the respective protected zone, strict rules should apply for the amendment and revocation of those protected zones.		(22) Rules should be set out concerning the recognition, modification or revocation of recognition of protected zones, survey obligations for protected zones, ~~and~~ actions to be taken in case protected zone quarantine pests are found present in the respective protected zones~~.~~ **, as well as the establishment of temporary protected zones.** In case of findings of the presence of the protected zone quarantine pest inside the respective protected zone, strict rules should apply for the amendment and revocation of those protected zones.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(23) A pest, which is no Union quarantine pest, should be referred to as a 'Union quality pest' in case that pest is mainly transmitted through specific plants for planting, its presence on those plants for planting has an unacceptable economic impact as regards the intended use of those plants and it is listed as a Union quality pest. To limit the presence of such pests their introduction into or movement within the Union territory on the plants for planting concerned should be prohibited unless provided otherwise in that list.		(23) A pest, which is no Union quarantine pest, should be referred to as a 'Union ~~quality~~ **regulated non-quarantine** pest' in case that pest is mainly transmitted through specific plants for planting, its presence on those plants for planting has an unacceptable economic impact as regards the intended use of those plants and it is listed as a Union ~~quality~~ **regulated non-quarantine** pest. To limit the presence of such pests their introduction into or movement within the Union territory on the plants for planting concerned should be prohibited ~~unless provided otherwise in that list~~ **where those pests are present at an incidence above a certain threshold**.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(24) Certain plants, plant products and other objects pose an unacceptable phytosanitary risk by their likelihood to host a Union quarantine pest. For some of those, acceptable risk mitigation measures are available, while not for others. Depending on the availability of acceptable risk mitigation measures, their introduction into, and movement within, the Union territory should be either prohibited or subject to special requirements. Those plants, plant products and other objects should be listed.		(24) Certain plants, plant products and other objects pose an unacceptable ~~phytosanitary~~ risk by their likelihood to host a Union quarantine pest. For some of those, acceptable risk mitigation measures are available, while not for others. Depending on the availability of acceptable risk mitigation measures, their introduction into, and movement within, the Union territory should be either prohibited or subject to special requirements. Those plants, plant products and other objects should be listed.	Ok with Council text
		(24a) ***In addition to the measures taken to manage the unacceptable risk of the plants, plant products and other objects thereof, this Regulation should provide risk based and preventive measures to protect the Union territory from pests that a plant, plant product or other object originating from a third country might introduce, on the basis of a preliminary assessment of this high risk. That assessment should take into account specific criteria as appropriate for the plant, plant product or other object concerned.***	(24a) In addition to the measures taken to manage the unacceptable risk of the plants, plant products and other objects thereof, this Regulation should provide risk based and preventive measures to protect the Union territory from pests that a plant, plant product or other object originating from a third country might introduce, on the basis of a preliminary assessment of this high risk. That **preliminary** assessment should **be based on** ~~take into account~~ specific criteria as appropriate for the plant, plant product or other object concerned.

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		Therefore the introduction into the Union territory of those plants, plant products or other objects should be prohibited pending a risk assessment carried out in accordance with IPPC standards. ***The list of those high risk plants, plant products or other objects should be established on the basis of preliminary assessments, such as scientific opinions or studies of the IPPC, EPPO, EFSA or Member State authorities .***	**To that purpose scientific opinions or studies of the IPPC, EPPO, EFSA or Member State authorities should be taken into account.** **On the basis of that preliminary assessment, the list of those high risk plants, plant products or other objects should be established and their introduction into the Union territory should be prohibited, pending a risk assessment carried out in accordance with IPPC standards.** **Those plants, plant products or other objects should be other than the ones whose introduction in the Union territory is prohibited or subject to special and equivalent requirements, on the basis of a pest risk analysis, or which are subject to the temporary prohibitions laid down in this Regulation.** ~~Therefore the introduction into the Union territory of those plants, plant products or other objects should be prohibited pending a risk assessment carried out in accordance with IPPC standards.~~ ~~The list of those high risk plants, plant products or other objects should be established on the basis of preliminary assessments, such as~~

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
			~~scientific opinions or studies of the IPPC, EPPO, EFSA or Member State authorities .~~
(25) Derogations from the prohibitions or special requirements as regards the introduction of plants, plant products and other objects into the Union territory should be provided for. The Commission should be empowered to recognise certain measures of third countries as equivalent to the requirements for the movement within the Union territory of plants, plant products and other objects concerned.			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(26) Those prohibitions or requirements should neither apply to small quantities of plants, plant products and other objects, other than plants for planting, for non-commercial and non-professional purposes nor to the introduction into and movement within frontier zones of plants, plant products and other objects. Nor should they apply to the introduction into and movement within the Union territory of plants, plant products and other objects for scientific purposes, trials, varietal selection, breeding and exhibitions. Proper safeguards should be set and information should be provided to those concerned.		(26) Those prohibitions or requirements should neither apply to small quantities of plants, plant products and other objects, other than plants for planting, for non-commercial and non-professional purposes nor to the introduction into and movement within frontier zones of plants, plant products and other objects. ~~Nor should they apply to the introduction into and movement within the Union territory of plants, plant products and other objects for scientific purposes, trials, varietal selection, breeding and exhibitions. Proper safeguards should be set and information should be provided to those concerned.~~	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		(26a) It is appropriate to provide for exemptions from the prohibition of introduction into and movement within the Union territory of pests, plants, plant products and other objects which are subject to those prohibitions and which are intended. for certain purposes such as scientific, technical or educational purposes, trials, varietal selection, and breeding. Proper safeguards should be set and information should be provided to those concerned.	(26a) It is appropriate to provide for exemptions from the prohibition of introduction into and movement within the Union territory of pests, plants, plant products and other objects which are subject to those prohibitions and which are intended. for certain purposes such as scientific, **official testing** ~~technical~~ or educational purposes, trials, varietal selection, and breeding. Proper safeguards should be set and information should be provided to those concerned.
		(26b) Specific rules concerning the information to be provided to travellers and clients of postal services should be set out.	[a part of rec. 33a/AM9 is added here] (26b) **Plants moving into the Union from third countries and moving through postal services are in many cases non-compliant with the phytosanitary requirements of the Union. In order to raise awareness,** specific rules concerning the information to be provided to travellers and clients of postal services should be set out.
(27) A derogation from the Union rules for introduction into and movement within the Union territory should be provided for		(27) A derogation from the Union rules for introduction into and movement within the Union territory should be provided	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
plants, plant products and other objects in transit.		for plants, plant products and other objects in **phytosanitary** transit**, subject to specific conditions**.	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(28) The international trade of plants for planting with which there is limited phytosanitary experience can involve serious risks of the establishment of quarantine pests for which no measures have been adopted pursuant to this Regulation. In order to ensure swift and effective action against newly identified risks associated with plants for planting which are not subject to permanent requirements or prohibitions, but may qualify for such permanent measures, the Commission should have the possibility to adopt temporary measures in accordance with the precautionary principle.		(28) The international trade of plants**, plant products and other objects** ~~for planting~~ with which there is limited phytosanitary experience can involve serious risks of the establishment of quarantine pests for which no measures have been adopted pursuant to this Regulation. In order to ensure swift and effective action against newly identified risks associated with plants ~~for planting~~**, plant products and other objects** which are not subject to permanent requirements or prohibitions, but may qualify for such permanent measures, the Commission should have the possibility to adopt temporary measures in accordance with the precautionary principle.	(28) The international trade of plants, plant products and other objects with which there is limited phytosanitary experience can **potentially** involve ~~serious~~ **unacceptable** risks of the establishment of quarantine pests **which are not yet listed as Union quarantine pests and** for which no measures have been adopted pursuant to this Regulation. In order to ensure swift and effective action against **those** newly identified **or suspected pest** risks associated with plants, plant products and other objects which are not subject to permanent requirements or prohibitions, but may qualify for such permanent measures, the Commission should have the possibility to adopt temporary measures in accordance with the precautionary principle **and identify those plants, plant products and other objects taking into account objective and established elements.**

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(29) It is necessary to set out prohibitions and special requirements, similar to those set out for the Union territory, in respect of the introduction into and movement within protected zones of plants, plant products and other objects that would pose a phytosanitary risk of an unacceptable level by their likelihood to host the respective protected zone quarantine pest.		(29) It is necessary to set out prohibitions and special requirements, similar to those set out for the Union territory, in respect of the introduction into and movement within protected zones of plants, plant products and other objects that would pose a ~~phytosanitary~~ risk of an unacceptable level by their likelihood to host the respective protected zone quarantine pest.	Ok with Council text
(30) General requirements should be adopted concerning vehicles and packaging material of plants, plant products and other objects to ensure that they are free from quarantine pests.		(30) General requirements should be adopted concerning vehicles**, machinery** and packaging material of plants, plant products and other objects to ensure that they are free from quarantine pests.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(31) Member States should designate quarantine stations. Requirements concerning the designation, operation and supervision of those quarantine stations as well as the release of plants, plant products or other objects from those stations should be set out. Where those requirements include the maintenance of lists of staff and visitors entering the stations, this may constitute a limitation of Article 8 (Protection of Personal Data) of the Charter on Fundamental Rights. However that limitation would be necessary and proportionate to achieve the public interest objective of this Regulation.		(31) Member States should designate **confinement facilities and** quarantine stations. Requirements concerning the designation, **authorisation,** operation and supervision of those **confinement facilities and** quarantine stations as well as the release of plants, plant products or other objects from those **facilities or** stations should be set out. Where those requirements include the maintenance of lists of staff and visitors entering the stations, this may constitute a limitation of Article 8 (Protection of Personal Data) of the Charter on Fundamental Rights. However that limitation would be necessary and proportionate to achieve the public interest objective of this Regulation.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(32) Where so required by a bilateral agreement concluded by the Union with a third country, or by the legislation of a third country, plants, plant products and other objects moved out of the Union territory to the third country concerned should comply with those rules.		DELETED	Ok with Council text
(33) Where, as regards certain plants, plant products or other objects moved out of the Union territory to third countries, no bilateral phytosanitary agreement concluded by the Union with a third country and no phytosanitary legislation of a third country applies, protection should be offered to third countries against Union quarantine pests because of their acknowledged harmful nature, except where a Union quarantine pest is officially known to be present in the third country concerned and not under official control, or where it can be reasonably assumed that that Union quarantine pest does not meet the criteria to qualify as a quarantine pest for the third country concerned.		DELETED	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	AM 9 ***(33a) Distance sales of plants may pose a high phytosanitary risk when commodities are infested with non-native pests including quarantine pests. In particular, consignments of plants imported from third countries and purchased through distance sales are in many cases non-compliant with the phytosanitary import requirements of the Union. In order to tackle these shortcomings, raising awareness of consumers and plant traders and ensuring the traceability of distance sales established both within the Union and in third countries are essential.***		AM partially accepted [included under rec. 26b]

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	AM 10 ***(33b) Member States should take measures to raise awareness of the potential economic, environmental and social impacts of plant pests, the key principles of prevention and spread as well as the responsibility of society as a whole to ensure phytosanitary health in the Union. Furthermore, the Commission should keep a publicly available, updated list of emerging plant pests in third countries which may pose a risk to plant health in the Union territory.***		AM partially accepted **(33b) The Commission should keep a publicly available, updated list of emerging plant pests in third countries which may pose a risk to plant health in the Union territory.**

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(34) In order to ensure effective implementation of this Regulation, professional operators subject to obligations under this Regulation should be registered in registers set up by the Member States. In order to reduce administrative burden, those registers should also include professional operators falling within the ambit of Regulation (EU) No …/…. on ……[8] [*Office of Publications to insert number, title and, in a footnote, the OJ reference for the Regulation on plant reproductive material*].		(34) In order to ensure effective implementation of this Regulation, **certain** professional operators subject to obligations under this Regulation should be registered in registers set up by the Member States. **Requirements for such a registration, as well as exceptions from such an obligation, should be set out.** ~~In order to reduce administrative burden, those registers should also include professional operators falling within the ambit of Regulation (EU) No …/…. on ……[9] [Office of Publications to insert number, title and, in a footnote, the OJ reference for the Regulation on plant reproductive material].~~	Ok with Council text
(35) Professional operators operating at more than one premise should be given the possibility to register separately for each of those premises.		DELETED	Ok with Council text

[8] OJ L …, ……, p. …

[9] ~~OJ L …, ……, p. …~~

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(36) To facilitate the detection of the source of an infestation by a quarantine pest, it is appropriate to require professional operators to keep records in respect of the plants, plant products and other objects supplied to them by professional operators and supplied by them to other professional operators. In view of the latency periods of some quarantine pests, and the time required for the detection of the source of infestation, records should be kept for three years.		(36) To facilitate the detection of the source of an infestation by a quarantine pest, it is appropriate to require professional operators to keep records in respect of the plants, plant products and other objects supplied to them by professional operators and supplied by them to other professional operators. In view of the latency periods of some quarantine pests, and the time required for the detection of the source of infestation, records should be kept for **at least** three years.	Ok with Council text
(37) Professional operators should also have in place systems and procedures to allow identification of the movements of their plants, plant products and other objects within their own premises.		(37) Professional operators should also have in place systems and procedures to allow identification of the movements of ~~their~~ plants, plant products and other objects within **and between** their own premises.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(38) A phytosanitary certificate should be required for the introduction from third countries into the Union territory, and into protected zones, of certain plants, plant products and other objects. Those plants, plant products and other objects should be listed in the interest of clarity.		(38) A phytosanitary certificate should be required for the introduction from third countries into the Union territory, and into protected zones, of certain plants, plant products and other objects. Those plants, plant products and other objects should be listed in the interest of ~~clarity~~ **transparency.**	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		(38a) ***Phytosanitary certificates should also be required for the introduction of other plants from third countries into the Union territory. This is important in order to ensure an appropriate level of phytosanitary safety as well as an effective overview of the trade of those plants into the Union and the respective risks.*** ***Those plants, however, should not be subject to the provisions on official controls at border control posts set out in Article 45 of the Regulation (EU) No …/…. [Office of Publications, please insert number of Regulation on Official Controls].***	Ok with Council text [JL to adjust reference to offcial controls]
(39) Those phytosanitary certificates should comply with the requirements of the IPPC and attest compliance with the requirements and measures established pursuant to this Regulation. In order to ensure the credibility of the phytosanitary certificates, rules should be established concerning the conditions of their validity and cancellation.		(39) Those phytosanitary certificates should comply with the requirements of the IPPC and attest compliance with the requirements and measures established pursuant to this Regulation. In order to ensure the credibility of the phytosanitary certificates, rules should be established concerning the conditions of their validity and **invalidation** ~~cancellation~~.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(40) The movement within the Union territory, and into and within protected zones, of certain plants, plant products and other objects should only be permitted if accompanied by a plant passport, attesting compliance with the requirements and measures established pursuant to the provisions of this Regulation. Those plants, plant products and other objects should be listed in the interest of clarity.			
(41) Plant passports should not be required for plants, plant products and other objects intended for final users.	**AM 11** (41) Plant passports should not be required for plants, plant products and other objects intended for final users**,** ***including home gardeners***.	(41) Plant passports should not be required for plants, plant products and other objects ~~intended for~~ **supplied directly to** final users**. However, certain exceptions should be set out.**	AM accepted Ok with Council text (41) Plant passports should not be required for plants, plant products and other objects supplied directly to final users, **including home gardeners**. However, certain exceptions should be set out.
(42) In order to ensure the credibility of the plant passports, rules should be established concerning their contents.		(42) In order to ensure the credibility of the plant passports, rules should be established concerning their contents **and form**.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(43) Plant passports should generally be issued by the professional operator. Where professional operators do not have the resources to issue plant passports, the possibility should exist that, upon their request, plant passports are issued by the competent authorities.	**AM 12** (43) Plant passports should generally be issued by the professional operator. Where professional operators do not have the resources to issue plant passports, the possibility should exist that, upon their request, plant passports are issued by the competent authorities ***of the Member States***.	(43) Plant passports should generally be issued by the **authorised** professional operator. ~~Where professional operators do not have the resources to issue plant passports, the t~~ **The** possibility should exist that~~, upon their request,~~ **competent authorities may decide to issue** plant passports ~~are issued by the competent authorities~~.	AM withdrawn Ok with Council text
(44) Rules should be set out for the issuance of plant passports, the examinations required for issuance, the authorisation and supervision of professional operators issuing plant passports, the obligations of authorised operators and the withdrawal of that authorisation.		(44) Rules should be set out for the issuance of plant passports, the examinations required for issuance, **the attaching of plant passports, the** authorisation and supervision of professional operators issuing plant passports, the obligations of authorised operators and the withdrawal of that authorisation.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(45) In order to reduce the burden of authorised operators, examinations for issuing plant passports should be combined with the examinations required under Regulation (EU) No …/…. [*Office of Publications to insert number of Regulation on plant reproductive material law*], where appropriate.		(45) In order to reduce the burden of authorised operators, examinations for issuing plant passports should**, where appropriate,** be combined with the examinations required under **Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC.** ~~Regulation (EU) No …/…. [Office of Publications to insert number of Regulation on plant reproductive material law], where appropriate.~~	Ok with Council text
(46) Authorised operators should possess the necessary knowledge concerning pests.			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(47) Certain operators may desire to establish a phytosanitary risk management plan, ensuring and demonstrating a high level of competence and awareness as regards phytosanitary risks as regards critical points in their professional activities and justifying special control arrangements with the competent authorities. Union rules should be established concerning the contents of those plans.	**AM 13** (47) Certain ***authorised*** operators may desire to establish a phytosanitary risk management plan, ensuring and demonstrating a high level of competence and awareness as regards phytosanitary risks as regards critical points in their professional activities and justifying special control arrangements with the competent authorities**~~. Union rules should be established concerning the contents of those plans.~~**	(47) Certain operators may desire to establish a **pest** ~~phytosanitary~~ risk management plan, ensuring and demonstrating a high level of competence and awareness as regards **pest** ~~phytosanitary~~ risks as regards critical points in their professional activities and justifying special control arrangements with the competent authorities. Union rules should be established concerning the contents of those plans.	AM partially accepted Ok with Council text (47) Certain **authorised** operators may desire to establish a pest risk management plan, ensuring and demonstrating a high level of competence and awareness as regards pest risks as regards critical points in their professional activities and justifying special control arrangements with the competent authorities. Union rules should be established concerning the contents of those plans.
(48) It is appropriate to provide for the replacement of plant passports and of phytosanitary certificates.			
(49) In cases of non-compliance with the Union rules, plant passports should be removed, invalidated and, for reasons of traceability, kept.			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(50) FAO International Standard for Phytosanitary Measures No 15 requires that wood packaging material is marked with a specific mark, applied by duly authorised and supervised professional operators. This Regulation should set out the model and contents of that mark and the authorisation and supervision of professional operators in the Union territory applying that mark.		(50) ~~FAO~~ International Standard for Phytosanitary Measures No 15 ***Regulation of Wood Packaging Material in International Trade*** **(ISPM15)** requires that wood packaging material is marked with a specific mark, applied by duly authorised and supervised professional operators. This Regulation should ~~set out the model and contents of that mark and~~**make applicable ISPM 15 as regards the introduction into and the movement out of the Union territory of wood packaging material and, under certain conditions, the movement within the Union territory of wood packaging material, wood or other objects. It should also set out rules for** the authorisation and supervision of professional operators in the Union territory applying that mark~~.~~**.**	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(51) Where so required by a third country, the respective plants, plant products or other objects should move from the Union territory to that third country with a phytosanitary certificate for export or re-export. In respect of the relevant provisions of IPPC, those certificates should be issued by the competent authorities, respecting the contents of the model certificates for export and re-export set out by the IPPC.			[a part of rec. 33 is inserted at the end] (51) Where so required by a third country, the respective plants, plant products or other objects should move from the Union territory to that third country with a phytosanitary certificate for export or re-export. In respect of the relevant provisions of IPPC, those certificates should be issued by the competent authorities, respecting the contents of the model certificates for export and re-export set out by the IPPC. **Protection should be offered to third countries against Union quarantine pests because of their acknowledged harmful nature, except where a Union quarantine pest is officially known to be present in the third country concerned and not under official control, or where it can be reasonably assumed that that Union quarantine pest does not meet the criteria to qualify as a quarantine pest for the third country concerned.**

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(52) Where a plant, plant product or other object is moved through more than one Member States before it is exported to a third country, it is important that the Member State in which the plants, plant product or other objects were produced or processed exchanges information with the Member State which issues the phytosanitary certificate for export. This exchange of information is important to enable attestation of compliance with the requirements of the third country. Therefore, a harmonised 'pre-export certificate' should be established to ensure that the exchange of that information takes place in a uniform manner.			
(53) The Commission should establish an electronic system for the notifications required in accordance with this Regulation.			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	AM 14 ***(53a) In order to take into account the technical progress, scientific developments and changed circumstances in plant health, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules amending or supplementing the lists of Union quarantine pests, priority pests as well as of Union quality pests and the plants for planting concerned. In case of a serious phytosanitary risk, the power to adopt acts in accordance with the urgency procedure should be delegated to the Commission in order to list Union quarantine pests as priority pests.***		IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(54) In order to ensure that the exceptions for Union quarantine pests used for scientific purposes, trials, varietal selections, breeding or exhibitions are implemented in a manner that does not pose any phytosanitary risk to the Union territory or parts of it, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules concerning the exchange of information between Member States and the Commission as regards the introduction into and movement within the Union territory of the pests concerned, the respective assessments and authorisation, and the monitoring of compliance, the action in case of non-compliance and the notification thereof.		DELETED	IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(55) In order to ensure an effective system of notifications, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules concerning notification obligations concerning the suspected presence of particular Union quarantine pests which has not yet been officially confirmed.		DELETED	IA/DA
(56) In order to take into account the technical and scientific developments concerning surveys on the presence of pests, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules amending or supplementing the elements to be covered by the multi-annual survey programmes.		DELETED	IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(57) In order to ensure the effective functioning of simulation exercises, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules setting out the frequencies, contents, format and other provisions on simulation exercises.		DELETED	IA/DA
(58) In order to ensure that protected zones are established and function in a reliable manner, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules on surveys to be carried out for purposes of the recognition of protected zones and on whether protected zones comply with the respective requirements.		DELETED	IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(59) In order to ensure a proportionate and restricted application of the exemptions concerning the movement of plants, plant products or other objects into or within frontier zones, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules concerning the maximum width of third country frontier zones and Member State frontier zones, 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 the procedures concerning the authorisation of the introduction into and movement within the Member State frontier zones of plants, plant products and other objects.		DELETED	IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(60) In order to avoid phytosanitary risks during transit of plants, plant products or other objects, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules setting out the contents of a declaration concerning the passing of plants, plant products or other objects through the Union territory for the purpose of moving to a third country.		DELETED	IA/DA
(61) In order to ensure that the registration of professional operators is proportionate to the objective of controlling phytosanitary risk, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules setting out categories of, and conditions for, professional operators to be exempted from the obligation to register in a register.		(61) In order to ensure that the registration of professional operators is proportionate to the objective of controlling **pest** ~~phytosanitary~~ risk, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules setting out categories of, and conditions for, professional operators to be exempted from the obligation to register in a register.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(62) In order to ensure the credibility of phytosanitary certificates of third countries which are not parties to the IPPC, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules supplementing the conditions for acceptance of phytosanitary certificates from those third countries.		DELETED	IA/DA
(63) In order to minimise the phytosanitary risks of plants, plant products or other objects moved within the Union territory, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules setting out the maximum figure for small quantities of particular plants, plant products or other objects to be exempted from plant passports.		(63) In order to minimise the **pest** ~~phytosanitary~~ risks of plants, plant products or other objects moved within the Union territory, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules setting out the **cases where,** ~~maximum figure~~ for ~~small quantities of~~ particular plants, plant products or other objects**, the exception from the requirement of issuing plant passports only applies for small quantities** ~~to be exempted from plant passports~~.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(64) In order to ensure the reliability of examinations of plants, plant products and other objects carried out for the issuance of plant passports, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules on visual examination, sampling and testing and the use of certification schemes.		DELETED	IA/DA
(65) In order to enhance the credibility of plant passports, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules setting out qualification requirements to be fulfilled by the professional operators in order for them to be authorised to issue plant passports.		DELETED	IA/DA
(66) In order to enhance the scope and utility of the phytosanitary risk management plan, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules supplementing or amending the elements covered by such plan.		DELETED	IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(67) In order to take into account the development of international standards, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules concerning attestations for commodities of a specific nature, other than wood packaging material, which would require the application of a specific attestation of compliance with the rules of this Regulation.			
(68) In order to ensure the utility and reliability of official attestations and pre-export certificates, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules setting out the contents of official attestations, the authorisation and supervision of professional operators issuing those attestations, and the contents of the pre-export certificate.		(68) In order to ensure the utility and reliability of official attestations ~~and pre-export certificates~~, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules setting out the contents of official attestations, the authorisation and supervision of professional operators issuing those attestations, **as well as** ~~and~~ the **elements** ~~contents~~ of the **export, re-export and** pre-export certificate.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(69) In order to adapt to the technical and scientific developments, and to adapt to a decision of the European Council pursuant to Article 355(6) TFEU, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules amending the Annexes of this Regulation.		(69) In order to adapt to the technical and scientific developments **and developments of international standards**, ~~and to adapt to a decision of the European Council pursuant to Article 355(6) TFEU,~~ the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules amending the Annexes of this Regulation.	(69) In order to adapt to the technical and scientific developments and developments of international standards, **in particular the standards of IPPC and EPPO,** the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of rules amending the Annexes of this Regulation.
(70) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.			**OPEN** [link with art. 98(1a)]

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(71) In order to ensure uniform conditions for the implementation of this Regulation with respect to establishing a list of Union quarantine pests, establishing a list of the priority pests, setting out measures against specific Union quarantine pests, adopting measures for a limited time as regards the phytosanitary risks posed by pests provisionally qualifying as Union quarantine pests, recognising the protected zones recognised in accordance with the first subparagraph of Article 2(1)(h) of Directive 2000/29/EC and establishing a list of the respective protected zone quarantine pests, amending or revoking protected zones, amending the list of those protected zones, listing of Union quality pests and the plants for planting concerned, listing the plants, plant products and other objects whose introduction into and movement within the Union territory is to be prohibited, and the third		DELETED	IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
countries concerned, listing the plants, plant products and other objects, and the requirements for their introduction into and movement within the Union territory, setting out equivalent requirements of third countries to the requirements for movement within the Union territory of plants, plant products or other objects, setting out specific conditions or measures concerning the introduction of particular plants, plant products and other objects into frontier zones of Member States, adoption of temporary measures as regards the introduction into and movement within the Union territory of plants for planting from third countries, listing of plants, plant products and other objects, whose introduction into, and movement within, particular protected zones is to be prohibited, listing requirements for the introduction into, and movement within, particular protected zones of plants, plant products and other objects,			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
listing of the plants, plant products and other objects, and the respective third countries of origin or dispatch, for which a phytosanitary certificate is to be required for their introduction into the Union territory, listing of the plants, plant products and other objects, and the respective third countries of origin or dispatch, for which a phytosanitary certificate is to be required for their introduction into certain protected zones from those third countries, listing of the plants, plant products and other objects, for which a plant passport is to be required for their movement within the Union territory, listing of the plants, plant products and other objects, for which a plant passport is to be required for their introduction into certain protected zones, and setting out the format of the plant passport, implementing powers should be conferred on the Commission.			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers[10].			

[10] OJ L 55, 28.2.2011, p. 13.

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		71a) In order to ensure uniform conditions for the implementation of this Regulation implementing powers should be conferred on the Commission with respect to establishing a list of Union quarantine pests; establishing a list of the priority pests; setting out measures against specific Union quarantine pests; setting out the format of reports on surveys and content of those reports, as well as instructions on how to fill-in that format; and adopting measures for a limited time as regards the risks posed by pests provisionally qualifying as Union quarantine pests.	IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		71b) In order to ensure uniform conditions for the implementation of this Regulation implementing powers should be conferred on the Commission with respect to establishing a list of protected zones and of the respective protected zone quarantine pests; amending or revoking protected zones; listing of Union regulated non-quarantine pests and the plants for planting concerned, setting out measures to prevent the presence of Union regulated non-quarantine pests on the respective plants for planting; and laying down detailed rules for the surveys for the recognition of protected zones and after that recognition.	IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		71c) In order to ensure uniform conditions for the implementation of this Regulation implementing powers should be conferred on the Commission with respect to listing the pests for which, under certain conditions, annual surveys need not to be carried out in the infested zone of demarcated areas; and laying down specific rules concerning the preparation of the multiannual survey programmes and the elements set out therein.	IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		71d) In order to ensure uniform conditions for the implementation of this Regulation implementing powers should be conferred on the Commission with respect to listing the plants, plant products and other objects whose introduction into and movement within the Union territory is to be prohibited, and the third countries concerned, amending the referred list; listing the high risk plants, plant products and other objects whose introduction into the Union territory is to be prohibited, and the third countries concerned, amending the referred list; listing the plants, plant products and other objects subject to special requirements, and the special requirements concerned for their introduction into and movement within the Union territory; setting out equivalent requirements of third countries to the requirements for movement	IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		within the Union territory of plants, plant products or other objects; setting out posters and brochures concerning the introduction of plants, plant products and other objects into the Union territory; setting out specific conditions or measures concerning the introduction of particular plants, plant products and other objects into frontier zones of Member States; laying down detailed rules concerning certain provisions for exceptions from prohitions of introduction into, and movement within the Union, of Union quarantine pests, protected zone quarantine pests, plants, plant products and other objects; adoption of temporary measures as regards the introduction into and movement within the Union territory of plants, plants products and other objects from third countries; adopting decisions on temporary measures to be taken by	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		Member States concerning imminent danger; listing of plants, plant products and other objects, whose introduction into, and movement within particular protected zones is to be prohibited; listing the plants, plant products and other objects requirements for the introduction into, and movement within particular protected zones; and specifying the requirements and operation conditions of quarantine stations and confinement facilities, and the release of plants, plant products and other objects from those stations and facilities.	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		71e) In order to ensure uniform conditions for the implementation of this Regulation implementing powers should be conferred on the Commission with respect to setting out specific requirements as to the content, format and accessibility of the records concerning traceability to be kept by the professional operators; and setting out the maximum figure for small quantities of particular plants, plant products or other objects concerning the exception of professional operators from the registration requirements.	IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		71f) In order to ensure uniform conditions for the implementation of this Regulation implementing powers should be conferred on the Commission with respect to listing of the plants, plant products and other objects, and the respective third countries of origin or dispatch, for which a phytosanitary certificate is to be required for their introduction into the Union territory and amending the lists; listing of the plants, plant products and other objects, and the respective third countries of origin or dispatch, for which a phytosanitary certificate is to be required for their introduction into certain protected zones from those third countries and amending the referred lists; listing of the plants, plant products and other objects, the third countries concerned, and the maximum quantity subject to be exempted from the	IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		requirement for a phytosanitary certificate when introduced in the Union territory; setting out specific rules concerning the conditions for acceptance of phytosanitary certificates from third countries which are not contracting parties to the IPPC to ensure the reliability of those certificates; and setting out specific rules concerning the invalidation of the electronic phytosanitary certificates.	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		71g) In order to ensure uniform conditions for the implementation of this Regulation implementing powers should be conferred on the Commission with respect to listing of the plants, plant products and other objects, for which a plant passport is to be required for their movement within the Union territory and amending the lists; listing of the plants, plant products and other objects, for which a plant passport is to be required for their introduction and movement within certain protected zones and amending the lists; and specifying the plants, plant products or other objects for which a plant passport for protected zones is required in case of direct supply to a final user.	IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		71h) In order to ensure uniform conditions for the implementation of this Regulation implementing powers should be conferred on the Commission with respect to setting out the format of the plant passport, specifying types and species of plants for planting for which exemptions from the indication of traceability code in the format of the plant passport should not apply; setting out technical modalities for the issuance of electronic plant passports; setting out detailed rules for the examinations of plants, plant products and other objects as requirement for the issue of the plant passport; and setting out criteria to be fulfilled by the professional operators in order to be authorised to issue plant passports and the procedures to ensure that those criteria are met.	IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		71i) In order to ensure uniform conditions for the implementation of this Regulation implementing powers should be conferred on the Commission with respect to setting out specific requirements concerning the material, treatment and marking concerning repairing of wood packaging material; specifying the requirements for authorisation of registered operators to apply the mark for wood packaging material and to repair wood packaging material; laying down the format specifications of official attestations; specifying the procedures for the issuance of the pre-export certificate; and laying down specific rules concerning the submission of notifications.	IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		71k)The implementing powers referred to in Recitals 71a to 71i should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers [11].	IA/DA

[11] OJ L 55, 28.2.2011, p. 13.

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(72) The advisory procedure should be used for the adoption of the initial list of Union quarantine pests given that that initial list should merely contain, without any modifications, 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, for the amendment of the scientific name of a pest, where such an amendment is justified on the basis of the development of scientific knowledge, for the adoption of the initial list of protected zones and the respective protected zone		DELETED	Ok with Council text

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quarantine pests given that that initial list should merely contain, without any modifications, the protected zones recognised in accordance with the first subparagraph of Article 2(1)(h) of Directive 2000/29/EC and the protected zone quarantine pests listed in Part B of Annex I and Part B of Annex II to Directive 2000/29/EC, for the amendment and revocation of protected zones, for the adoption of the initial list of Union quality pests given that that initial list should merely contain, without any modifications, the pests listed in certain Directives on the production and marketing of seeds and propagating material, for the adoption of the initial list of plants,			

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plant products and other objects whose introduction into and movement within the Union territory is to be prohibited given that that initial list should merely contain, without any modifications, 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, together with their Combined Nomenclature (CN) codes, for the adoption of the initial list of plants, plant products and other objects whose introduction into and movement within the Union territory is to be subject to special requirements given that that initial list should merely contain, without any modifications, the plants, plant products and other objects, and the requirements and the third countries concerned, as set out in Part A of Annex IV to Directive 2000/29/EC, together with their Combined Nomenclature (CN) codes, for the adoption of the initial list of plants, plant products and other			

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objects whose introduction into certain protected zones is to be prohibited given that that initial list should merely contain, without any modifications, the plants, plant products and other objects, and the prohibitions and the third countries concerned, as set out in Part B of Annex III to Directive 2000/29/EC, together with their Combined Nomenclature (CN) codes, for the adoption of the initial list of plants, plant products and other objects whose introduction into, and movement within, certain protected zones is to be subject to special requirements given that that initial list should merely contain, without any modifications, the plants, plant products and other objects, and the requirements, as set out in Part B of Annex IV to Directive 2000/29/EC, together with their Combined Nomenclature (CN) codes, for the adoption of the initial list of the plants, plant products and other objects, and the respective third countries of origin or dispatch, for which a			

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phytosanitary certificate is required for their introduction into the Union territory, given that that initial list should merely contain, without any modifications, the plants, plant products and other objects listed in Point I of Part B of Annex V to Directive 2000/29/EC, for the adoption of the initial 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 their introduction into certain protected zones, given that that initial list should merely contain, without any modifications, the plants, plant products and other objects listed in Point II of Part B of Annex V to Directive 2000/29/EC, for the adoption of the initial list of the plants, plant products and other objects, for which a plant passport is required for their movement within the Union territory, given that that initial list should merely contain, objects, for which a plant			

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passport is required for their introduction into certain protected zones, given that that initial list should merely contain, without any modifications, the plants, plant products and other objects listed in Point II of Part A of Annex V to Directive 2000/29/EC.			
(73) Council Directive 74/647/EEC of 9 December 1974 on control of carnation leaf-rollers[12] and Council Directive 69/466/EEC of 8 December 1969 on control of San José Scale[13] set out measures on the control of the respective pests. Following the entry into force of those Directives, the concerned pests have become widely spread throughout the Union territory, thus their containment is not feasible any more. Those Directives should therefore be repealed.		(73) Council Directive 74/647/EEC of 9 December 1974 on control of carnation leaf-rollers[14] and Council Directive **2006/91/EC of 7 November 2006** ~~69/466/EEC of 8 December 1969~~ on control of San José Scale[15] set out measures on the control of the respective pests. Following the entry into force of those Directives, the concerned pests have become widely spread throughout the Union territory, thus their containment is not feasible any more. Those Directives should therefore be repealed.	Ok with Council text

12 OJ L 352, 28.12.1974, p. 41–42.
13 OJ L 323, 24.12.1969, p. 5–6.
14 OJ L 352, 28.12.1974, p. 41–42.
15 OJ L **312, 11.11.2006, p.42–44.**~~323, 24.12.1969, p. 5–6.~~

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(74) Council Directive 69/464/EEC of 8 December 1969 on control of Potato Wart Disease[16], Council Directive 93/85/EEC of 4 October 1993 on control of Potato Ring Rot[17], Council Directive 98/57/EC of 20 July 1998 on control of *Ralstonia solanacearum* (Smith) Yabuuchi et al.[18] and Council Directive 2007/33/EC of 11 June 2007 on the control of potato cyst nematodes and repealing Directive 69/465/EC[19] should be repealed, as new measures on the pests concerned should be adopted in accordance with the provisions of this Regulation.	**AM 15** (74) Council Directive 69/464/EEC of 8 December 1969 on control of Potato Wart Disease[10], Council Directive 93/85/EEC of 4 October 1993 on control of Potato Ring Rot[11], Council Directive 98/57/EC of 20 July 1998 on control of Ralstonia solanacearum (Smith) Yabuuchi et al.[12] and Council Directive 2007/33/EC of 11 June 2007 on the control of potato cyst nematodes and repealing Directive 69/465/EC[13] should be repealed, as new measures on the pests concerned should be adopted in accordance with the provisions of this Regulation.		(74) Council Directive 69/464/EEC of 8 December 1969 on control of Potato Wart Disease10, Council Directive 93/85/EEC of 4 October 1993 on control of Potato Ring Rot11, Council Directive 98/57/EC of 20 July 1998 on control of Ralstonia solanacearum (Smith) Yabuuchi et al.12 and Council Directive 2007/33/EC of 11 June 2007 on the control of potato cyst nematodes and repealing Directive 69/465/EC13 should be repealed, as new measures on the pests concerned should be adopted in accordance with the provisions of this Regulation. In view of the time and resources required to adopt those new measures, those acts should be repealed by **31 December** ~~1 January~~ 2021.

[16] OJ L 323, 24.12.1969, p. 1–2.
[17] OJ L 259, 18.10.1993, p. 1–25.
[18] OJ L 235, 21.8.1998, p. 1–39.
[19] OJ L 156, 16.6.2007, p. 12–22.

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In view of the time and resources required to adopt those new measures, those acts should be repealed by 2021.	In view of the time and resources required to adopt those new measures, those acts should be repealed by ***1 January*** 2021.		
(75) Regulation (EU) No …/2013 on ……[20] [*Office of Publications, please insert number and title of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material and, in the footnote, the reference to the Official Journal*] sets out that grants for measures against pests are to concern certain pests listed in the Annexes to Directive 2000/29/EC, and certain pests not listed in those Annexes but subject to temporary Union measures adopted with regard to them. This Regulation establishes the category of priority pests. It is appropriate that certain measures taken by	**AM 16** (75) Regulation (EU) No …/2013 on ……+ sets out that grants for measures against pests are to concern certain pests listed in the Annexes to Directive 2000/29/EC, and certain pests not listed in those Annexes but subject to temporary Union measures adopted with regard to them. This Regulation establishes the category of priority pests. It is ~~appropriate~~ ***essential*** that certain measures taken by the Member States as regards, ***in particular,*** priority pests are to be eligible for Union grants, including compensation paid to professional operators for the value of plants, plant products and other objects, subject to destruction pursuant to the eradication measures set out in this Regulation***, as well as for***	(75) Regulation (EU) No **652/**~~2013~~ **2014** ~~on~~ **of 15 May 2014 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, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions**	AM partially accepted OK with Council text (75) Regulation (EU) No 652/2014 of 15 May 2014 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, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC~~……~~[21] sets out that grants for measures against pests are to concern certain pests listed in the

[20] OJ L …, ……., p. ….
[21] OJ L …, ……., p. ….

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			Annexes to Directive 2000/29/EC, and certain pests not listed in those Annexes but subject to temporary Union measures adopted with regard to them. In addition to the provisions of that Regulation,this Regulation establishes the category of

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the Member States as regards priority pests are to be eligible for Union grants, including compensation paid to professional operators for the value of plants, plant products and other objects, subject to destruction pursuant to the eradication measures set out in this Regulation. Regulation (EU) No XXX/2013 should therefore be amended.	***the implementation of enhanced biosecurity measures essential for prevention, detection and control of priority pests at farm level. In addition, measures taken by the Member States in accordance with Article 15 of Regulation (EU) No …/2013 on …..*** [++]/ ***with a view to early eradication of potentially harmful alien species at an early stage of invasion should equally be eligible for Union grants. This should also include compensation paid to professional operators for the value of plants, plant products and other objects, subject to destruction pursuant to Article 15 of Regulation (EU) No …/2013 on ….***[++] . Regulation (EU) No …/2013 [+]should therefore be amended. _____	**66/399/EEC, 76/894/EEC and 2009/470/EC**~~……~~[22] ~~[Office of Publications, please insert number and title of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material and, in the footnote, the reference to the Official Journal]~~ sets out that grants for measures against pests are to concern certain pests listed in the Annexes to Directive 2000/29/EC, and certain pests not listed in those Annexes but subject to temporary Union measures adopted with regard to them. ~~This~~**In addition to the provisions of that Regulation,t~~**This** Regulation establishes the category of	priority pests and it is ~~appropriate~~ **essential** that certain measures taken by the Member States as regards**, in particular,** priority pests are to be eligible for Union grants, including compensation paid to professional operators for the value of plants, plant products and other objects, subject to destruction pursuant to the eradication measures set out in this Regulation. Regulation (EU) No 652/2014 should therefore be amended.

[22] OJ L …, ……., p. ….

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	+- OJ , please insert the number and title 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 and, in the footnote, the reference to the Official Journal] . ++ ***OJ, please insert the number and title of the Regulation laying down provisions on the prevention and management of the introduction and spread of invasive alien species***	priority pests~~. It~~**and it~~t~~** is appropriate that certain measures taken by the Member States as regards priority pests are to be eligible for Union grants, including compensation paid to professional operators for the value of plants, plant products and other objects, subject to destruction pursuant to the eradication measures set out in this Regulation. Regulation (EU) No ~~XXX/2013~~**XXX652/2014**~~3~~ should therefore be amended.	
	AM 17 ***(75a) The Common Agricultural Policy includes provisions linking Union funding/support for farmers to their compliance with specific standards concerning the environment, public health, animal and plant health and animal welfare.***		AM withdrawn

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(76) Since the objective of this Regulation, namely to ensure a harmonised approach with regard to protective measures against pests of plants, cannot be sufficiently achieved by the Member States and can therefore, by reason of its effect, complexity, trans-border and international character, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not exceed what is necessary in order to achieve that objective.			

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(77) For small and medium enterprises, this Regulation does not create disproportionate administrative burden or economic impact. Under this Regulation, based on consultation with stakeholders, the special situation of small and medium enterprises has been taken into account where possible. A potential universal exemption for micro-enterprises, which make up the majority of companies, has not been considered, in view of the public policy objective(s) to protect plant health.			
(78) This Regulation respects the IPPC, the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and the guidelines set out under these.			

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	AM 18 ***(78a) In accordance with the principle of smart regulation, this Regulation shall be coordinated with Regulation ..../2014+ in order to guarantee that plant health legislation applies fully and its entirety.*** _____ ***+ OJ, please insert the number and title of the Regulation laying down provisions on the prevention and management of the introduction and spread of invasive alien species***		AM accepted **(78a) In accordance with the principle of smart regulation, this Regulation shall be coordinated with Regulation 652/2014 in order to guarantee that plant health legislation applies fully and in its entirety.**
(79) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably respect for private and family life, the right to property, the protection of personal data, freedom to conduct business and the freedom of art and science. This Regulation should be applied by the Member States in accordance with those rights and principles,			
HAVE ADOPTED THIS REGULATION:			

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Chapter I **Subject matter, scope and definitions**	**Chapter I** **Subject matter, scope and definitions**	**Chapter I** **Subject matter, scope and definitions**	**Chapter I** **Subject matter, scope and definitions**
Article 1 **Subject matter and scope**	*Article 1* **Subject matter and scope**	*Article 1* **Subject matter and scope**	*Article 1* **Subject matter and scope**
1. This Regulation lays down rules to determine the phytosanitary risks posed by any species, strain or biotype of pathogenic agents, animals or parasitic plants injurious to plants or plant products (hereinafter "pests") and measures to reduce those risks to an acceptable level.	**AM 19** 1. This Regulation lays down rules ~~**to determine**~~ ***regarding phytosanitary inspections and other official measures by the Member State authorities for the purpose of identifying*** the phytosanitary risks posed by any species, strain or biotype of pathogenic agents, animals or ~~**parasitic**~~ plants injurious to plants or plant products (hereinafter "pests") ~~**and measures to reduce those risks to an acceptable level**~~***, including invasive alien plant species which are injurious to plants*** and ***phytosanitary measures necessary to prevent the entry of pests from other Member States or third countries.***	1. This Regulation lays down rules to determine the phytosanitary risks posed by any species, strain or biotype of pathogenic agents, animals or ~~parasitic~~ plants injurious to plants or plant products (hereinafter "pests") and measures to reduce those risks to an acceptable level.	1. This Regulation lays down rules to determine the phytosanitary risks posed by any species, strain or biotype of pathogenic agents, animals or parasitic plants injurious to plants or plant products (hereinafter "pests") and measures to reduce those risks to an acceptable level. **1a. Whenever there is evidence that non-parasitic plants pose phytosanitary risks which have a severe economic, social and environmental impact for the Union territory, those non-parasitic plants may be considered as plants injurious to plants or plant products in the sense of paragraph 1 of this Article.** **Those non-parasitic plants shall be other than those regulated under Article 4(1) of Regulation (EU) 1143/2014 on the prevention and management of the introduction and spread of invasive alien species.**

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

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The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending Annex I to ensure that the scope of this Regulation is confined to the European part of the Union territory. That amendment shall be either of the following:		DELETED	Ok with Council text
(a) an addition to Annex I of one or more territories that are referred to in Article 355(1) of the Treaty;		DELETED	Ok with Council text
(b) a removal from Annex I of one or more territories that are referred to in Article 355(2) of the Treaty.		DELETED	Ok with Council text

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Article 2 **Definitions**	*Article 2* **Definitions**	*Article 2* **Definitions**	*Article 2* **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 **or without** foliage;	Ok with Council text
(h) cut trees retaining foliage;			
(i) leaves, foliage;			
(j) plant tissue cultures, including cell cultures, germplasm, meristems, chimaeric clones, micro-propagated material;			
(k) live pollen;		(k) live pollen~~;~~ **and spores;**	Ok with Council text
(l) buds, budwood, cuttings, scions, grafts;			

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

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

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(3) 'plants for planting' means plants, which are capable of and intended for producing entire plants, and which are destined to be planted, or replanted, or remain planted;	**AM 20** 3) 'plants for planting'***: ~~means~~*** ***-*** plants, which are ***~~capable of and intended for producing entire plants, and which~~ already planted and are intended to remain planted or ~~are destined~~*** to be ***~~planted, or~~*** replanted ***after their introduction,*** or ***~~remain planted~~***; ***- 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*];			**'Competent authorities' means the central authorities of a Member State, or where applicable a third country, responsible for the organisation of official controls and of other official activities, in accordance with this Regulation or any other authority to which that responsibility has been conferred.**

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(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;	Ok with Council text
		(6a) 'trade unit' means the smallest applicable commercial or other useable unit, which may be the subset or the whole of a lot;	(6a) 'trade unit' means the smallest ~~applicable~~ commercial or other useable unit **applicable to the marketing stage concerned**, which may be the subset or the whole of a lot;
(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) **breeding**~~growing~~**;**	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;		(d) introduction into, ~~and~~ movement within, and out of the Union territory;	Ok with Council text
(e) making available on the market;			
		(ea) storage, collection, dispatching and processing	Ok with Council text

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	AM 21 ***ea) breeding***		AM withdrawn
	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
		(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;			

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

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

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	AM 26 ***(10a) 'operator' means operator as defined in Article 2(26) of Regulation (EU) No XXX/XXXX+ ;*** ***+ 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 withdrawn

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	AM 27 ***(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 withdrawn
	AM 28 ***(10c) 'phytosanitary measure' means all measures intended to eliminate risks or prevent the entry of pests to the Union territory from other Member States or third countries***		AM accepted in substance **(10i) 'phytosanitary measure' means any offcial measure having the purpose to prevent the introduction and/or spread of quarantine pests or to limit the economic impact of regulated non-quarantine pests;**
	AM 29 ***(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.***		AM withdrawn

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

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

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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).		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**
1. A Union quarantine pest shall not be introduced into or moved within the Union territory.		1. A Union quarantine pest shall not be introduced into or moved within the Union territory~~.~~**, or held, multiplied or released within the Union territory.**	Ok with Council text

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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 **or established in** 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

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

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

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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**
1. A Union quarantine pest is a 'priority pest' if it fulfils all of the following conditions:		1. A Union quarantine pest shall **be referred to as** ~~is~~ a 'priority pest' if it fulfils all of the following conditions:	Ok with Council text
(a) it fulfils, as regards the Union territory, the condition set out in point (a) or in point (b) of point (2) of Section 1 of Annex II;		(a) it fulfils, as regards the Union territory, the condition set out in point ~~(a) or in point (b) of point~~ **(2)** of Section 1 of Annex II**;**	Ok with Council text
(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.			

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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

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

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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

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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

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2. The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 2 of Annex II on criteria to identify Union quarantine pests which qualify as a priority pest, as regards their potential economic, social and environmental impact, taking into account the developments of technical and scientific knowledge.		DELETED	IA/DA EP: could agree

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Article 8 **Union quarantine pests used for scientific purposes, trials, varietal selections, breeding or exhibitions**	*Article 8* **Union quarantine pests used for scientific purposes, trials, varietal selections, breeding or exhibitions**	*Article 8* **Union quarantine pests used for scientific, technical or educational purposes, trials, varietal selections, or breeding ~~or~~ exhibitions**	*Article 8* **Union quarantine pests used for scientific ~~technical~~ or educational purposes, trials, varietal selections, breeding**
1. By way of derogation from Article 5(1), Member States may, on application, authorise the introduction into, and the movement within, their territory of Union quarantine pests for use for scientific purposes, trials, varietal selections, breeding or exhibitions if all of the following requirements are fulfilled:		1. By way of derogation from Article 5(1), Member States may, on application, **temporarily** authorise the introduction into, ~~and~~ the movement within, **and the holding and multiplication in** their territory of Union quarantine pests **or pests subject ot the measures adopted pursuant to Article 29(1)** for use for scientific**, technical, or**~~and~~ **educational** purposes, trials, varietal selections, **or** breeding ~~or exhibitions~~**.** **That authorisation shall be granted for the activity concerned only if adequate restrictions are imposed to ensure that the introduction, movement, holding, multiplication and use of the pest concerned do not result in the establishment or**	1. By way of derogation from Article 5(1), Member States may, on application, temporarily authorise the introduction into, ~~and~~ the movement within, and the holding and multiplication in their territory of Union quarantine pests or pests subject ot the measures adopted pursuant to Article 29(1) for use for scientific, **official testing** ~~technical,~~ or educational purposes, trials, varietal selections, or breeding. That authorisation shall be granted for the activity concerned only if adequate restrictions are imposed to ensure that the introduction, movement, holding, multiplication and use of the pest concerned do not result in the establishment or

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		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:~~	spread of that pest within the Union territory, taking into account the identity, biology and means of dispersal of the pest, the activity envisaged, the interaction with the environment and other relevant factors relating to the risk posed by that pest.
(a) the introduction, movement and use of the pest concerned do not result in the establishment or spread of that pest within the Union territory if adequate restrictions are imposed;		DELETED	Ok with Council text
(b) the storage facilities in which that pest is to be kept and the quarantine stations, as referred to in Article 56, in which that pest is to be used are appropriate;		DELETED	Ok with Council text
(c) the scientific and technical qualifications of the personnel by whom the activity involving that pest is to be carried out are appropriate.		DELETED	Ok with Council text

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

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

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4. The authorisation shall be limited to the amount that is adequate for the activity concerned and shall not exceed the capacity of the designated quarantine station. It shall include the restrictions necessary to adequately mitigate the risk of establishment and spread of the Union quarantine pest concerned.		4. The authorisation shall be limited to the amount **and duration** that is adequate for the activity concerned and shall not exceed the capacity of the designated quarantine station~~.~~ **or confinement facility.** It shall include the restrictions necessary to adequately ~~mitigate~~ **eliminate** the risk of establishment and spread of the **respective** Union quarantine pest **or pest subject to the measures adopted pursuant to Article 29(1)** ~~concerned~~.	Ok with Council text

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5. The competent authority shall monitor compliance with the conditions referred to in paragraph 3 and the limitation and the restrictions referred to in paragraph 4 and take the necessary action in case those conditions, that limitation or those restrictions are not complied with. Where appropriate, that action shall be the revocation of the authorisation referred to in paragraph 1.			
6. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, laying down detailed rules concerning:		6. The Commission shall ~~be~~**by 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

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(a) the exchange of information between Member States and the Commission concerning the introduction into, and movement within, the Union territory of the pests concerned;		(a) the exchange of information between Member States and the Commission concerning the introduction into, ~~and~~ movement within, **holding, multiplication and use in** the Union territory of the pests concerned;	Ok with Council text
(b) the assessments and authorisation referred to in paragraph 2; and		(b) **the** ~~assessments and~~**procedure and conditions for granting the** authorisation referred to in paragraph ~~2~~**1**; and	Ok with Council text
(c) the monitoring of compliance, the action in case of non-compliance and the notification thereof, as referred to in paragraph 5.		(c) **the** monitoring of compliance~~,~~ **and** the action**s to be taken** in case of non-compliance ~~and the 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).**	Ok with Council text

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Article 9 **Notification of Union quarantine pests to the competent authorities**	*Article 9* **Notification of Union quarantine pests to the competent authorities**	DELETED	*Article 9* **Notification of Union quarantine pests to the competent authorities**
1. Where anyone becomes aware of the presence of a Union quarantine pest or has reason to suspect such a presence, that person shall notify, in writing, the competent authority within ten calendar days.	**AM 44** 1. Where anyone becomes aware of the presence of a Union quarantine pest or has reason to suspect such a presence, that person shall notify ***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

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Article 10 **Measures in case of suspicion of the presence of a Union quarantine pest**	*Article 10* **Measures in case of suspicion of the presence of a Union quarantine pest**	*Article 10* ~~Measures in case of suspicion of the presence of a Union quarantine pest~~ **Notification of imminent dangers**	*Article 10* **Measures in case of suspicion of the presence of a Union quarantine pest**
Where a competent authority suspect the presence of a Union quarantine pest, in a part of the territory of the respective Member State where that pest was previously not known to be present, it shall immediately take any measures necessary to officially confirm whether that pest is present or not.		DELETED	Ok with Council text
		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

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		1a. Paragraph 1 shall also apply for a pest that is not included in the list of Union quarantine pests, where that pest is subject to the measures adopted pursuant to Article 29(1) or the Member State concerned considers that that pest may fulfil the conditions for inclusion in the list of Union quarantine pests.	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 or pests referred to in paragraph (1a).	Ok with Council text

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

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		official confirmation of the presence of that pest, the Member States concerned may take phytosanitary measures to eliminate the risk of spread of that pest. **The suspicion or evidence referred to in the first subparagraph may be based on any information received pursuant to Articles 15 and 15a, or any other source.**	official confirmation of the presence of that pest, the Member States concerned **shall, where applicable,** take phytosanitary measures to eliminate the risk of spread of that pest. The suspicion or evidence referred to in the first subparagraph may be based on any information received pursuant to Articles 15 and 15a, or any other source.
1. A Member State shall notify, through the electronic notification system referred to in Article 97, the Commission and the other Member States, in case one of the following points is fulfilled:		DELETED	Ok with Council text
(a) its competent authority has received a diagnosis of an official laboratory, as referred to in Article 36 of Regulation (EU) No …/…. [*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;		DELETED	Ok with Council text

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

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

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

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		(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.	

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

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	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."**

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Article 14 **Notification of imminent dangers**	*Article 14* **Notification of imminent dangers**	*Article 14* ~~Notification of imminent dangers~~ **Information on priority pests provided to the public by the competent authorities**	*Article 14* **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	**TECHNICAL** EP concerns [to check] [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]

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

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

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		~~That professional operator shall, immediately and after informing and consulting with the competent authority concerned, inform the persons in the trade chain from whom those plants, plant products or other objects had been obtained.~~	
		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.	

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That competent authority shall, where appropriate, ensure that the professional operator concerned withdraws from the market the plants, plant products and other objects in which that pest may be present.		DELETED	
2. Where the plants, plant products or other objects referred to in paragraph 1 have left the control of the professional operator concerned, that professional operator shall, immediately and after informing and consulting with the competent authority concerned, inform the persons in the trade chain from whom those plants, plant products or other objects had been obtained and to whom those plants, plant products and other objects had been supplied, of the presence of the pest.		2. ~~Where the plants, plant products or other objects referred to in paragraph 1 have left the control of the professional operator concerned, that professional operator shall, immediately and after informing and consulting with the competent authority concerned, inform the persons in the trade chain from whom those plants, plant products or other objects had been obtained and to whom those plants, plant products and other objects had been supplied, of the presence of the pest.~~ **The professional operator shall immediately take the necessary measures to prevent the spread of that pest. In case the competent authority has provided instructions concerning those measures, the professional operator shall act in accordance with those instructions.**	

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

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		Where those plants, plant products or other objects have left the control of the professional operator concerned, that professional operator shall, unless otherwise instructed by the competent authority, immediately recall those plants, plant products or other objects. That recall shall be carried out by informing the persons in the trade chain to whom those plants, plant products and other objects had been supplied, of the presence of the pest. **That information shall include guidelines on the necessary measures to be taken during shipment of the respective plants, plant products and other objects to reduce the risk of spread or escape of the pests concerned.**	

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

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		Article 15a ***Measures to be taken by persons other than professional operators***	
		1. Where any person, other than a professional operator, becomes aware of the presence of a Union quarantine pest or has reason to suspect such a presence, that person shall notify the competent authority within five calendar days. **Where the notification is not submitted in writing, the competent authority shall officially record it.** **If so requested by the competent authority, that person shall provide that authority with the information which is in its possession concerning that presence.**	Where any person, other than a professional operator, becomes aware of the presence of a Union quarantine pest or has reason to suspect such a presence, that person shall **immediately** notify the competent authority ~~within five calendar days~~. Where the notification is not submitted in writing, the competent authority shall officially record it. If so requested by the competent authority, that person shall provide that authority with the information which is in its possession concerning that presence.
		1a. The competent authority may determine that the notification referred to in paragraph 1 is not required in the case where a specific pest is known to be present ~~occur~~ **in an area.**	Ok with Council text

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

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		(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 pests**	*Article 16* **Eradication of Union quarantine pests**	*Article 16* **Eradication of Union quarantine pests**	*Article 16* **Eradication of Union quarantine pests**
1. Where the presence of a Union quarantine pest is officially confirmed, the competent authority shall immediately take all necessary measures to eliminate that pest in the area concerned and to prevent its spread out of that area (hereinafter: 'to eradicate'). Those measures shall be adopted in accordance with Annex IV on measures and principles for the management of the risks of pests.	**AM 47** 1. Where the presence of a Union quarantine pest is officially confirmed, the competent authority shall immediately take all necessary measures to eliminate that pest ~~**in**~~***, 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.	AM withdrawn

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		The obligation to eradicate, as referred to in the first subparagraph, shall not apply where an implementing act concerning that pest, adopted pursuant to Article 27(2——), specifies otherwise.	Ok with Council text
	AM 48 ***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***		AM withdrawn

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	_____ ***+ 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

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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

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Article 17 **Establishment of restricted areas**	*Article 17* **Establishment of restricted areas**	Article 17 **Establishment of ~~restricted~~ demarcated areas**	*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 ~~11~~**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	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

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		zone, as provided for in paragraph 3.	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;			

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(b) all plants showing signs or symptoms indicating possible infestation by that pest;			
(c) all other plants liable to be infested by that pest due to their susceptibility to that pest and their close proximity to infested plants, or common source of production, if known, with infested plants, or plants grown from them.		(c) all other plants liable to **have been or become** ~~be~~ **contaminated or** infested by that pest**, including plants liable to be infested** due to their susceptibility to that pest and their close proximity to infested plants, or common source of production, if known, with infested plants, or plants grown from them~~.~~**;**	Ok with Council text
		(ca) land, soil, water courses or other elements infested, or liable to be infested, by the pest concerned.	Ok with Council text
3. The buffer zone shall be adjacent to the infested zone and shall surround it.		3. The buffer zone shall be adjacent to the infested zone and shall surround it.	Ok with Council text
Its size shall be appropriate in view of the risk of the pest concerned spreading out of the infested zone naturally, or by human activities in the infested zone and its surroundings, and shall be decided in accordance with the principles set out in Section 2 of Annex IV on measures and principles for the management of the risks of pests.		Its size shall be appropriate in view of the risk of the pest concerned spreading out of the infested zone naturally, or by human activities in the infested zone and its surroundings, and shall be decided in accordance with the principles set out in Section 2 of Annex IV on measures and principles for the management of the risks of pests.	Ok with Council text

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

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

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Article 18 **Surveys and modifications of restricted areas, and lifting of restrictions**	*Article 18* **Surveys and modifications of restricted areas, and lifting of restrictions**	*Article 18* **Surveys and modifications of ~~restricted~~ demarcated areas, and lifting of restrictions**	*Article 18* **Surveys and modifications of restricted areas, and lifting of restrictions**
1. Competent authorities shall annually carry out a survey of each restricted area as regards the development of the presence of the pest concerned. Those surveys shall be carried out in accordance with the provisions on surveys as set out in Article 21(1) and (2).	**AM 49** 1. Competent authorities shall***, 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.	1. Competent authorities shall **at least** annually carry out a survey of each ~~restricted~~ **demarcated** area**, at appropriate times,** as regards the development of the presence of the pest concerned. Those surveys shall be carried out in accordance with the provisions on surveys as set out in Article 21~~(1) and~~ (2).	AM withdrawn
2. Where as a result of an annual survey a competent authority finds a presence of the pest concerned in the buffer zone, the Member State concerned shall immediately notify that presence to the Commission and the other Member States specifying that the pest was found present in a buffer zone.	**AM 50** 2. Where as a result of ~~**an annual**~~ ***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 a~~n 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

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3. Competent authorities shall modify the boundaries of infested zones, buffer zones and restricted areas, where appropriate, in view of the results of the surveys referred to in paragraph 1.		3. Competent authorities shall modify the boundaries of infested zones, buffer zones and ~~restricted~~ **demarcated** areas, where appropriate, in view of the results of the surveys referred to in paragraph 1.	Ok with Council text
4. Competent authorities may decide to abolish a restricted area and terminate the respective eradication measures, provided that during the surveys referred to in paragraph 1 no presence of the pest concerned has been found in that restricted area for a sufficiently long period.	**AM 51** 4. Competent authorities may decide to abolish a restricted area and terminate the respective eradication measures, provided that during the surveys referred to in paragraph 1 no presence of the pest concerned has been found in that restricted area for a sufficiently long period ***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

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

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

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

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

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Article 21 **Surveys on Union quarantine pests and pests provisionally qualifying as Union quarantine pest**	*Article 21* **Surveys on Union quarantine pests and pests provisionally qualifying as Union quarantine pest**	*Article 21* **Surveys on Union quarantine pests and pests provisionally qualifying as Union quarantine pest**	*Article 21* **Surveys on Union quarantine pests and pests provisionally qualifying as Union quarantine pest**
1. Member States shall conduct surveys, over specific periods of time, checking for the presence of any Union quarantine pest, and signs or symptoms of any pest provisionally qualifying as Union quarantine pest, pursuant to Section 3 of Annex II, in all areas where that pest was not known to be present.	**AM 53** 1. Member States shall conduct surveys ***based on apparent risks***, over specific periods of time, checking for the presence of any Union quarantine pest, and signs or symptoms of any pest provisionally qualifying as Union quarantine pest, pursuant to Section 3 of Annex II, in all areas where that pest was not known to be present.	1. Member States shall conduct surveys, over specific periods of time, checking **at least** for: **(a)** the presence of any Union quarantine pest, and; **(b)** signs or symptoms of any pest **subject to the measures referred to in Article 28 or to measures adopted pursuant to Article 29(1),**~~provisionally qualifying as Union quarantine pest, pursuant to Section 3 of Annex II~~, **Those surveys shall take place** in all areas where ~~that~~ **the** pest **concerned** was not known to be present. ~~2.~~ Those surveys **do not need to**	AM accepted (without "'apparent") Ok with Council text "1. Member States shall conduct **risk-based** surveys, over specific periods of time, checking at least for: (a) the presence of any Union quarantine pest, and; (b) signs or symptoms of any pest subject to the measures referred to in Article 28 or to measures adopted pursuant to Article 29(1). Those surveys shall take place in all areas where ~~that~~ the pest concerned was not known to be present. Those surveys do not need to be

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		be carried out for pests for which it is unequivocally concluded that they cannot be established or spread in the Member State concerned, due to the ecoclimatic conditions or to the absence of its host species.	carried out for pests for which it is unequivocally concluded that they cannot be established or spread in the Member State concerned, due to the ecoclimatic conditions or to the absence of its host species."

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

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3. Member States shall report to the Commission and the other Member States by 30 April of each year the results of the surveys referred to in paragraph 1, which have been carried out in the preceding year.		3. Member States shall report to the Commission and the other Member States by 30 April of each year the results of the surveys referred to in paragraph 1, which have been carried out in the preceding year**. 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).**	"3. Member States shall report to the Commission and the other Member States by 30 April of each year the results of the surveys referred to in paragraph 1, which have been carried out in the preceding year. Those reports shall include, ~~at least,~~ information on where the surveys were conducted, the timing of those surveys, the pests, and the plants, plant products or other objects concerned, the number of inspections and samples taken, and the findings of each pest concerned. The Commission may, by means of implementing acts, set out the format ~~and content~~ of those reports, as well as instructions on how to fill-in that format. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3)."

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[]Article 22 **Multi-annual survey programmes and collection of information**		*Article 22* **Multi-annual survey programmes and collection of information**	
1. Member States shall establish multi-annual programmes setting out the content of the surveys to be carried out pursuant to Article 21. Those programmes shall provide for the collection and recording of the scientific and technical evidence and other information as referred to in the second subparagraph of Article 21(2). Those programmes shall set out the following elements: the specific objective of each survey, its spatial and temporary scope, the pests, plants and commodities targeted, the survey methodology and quality management including a description of the procedures for visual examination, sampling and testing and their technical justification, the timing, frequency and numbers of scheduled visual examinations,		1. Member States shall establish multi-annual programmes setting out the content of the surveys to be carried out pursuant to Article 21. Those programmes shall provide for the collection and recording of the scientific and technical evidence and other information as referred to in the second subparagraph of Article 21(2). Those programmes shall set out the following elements: the specific objective of each survey, its ~~spatial and temporary~~ scope **as regards the area concerned and the time scale covered**, the pests, plants and commodities targeted, the survey methodology and quality management including a description of the procedures for visual examination, sampling and testing and their technical justification, the timing, frequency and numbers of scheduled visual examinations,	"1. Member States shall establish multi-annual programmes setting out the content of the surveys to be carried out pursuant to Article 21. Those programmes shall provide for the collection and recording of the scientific and technical evidence and other information as referred to in the second subparagraph of Article 21(2). Those programmes shall ~~set out~~ **include** the following elements **in conformity with Article 21(2)**: the specific objective of each survey, its scope as regards the area concerned and the time scale covered, the pests, plants and commodities targeted, the survey methodology and quality management including a description of the procedures for visual examination, sampling and testing and their technical justification, the timing, frequency and numbers of scheduled visual examinations, samples and tests, the methods of recording of the information collected and their reporting. The multi-annual programmes shall be for a period of five to seven years."

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samples and tests, the methods of recording of the information collected and their reporting. The multi-annual programmes shall be for a period of five to seven years.		samples and tests, the methods of recording of the information collected and their reporting. The multi-annual programmes shall be for a period of five to seven years.	
2. Member States shall notify their multi-annual survey programmes upon their establishment to the Commission and the other Member States.		2. Member States shall notify their multi-annual survey programmes upon their establishment to the Commission and the other Member States **on request**.	Ok with Council text
3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending or supplementing the elements to be covered by the multi-annual survey programmes, as set out in paragraph 1.	**AM 54** 3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, ***requiring Member States to amend*** ~~**amending**~~ or ***supplement*** ~~**supplementing**~~ the elements to be covered by the multi-annual survey programmes, as set out in paragraph 1.	3. ~~The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending or supplementing the elements to be covered by the multi-annual survey programmes, as set out in paragraph 1.~~ **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).**	AM withdrawn " **The Commission may adopt implementing acts establishing the format of the multiannual survey programmes, and the practical arrangements for the application of the elements set out in paragraph 1 to the specific phytosanitary risks.** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3)."

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Article 23 **Surveys of priority pests**	*Article 23* **Surveys of priority pests**	*Article 23* **Surveys of priority pests**	*Article 23* **Surveys of priority pests**
1. For each priority pest, Member States shall annually carry out a separate survey, as set out in Article 21(1). Those surveys shall include a sufficiently high number of visual examinations, sampling and testing, as appropriate for the relevant pests, to ensure, at a high level of probability, their timely detection.		1. For each priority pest, Member States shall annually carry out a ~~separate~~ survey, as set out in Article 21(1) **and (2).** Those surveys shall include a sufficiently high number of visual examinations, sampling and testing, as appropriate for the relevant pests, to ensure, at a high level of **confidence** ~~probability~~, their timely detection~~.~~ **, 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.**	Ok with Council text

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

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

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(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;			

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(b) access of competent authorities to premises of professional operators and of natural persons, where necessary, laboratories, equipment, personnel, external expertise and resources necessary for the rapid and effective eradication or, where appropriate, containment of the priority pest concerned;		(b) access of competent authorities to premises of professional operators**, other relevant operators** and ~~of~~ natural persons**;**	Ok with Council text
		(ba) access of competent 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;	Ok with Council text
(c) measures to be taken concerning the information of the Commission, the other Member States, the professional operators concerned and the public, as regards the presence of the priority pest concerned and the measures taken against it, in case a presence of the pest concerned is officially confirmed or suspected;			
(d) arrangements for recording findings of the presence of the priority pest concerned;			

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

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		2a. The contingency plans referred to in paragraph 1 may be combined for multiple priority pests with similar biology and range of host plants. In that case, the contingency plan shall consist of a general part common to all priority pests covered by it, and specific parts for each of the priority pest concerned.	Ok with Council text
3. Within one year from the date of the inclusion of the pest concerned in the list of priority pests, Member States shall establish a contingency plan for the priority pest concerned. Member States shall regularly review and, where appropriate, update their contingency plans.		3. **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.	3. Within **four** ~~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 any further pest concerned in 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.

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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 **Simulation exercises**	*Article 25* **Simulation exercises**	Article 25 **Simulation exercises for priority pests**	*Article 25* **Simulation exercises**
1. Member States shall carry out simulation exercises concerning the implementation of the contingency plans at intervals set according to the biology of the priority pest concerned and the phytosanitary risk posed by that pest.		1. Member States shall carry out simulation exercises concerning the implementation of the contingency plans at intervals set according to the biology of the priority pest **or pests** concerned and the ~~phytosanitary~~ risk posed by that pest **or those pests**.	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 regard~~s~~ 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 regard~~s~~ to all priority pests concerned within a reasonable period of time **and with the involvement of the relevant stakeholders concerned**.

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		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.

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

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authority shall immediately adopt a plan setting out the measures for the eradication of the pest concerned, as provided for in Articles 16, 17 and 18, and a time schedule for the application of those measures. That plan is referred to as the 'eradication plan. The eradication plan shall include a description of the design and organisation of the surveys to be carried out and set out the number of visual examinations, samples to be taken and laboratory tests to be carried out.	authority***, after consulting the operators concerned,*** shall immediately adopt a plan setting out the measures for the eradication of the pest***(s)*** concerned, as provided for in Articles 16, 17 and 18, and a time schedule for the application of those measures. That plan is referred to as the 'eradication plan. The eradication plan shall include a description of the design and organisation of the surveys to be carried out and set out the number of visual examinations, samples to be taken and laboratory tests to be carried out.	authority shall immediately adopt a plan setting out the measures for the eradication of the pest concerned, as provided for in Articles 16, 17 and 18, **or the containment of the pest concerned, as provided for in Article 27(2),** and a time schedule for the application of those measures. That plan is referred to as the **'action** ~~eradication~~ plan'. The **action** ~~eradication~~ plan shall include a description of the design and organisation of the surveys to be carried out and set out the number of visual examinations, samples to be taken and laboratory tests to be carried out**, as well as the methodology to be applied for the examination, sampling and testing.**	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**

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			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

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Article 27 **Union measures for specific Union quarantine pests**	*Article 27* **Union measures for specific Union quarantine pests**	Article 27 ***Union measures for specific Union quarantine pests***	*Article 27* **Union measures for specific Union quarantine pests**
1. The Commission may, by means of implementing acts, set out measures against specific Union quarantine pests. Those measures shall implement, specifically for each of the pest(s) concerned, one or more of the following provisions:	**AM 61** 1. The Commission ~~**may, by means of implementing acts,**~~ ***shall be empowered to adopt delegated acts in accordance with Article 98*** set out measures against specific Union quarantine pests. Those measures shall implement, specifically for each of the pest(s) concerned, one or more of the following provisions:		IA/DA AM could be withdrawn
(a) Article 10 concerning measures in case of suspicion of the presence of a Union quarantine pest;		(a) Article ~~10~~**11** concerning ~~measures~~ **official confirmation by competent authorities** ~~in case of suspicion~~ of the presence of ~~a~~ **that** Union quarantine pest;	(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;			

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

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2. Where, as regards a restricted area, the Commission concludes, on the basis of the surveys referred to in Article 18 or other evidence, that the eradication of the Union quarantine pest concerned is not possible, the Commission may adopt implementing acts, as referred to in paragraph 1, which set out measures with the single purpose of prevention of the spread of those pests out of the areas concerned. Such prevention is referred to as 'containment'.	**AM 63** 2. Where, as regards a restricted area, the Commission concludes, on the basis of the surveys referred to in Article 18 or other evidence, that the eradication of the Union quarantine pest concerned is not possible, the Commission ~~may~~ ***shall be empowered to*** adopt ~~**implementing**~~ ***delegated*** acts, ***in accordance with Article 98***, ~~**as referred to in paragraph 1, which**~~ set***ting*** out measures with the single purpose of prevention of the spread of those pests out of the areas concerned. Such prevention is referred to as 'containment'.	2. Where, as regards a ~~restricted~~ **demarcated** area, **it is** ~~the Commission~~ concluded~~s~~, 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 EP could accept IA 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."

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
3. In case the Commission concludes that prevention measures in locations outside restricted areas are necessary to protect the part of the Union territory where the Union quarantine pest concerned is not present, the Commission may adopt implementing acts, as referred to in paragraph 1, setting out such measures.	**AM 64** 3. In case the Commission concludes that prevention measures in locations outside restricted areas are necessary to protect the part of the Union territory where the Union quarantine pest concerned is not present, the Commission ~~**may**~~ ***shall be empowered to*** adopt ***delegated*** ~~**implementing**~~ acts~~**, as referred to in paragraph 1,**~~ ***in accordance with Article 98***, setting out such measures.	3. In case the Commission concludes that prevention measures in **areas** ~~locations~~ outside ~~restricted~~ **demarcated** areas are necessary to protect the part of the Union territory where the Union quarantine pest concerned is not present, the Commission may adopt implementing acts, as referred to in paragraph 1, setting out such measures.	IA/DA EP could accept IA
4. The measures referred to in paragraphs 1, 2 and 3 shall be taken in accordance with Annex IV on measures and principles for the management of the risks of pests, taking into account the specific risks of the Union quarantine pests concerned and the need to implement the necessary risk mitigation measures in a harmonised manner at Union level.		4. The measures referred to in paragraphs 1, 2 and 3 shall be taken in accordance with Annex IV on measures and principles for the management of the risks of pests, taking into account the specific risks of the Union quarantine pests concerned**, the specific ecoclimatic conditions and risks as regards the Member States concerned** and the need to implement the necessary risk mitigation measures in a harmonised manner at Union level.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
5. The implementing acts referred to in paragraph 1 may provide that the measures, referred to in points (a) to (j) of paragraph 1, taken by the Member States are to be repealed or amended. Until a measure has been adopted by the Commission, the Member State may maintain the measures that it has employed.	**AM 65** 5. The ~~**implementing**~~ ***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.	5. ~~The implementing acts referred to in paragraph 1 may provide that the measures, referred to in points (a) to (j) of paragraph 1, taken by the Member States are to be repealed or amended.~~ Until a measure has been adopted by the Commission, the Member State may maintain the measures that it has employed.	IA/DA EP could accept IA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
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)**~~.	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 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

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
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 Union quarantine pests**.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
Article 28 **Measures by Member States concerning pests not listed as Union quarantine pests**	*Article 28* **Measures by Member States concerning pests not listed as Union quarantine pests**	*Article 28* **Measures by Member States concerning pests not listed as Union quarantine pests**	*Article 28* **Measures by Member States concerning pests not listed as Union quarantine pests**
1. Where the presence of a pest that is not included in the list of Union quarantine pests in the territory of a Member State is officially confirmed, and the competent authority concerned considers that that pest may fulfil the conditions for inclusion in the list of Union quarantine pests, it shall immediately assess whether that pest fulfils the criteria of Subsection 1 of Section 3 of Annex II. If it concludes that those criteria are fulfilled, it shall immediately take eradication measures in accordance with Annex IV on measures and principles for the management of the risks of pests. Articles 16 to 19 shall apply.		1. Where the presence of a pest that is not included in the list of Union quarantine pests **is officially confirmed** in the territory of a Member State**,** ~~is officially confirmed,~~ and the **Member State** ~~competent authority~~ concerned considers that that pest may fulfil the conditions for inclusion in the list of Union quarantine pests, it shall immediately assess whether that pest fulfils the criteria of Subsection 1 of Section 3 of Annex II. If it concludes that those criteria are fulfilled, it shall immediately take eradication measures in accordance with Annex IV on measures and principles for the management of the risks of pests. Articles 16 to 19 shall apply.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
Where a competent authority suspects the presence in its territory of a pest fulfilling the criteria referred to in the first subparagraph, Article 10 shall apply accordingly.		**Where, as regards a demarcated area, it is concluded, on the basis of the surveys referred to in Article 18 or other evidence, that the eradication of the pest concerned is not possible, Article 27(2) shall apply accordingly.** **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.**	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		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 **measures** ~~actions~~ referred to in paragraph 1, the Member State shall assess whether the pest concerned fulfils~~, as regards the Union territory,~~ the criteria for quarantine pests set out in Section 1 of Annex II.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating 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

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
Article 29 **Measures by the Union concerning pests not listed as Union quarantine pests**	*Article 29* **Measures by the Union concerning pests not listed as Union quarantine pests**	*Article 29* **Measures by the Union concerning pests not listed as Union quarantine pests**	*Article 29* **Measures by the Union concerning pests not listed as Union quarantine pests**
1. Where the Commission receives the notification referred to in the first subparagraph of Article 28(3), or has other evidence concerning the presence in, or imminent danger of entry into, the Union territory of a pest which is not included in the list of Union quarantine pests and it considers that that pest may fulfil the conditions for inclusion in that list, it shall immediately assess whether, as regards the Union territory, that pest fulfils the criteria of Subsection 2 of Section 3 of Annex II. Where it concludes that those criteria are fulfilled, it shall immediately, by means of implementing acts, adopt measures for a limited time as regards the phytosanitary risks posed by that pest. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).		1. Where the Commission receives **a** ~~the~~ notification **as** referred to in the first subparagraph of Article 28(3), or has other evidence concerning the presence in, or imminent danger of entry into**, or spread within,** the Union territory of a pest which is not included in the list of Union quarantine pests and it considers that that pest may fulfil the conditions for inclusion in that list, it shall immediately assess whether, as regards the Union territory, that pest fulfils the criteria of Subsection 2 of Section 3 of Annex II. Where it concludes that those criteria are fulfilled, it shall immediately, by means of implementing acts, adopt measures for a limited time as regards the ~~phytosanitary~~ risks posed by that pest. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).	Ok with Council text (whole Article)

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

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
3. In case the Commission concludes that prevention measures in locations outside restricted areas are necessary to protect the part of the Union territory where the pest concerned is not present, the implementing acts referred to in paragraph 1 may set out such measures.		3. **Where it is** ~~In case the Commission~~ concluded~~s~~ that prevention measures in **areas** ~~locations~~ outside ~~restricted~~ **demarcated** areas are necessary to protect the part of the Union territory where the pest concerned is not present, the implementing acts referred to in paragraph 1 may set out such measures.	
4. The measures referred to in paragraphs 1, 2 and 3 shall be adopted in accordance with Section 1 of Annex IV on measures to manage the risks of quarantine pests and Section 2 of that Annex on principles for the management of the risks of pests, taking into account the specific risks of the pests concerned and the need to implement the necessary risk mitigation measures in a harmonised manner at Union level.			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
5. The implementing acts referred to in paragraph 1 may provide that the measures taken by the Member States pursuant to Article 28 are to be repealed or amended. Until a measure has been adopted by the Commission, the Member State may maintain the measures that it has employed.		5. ~~The implementing acts referred to in paragraph 1 may provide that the measures taken by the Member States pursuant to Article 28 are to be repealed or amended.~~ Until ~~a~~ measure**~~s 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.**	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
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 **Amendment of Section 3 of Annex II**	*Article 30* **Amendment of Section 3 of Annex II**	*DELETED*	*Article 30* **Amendment of Section 3 of Annex II**
The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 3 of Annex II on criteria to be fulfilled by pests, as provided for in Articles 28 and 29, as regards the criteria concerning the identity of the pest, its presence, the probability of its entry, establishment and spread, its potential economic, social and environmental impact, taking into account the developments of technical and scientific knowledge.	**AM 67** The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 3 of Annex II on criteria to be fulfilled by pests, as provided for in Articles 28 and 29, as regards the criteria concerning the identity of the pest, its presence, the probability of its entry, establishment and spread, its potential economic, social and environmental impact, taking into account the developments of technical and scientific knowledge ***and international standards***.	DELETED	IA/DA EP could tentatively accept deletion

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
Article 31 **More stringent requirements adopted by Member States**	**AM 68** ~~***Article 31***~~ ~~**More stringent requirements adopted by Member States**~~	*Article 31* **More stringent requirements adopted by Member States**	*Article 31* **More stringent requirements adopted by Member States**
1. Member States may apply within their territories more stringent measures than the measures adopted pursuant to Article 27(1), (2) and (3) and Article 29(1), (2) and (3), if justified by the objective of phytosanitary protection and in accordance with Section 2 of Annex IV on measures and principles for the management of the risks of pests. Those measures shall not impose, or result in, any prohibitions or restrictions on the introduction into, or movement within, the Union territory of plants, plant products and other objects, other than those imposed by the provisions of Articles 40 to 54 and the provisions of Articles 67 to 96.	~~**1. Member States may apply within their territories more stringent measures than the measures adopted pursuant to Article 27(1), (2) and (3) and Article 29(1), (2) and (3), if justified by the objective of phytosanitary protection and in accordance with Section 2 of Annex IV on measures and principles for the management of the risks of pests.**~~ ~~**Those measures shall not impose, or result in, any prohibitions or restrictions on the introduction into, or movement within, the Union territory of plants, plant products and other objects, other than those imposed by the provisions of Articles 40 to 54 and the provisions of Articles 67 to 96.**~~	1. Member States may apply within their territories more stringent measures than the measures adopted pursuant to Article 27(1), (2) and (3) and Article 29(1), (2) and (3), if justified by the objective of phytosanitary protection and in accordance with Section 2 of Annex IV on measures and principles for the management of the risks of pests. Those measures shall not impose, or result in, any prohibitions or restrictions on the introduction into, or movement within **and through**, the Union territory of plants, plant products and other objects, other than those imposed by the provisions of Articles 40 to 54 and the provisions of Articles 67 to 96.	AM withdrawn

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
2. Member States shall immediately notify the Commission and the other Member States of measures adopted by them within the ambit of paragraph 1. Member States shall, on request, submit to the Commission and the other Member States an annual report on the measures taken in accordance with paragraph 1.	~~**2. Member States shall immediately notify the Commission and the other Member States of measures adopted by them within the ambit of paragraph 1.**~~ ~~**Member States shall, on request, submit to the Commission and the other Member States an annual report on the measures taken in accordance with paragraph 1.**~~		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
SECTION 3 PROTECTED ZONE QUARANTINE PESTS	**SECTION 3 PROTECTED ZONE QUARANTINE PESTS**		**SECTION 3 PROTECTED ZONE QUARANTINE PESTS**
Article 32 **Recognition of protected zones**	*Article 32* **Recognition of protected zones**	*Article 32* **Recognition of protected zones**	*Article 32* **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'.			

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2. A protected zone quarantine pest shall not be introduced into or moved within the respective protected zone. Nobody shall intentionally take an action which contributes to the introduction into, and establishment and spread within, a protected zone of the respective protected zone quarantine pest.		2. A protected zone quarantine pest shall not be introduced into or moved within the respective protected zone~~.~~**, 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.**	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
3. The Commission shall, by means of an implementing act, establish a list of protected zones and the respective protected zone quarantine pests. That list shall include the protected zones recognised in accordance with the first subparagraph of Article 2(1)(h) of Directive 2000/29/EC and the respective pests, listed in Part B of Annex I and Part B of Annex II to Directive 2000/29/EC. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2).		3. The Commission shall, by means of an implementing act, establish a list of protected zones and the respective protected zone quarantine pests. That list shall include the protected zones recognised in accordance with the first subparagraph of Article 2(1)(h) of Directive 2000/29/EC and the respective pests, listed in Part B of Annex I and Part B of Annex II to Directive 2000/29/EC~~.~~ **, 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(~~2~~**3**).	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
The Commission may recognise additional protected zones, by amending the implementing act referred to in the first subparagraph, where the conditions provided for in paragraph 1 are fulfilled. Such an amendment shall be adopted in accordance with the examination procedure referred to in Article 99(3). The same procedure shall apply to a repeal or replacement of the implementing act referred to in the first subparagraph.		The Commission may recognise additional protected zones, by amending the implementing act referred to in the first subparagraph, where the conditions provided for in paragraph 1 are fulfilled. Such an amendment shall be adopted in accordance with the examination procedure referred to in Article 99(3). The same procedure shall apply to a ~~repeal or~~ replacement of the implementing act referred to in the first subparagraph, **for purposes of consolidating amendments.**	Ok with Council text
Where Article 35 applies, an implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2).		DELETED	Ok with Council text
4. With the application referred to in paragraph 1, the Member State concerned shall submit:			
(a) a description of the boundaries of the protected zone concerned, including maps; and		(a) a description of the boundaries of the protected zone concerned, including maps; ~~and~~	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(b) the results of surveys showing that during the three years preceding the application, the quarantine pest concerned was not present in the territory concerned.		(b) the results of surveys showing that during **at least** the three years preceding the application, the quarantine pest concerned was not present in the territory concerned;	Ok with Council text
		(c) evidence that the respective protected zone quarantine pest fulfils the requirement of paragraph (1), and accordingly the criteria referred to in Article 3.	Ok with Council text
Those surveys shall have been carried out at appropriate times and have been of appropriate intensity with regard to the possibility to detect the presence of the quarantine pest concerned. They shall have been based on sound scientific and technical principles.		**4a.** The~~ose~~ surveys **referred to in paragraph 4** shall have been carried out at appropriate times and have been of appropriate intensity with regard to the possibility to detect the presence of the quarantine pest concerned. They shall have been based on sound scientific and technical principles **-, and have taken into account the relevant international standards.**	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, laying down detailed rules for surveys to be carried out for purposes of the recognition of protected zones.		The Commission **may, by means of implementing acts,** ~~shall be empowered to adopt delegated acts, in accordance with Article 98~~, lay~~ing~~ down detailed rules for **the** surveys **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).**	IA/DA **OPEN**

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		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. **The recognition of a temporary protected zone shall last no longer than three years after recognition, and shall expire automatically after three years.**	Ok with Council text
		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.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
Article 33 **General obligations concerning protected zones**	*Article 33* **General obligations concerning protected zones**	*Article 33* **General obligations concerning protected zones**	*Article 33* **General obligations concerning protected zones**
1. With regard to a protected zone, the obligations set out in the following Articles shall apply accordingly to the protected zone quarantine pests:			Ok with Council text (whole article)
(a) Articles 9 to 12 concerning the confirmation, notification and information as regards the presence of Union quarantine pests;		(a) Articles ~~9~~**10** to ~~12~~**14** concerning the **official** confirmation, notification and information as regards the presence of Union quarantine pests;	
(b) Article 15 concerning measures to be taken immediately by professional operators;		(b) Article 15 **and 15a** concerning measures to be taken immediately by professional operators~~;~~ **and persons other than professional operators;**	
(c) Articles 16, 17 and 18 concerning the eradication of Union quarantine pests, the establishment and modification of restricted areas and surveys in those restricted areas.		(c) Articles 16, 17 and 18 concerning the eradication of Union quarantine pests, the establishment and modification of ~~restricted~~ **demarcated** areas and surveys in those ~~restricted~~ **demarcated** areas.	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
2. A plant, plant product or other object originating in a restricted area established, in accordance with Article 17, in a protected zone for the protected zone quarantine pest concerned, may not be moved within or into any protected zone established for that protected zone quarantine pest.		2. A plant, plant product or other object originating in a ~~restricted~~ **demarcated** area established, in accordance with Article 17, in a protected zone for the protected zone quarantine pest concerned, may not be moved ~~within~~ **from that demarcated area into the remaining part of that protected zone, or** into any **other** protected zone established for that protected zone quarantine pest.	
When moved out of the protected zone concerned, that plant, plant product or other object shall be packed and moved in such a way that there is no risk of spreading the respective protected zone quarantine pest within that protected zone.		**By way of derogation to subparagraph 1,** ~~When moved out of the protected zone concerned~~, that plant, plant product or other object **may be moved out of that demarcated area through and out of the protected zone concerned, only if it is** ~~shall be~~ packed and moved in such a way that there is no risk of spreading the respective protected zone quarantine pest within that protected zone.	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
3. The restricted areas established within a protected zone and the eradication measures taken in those areas pursuant to Articles 16, 17 and 18 shall be immediately notified to the Commission and the other Member States.		3. The ~~restricted~~ **demarcated** areas established within a protected zone and the eradication measures taken in those areas pursuant to Articles 16, 17 and 18 shall be immediately notified to the Commission and the other Member States.	
Article 34 **Surveys on protected zone quarantine pests**	*Article 34* **Surveys on protected zone quarantine pests**	*Article 34* **Surveys on protected zone quarantine pests**	*Article 34* **Surveys on protected zone quarantine pests**
1. The competent authority shall carry out an annual survey of each protected zone as regards the presence of the protected zone quarantine pest concerned. Those surveys shall be carried out at appropriate times and be of an appropriate intensity with regard to the possibility to detect the presence of the protected zone quarantine pest concerned. They shall be based on sound scientific and technical principles.		1. The competent authority shall carry out an annual survey of each protected zone as regards the presence of the protected zone quarantine pest concerned. ~~Those surveys shall be carried out at appropriate times and be of an appropriate intensity with regard to the possibility to detect the presence of the protected zone quarantine pest concerned. They shall be based on sound scientific and technical principles~~. **The provisions of Article 21(2) shall apply accordingly for the surveys carried out on protected zone quarantine pests.**	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, laying down detailed rules for those surveys to be carried out to confirm that the protected zones continue to fulfil the conditions set out in Article 32(1).		The Commission **may, by means of implementing acts,** ~~shall be empowered to adopt delegated acts, in accordance with Article 98,~~ lay~~ing~~ down detailed rules for th~~ose~~ ~~surveys~~ **preparation and the content of the surveys referred to in 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).**	IA/DA **OPEN**
2. Member States shall notify the Commission and the other Member States, by 30 April of each year, of the results of the surveys referred to in paragraph 1, which have been carried out in the preceding year.			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
Article 35 **Amendment and revocation of the protected zones**	*Article 35* **Amendment and revocation of the protected zones**	*Article 35* **Amendment and revocation of the protected zones**	*Article 35* **Amendment and revocation of the protected zones**
1. The Commission may amend the size of the protected zone on application by the Member State whose territory is concerned. Where the Commission amends the protected zone, the Member State concerned shall notify the Commission, the other Member States and, via the internet, the professional operators of the amendment to that protected zone, including maps. Where that amendment concerns the extension of a protected zone, Articles 32, 33 and 34 shall apply.		1. The Commission may amend the size of the protected zone on application by the Member State whose territory is concerned. ~~Where the Commission amends the protected zone, the Member State concerned shall notify the Commission and, the other Member States and, via the internet, the professional operators of the amendment to that protected zone, including maps.~~ Where that amendment concerns the extension of a protected zone, Article~~s~~ 32~~, 33 and 34~~ shall apply.	Ok with Council text (whole article)

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
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.			
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;	

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

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Chapter III **Union quality pests**	**Chapter III** **Union quality pests**	**Chapter III** **Union Regulated non-quarantine ~~Union quality~~ pests**	**Chapter III** **Union regulated non-quarantine pests**
Article 36 **Definition of Union quality pests**	*Article 36* **Definition of Union quality pests**	*Article 36* **Definition of ~~Union quality~~ Union regulated non-quarantine pests**	*Article 36* **Definition of Union regulated non-quarantine pests**
A pest shall be referred to as a 'Union quality pest' if it fulfils the following conditions and it is included in the list referred to in Article 37:	**AM 69** A pest shall be referred to as a 'Union quality pest' if it fulfils ***all of*** 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;			

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(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 **Prohibition of the introduction and movement of Union quality pests on plants for planting**	*Article 37* **Prohibition of the introduction and movement of Union quality pests on plants for planting**	*Article 37* **Prohibition of the introduction and movement of Union ~~quality~~ regulated non-quarantine pests on plants for planting**	*Article 37* **Prohibition of the introduction and movement of Union regulated non-quarantine pests on plants for planting**
1. A Union quality pest shall not be introduced into or moved within the Union territory on the plants for planting through which it is transmitted, as specified in the list referred to in paragraph 2.		1. **Professional operators shall not introduce a** ~~A~~ Union ~~quality~~ **regulated non-quarantine** pest ~~shall not be introduced~~ into**,** or move~~d~~ **that pest** within**,** the Union territory on the plants for planting 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:**	

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		(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**

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		2a. The Commission shall, by means of an implementing act, as appropriate, set out measures to prevent the presence of those pests on the respective plants for planting, as referred to in Article 36(f). Those measures shall, as appropriate, concern the introduction into and the movement within the Union of those plants.Those measures shall be adopted in accordance with the principles set out in Section 2 of Annex IV on principles for the management of the risks of pests.	IA/DA **OPEN** "The Commission shall, by means of an implementing act, as appropriate, set out measures to prevent the presence of those pests on the respective plants for planting, as referred to in Article 36(f). Those measures shall, as appropriate, concern the introduction into and the movement within the Union of those plants.Those measures shall be adopted in accordance with the principles set out in Section 2 of Annex IV on principles for the management of the risks of pests. **Those measures shall apply without prejudice to the measures adopted pursuant to Directives 66/401/EEC, 66/402/EEC, 68/198/EC, 98/56/EC, 1999/105/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC."**
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;**~~		

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

[23] OJ L 93, 17.4.1968, p. 15.

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		(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 ;	**~~(e) point (b) of Annex II to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed ;~~**	(e) ~~point (b)~~ of Annex II to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed[24]**;**	
(f) point (6) of Annex I to Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes and point B of Annex II thereto;	**~~(f) point (6) of Annex I to Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes and point B of Annex II thereto;~~**	(f) ~~point (6) of~~ Annex I to Council Directive 2002/56/EC[25] 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.~~**		

[24] OJ L 193, 20.7.2002, p. 33.
[25] OJ L 193, 20.7.2002, p. 60.

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		(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 adopted in accordance with the advisory procedure referred to in Article 99(2).	**AM 73** ~~**That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2).**~~	~~That~~ **Those** implementing act**s** shall be adopted in accordance with the **examination** ~~advisory~~ procedure referred to in Article 99(~~2~~3~~2~~). **Pests listed in Annex I, and in Section I of Part A and in Part B of Annex II of Directive 2000/29/EC and listed as a Union quarantine pest pursuant to Article 5(2) and pests subject to measures adopted pursuant to Article 29(1) shall not be included in that list.**	IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
3. The Commission shall amend the implementing act referred to in paragraph 2, where an assessment shows that a pest not listed in that act fulfils the conditions referred to in Article 36, a pest listed in that implementing act no longer fulfils one or more of those conditions or where amendments to that list are necessary, as regards categories referred to in paragraph 4 or thresholds referred to in paragraph 5.	**AM 74** 3. The Commission shall ~~**amend the implementing act referred to in paragraph 2**~~ ***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*** **.**	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 **or measures adopted pursuant to paragraph 2.**	IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
The Commission shall make that assessment available to the Member States.	**AM 75** The Commission shall make that assessment available to the Member States ***without delay***.		AM accepted
		All amendments to the implementing act referred to in paragraph 2 shall be adopted in accordance with the examination procedure referred to in Article 99(3). The same procedure shall apply to a replacement of the implementing act referred to in paragraph 2, for purposes of consolidating amendments.	IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
4. Where Article 36(e) is only fulfilled for one or more of the categories referred to in Article 12(1) of Regulation (EU) No …/…. [*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.		4. 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.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
5. Where Article 36(e) is only fulfilled if the pest concerned is present above a certain threshold, the list referred to in paragraph 1 shall set out that threshold stating that the prohibition of introduction and movement provided for in paragraph 1 only applies above that threshold. A threshold shall only be set if the following points are fulfilled:		5. Where Article 36(e) is only fulfilled if the pest concerned is present **at an incidence** above a certain threshold **higher than zero**, the list referred to in paragraph 1 shall set out that threshold stating that the prohibition of introduction and movement provided for in paragraph 1 only applies above that threshold. A threshold **higher than zero** shall only be set if the following points are fulfilled:	5. Where Article 36(e) is only fulfilled if the pest concerned is present at an incidence above a certain threshold higher than zero, the list referred to in paragraph 1 shall set out that threshold stating that the prohibition of introduction and movement provided for in paragraph 1 only applies above that threshold. **Such** A threshold higher than zero shall only be set if the following points are fulfilled:
(a) it is possible to ensure by measures taken by the professional operator that the presence of that Union quality pest on those plants for planting does not exceed that threshold; and		(a) it is possible **for professional operators** to ensure ~~by measures taken by the professional operator~~ that the **incidence** ~~presence~~ of that Union ~~quality~~ **regulated non-quarantine** pest on those plants for planting does not exceed that threshold; and	Ok with Council text
(b) it is possible to verify whether that threshold is not exceeded in lots of those plants for planting.			Ok with Council text
The principles for the management of the risk of pests set out in Section 2 of Annex IV shall apply.			Ok with Council text

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

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
Article 38 **Amendment of Section 4 of Annex II**	*Article 38* **Amendment of Section 4 of Annex II**	*Article 38* **Amendment of Section 4 of Annex II**	*Article 38* **Amendment of Section 4 of Annex II**
The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 4 of Annex II on criteria to identify pests which qualify as a Union quality pest, as regards the criteria concerning the identity of the pest, its relevance, the probability of its spread, its potential economic, social and environmental impact, taking account of the developments of technical and scientific knowledge.	**AM 77** The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 4 of Annex II on criteria to identify pests which qualify as a Union quality pest, as regards the criteria concerning the identity of the pest, its relevance, the probability of its spread, its potential economic, social and environmental impact, taking account of the developments of technical and scientific knowledge ***and international standards***.	The Commission shall be empowered to adopt delegated acts in accordance with Article 98 amending Section 4 of Annex II on criteria to identify pests which qualify as a Union ~~quality~~ **regulated non-quarantine** pest, ~~as regards the criteria concerning the identity of the pest, its relevance, the probability of its spread, its potential economic, social and environmental impact, taking account of the~~ **in order to adapt those criteria to the** developments of technical and scientific knowledge **and international standards.**	AM accepted Ok with Council text
Article 39 **Union quality pests used for scientific purposes, trials, varietal selections, breeding or exhibitions**	*Article 39* **Union quality pests used for scientific purposes, trials, varietal selections, breeding or exhibitions**	*Article 39* **Union ~~quality~~ regulated non-quarantine pests used for scientific, technical or educational purposes, trials, varietal selections~~,~~ breeding or exhibitions**	*Article 39* **Union quality pests used for scientific purposes, trials, varietal selections, breeding or exhibitions**

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

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1. The Commission shall adopt an implementing act, containing the plants, plant products and other objects, and the prohibitions and the third countries concerned, as set out in Part A of Annex III to Directive 2000/29/EC.		1. The Commission shall adopt an implementing act, containing the plants, plant products and other objects and the prohibitions and the third ~~countries~~ **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, group of third countries or specific areas of third countries 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.**

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2) of this Regulation. In the list established by that implementing act, the plants, plant products and other objects shall be identified by their respective code in accordance with the classification in the Combined Nomenclature as laid down in Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (hereinafter: 'CN code').		That implementing act shall be adopted in accordance with the ~~advisory~~ **examination** procedure referred to in Article 99~~(2)~~ **(3)** 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 code in accordance with the classification in the Combined Nomenclature as laid down in Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff[26] (hereinafter: '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.	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.

[26] OJ L 256, 7.9.1987, p. 1.

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
2. In case a plant, plant product or other object, originating in or being dispatched from a third country, poses a phytosanitary risk of an unacceptable level by its likelihood to host a Union quarantine pest, and that risk cannot be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures and principles for the management of the risks of pests, the Commission shall amend, as appropriate, the implementing act referred to in paragraph 1, to include in it that plant, plant product or other object and the third countries, concerned.		2. In case a plant,plant product or other object, originating in or being dispatched from a third country, poses a **pest** ~~phytosanitary~~ risk of an unacceptable level by its likelihood to host a Union quarantine pest, and that risk cannot be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures and principles for the management of the risks of pests, the Commission shall amend, as appropriate, the implementing act referred to in paragraph 1, to include in it that plant,plant product or other object and the third countries, concerned.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating 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, as appropriate. The acceptability of the level of that phytosanitary risk shall be assessed in accordance with the principles set out in Section 2 of Annex IV on principles for the management of the risks of pests. Where appropriate, the acceptability of that level of phytosanitary risk shall be assessed with regards to one or more specific third countries. Those amendments shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation.		In case a plant, plant product or other object included in that implementing act does not pose a **pest** ~~phytosanitary~~ risk of an unacceptable level, or it poses such a risk but that risk can be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures to manage the risks and pathways of quarantine pests, the Commission shall amend that implementing act, as appropriate. The acceptability of the level of that **pest** ~~phytosanitary~~ risk shall be assessed in accordance with the principles set out in Section 2 of Annex IV on principles for the management of the risks of pests. Where appropriate, the acceptability of that level of **pest** ~~phytosanitary~~ risk shall be assessed with regards to one or more specific third countries. Those amendments shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation.	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
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 ~~3~~**01**. ~~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

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Article 41 **Plants, plant products and other objects subject to special and equivalent requirements**	*Article 41* **Plants, plant products and other objects subject to special and equivalent requirements**	*Article 41* **Plants, plant products and other objects subject to special and equivalent requirements**	*Article 41* **Plants, plant products and other objects subject to special and 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.**
1. The Commission shall adopt an implementing act, containing the plants, plant products and other objects, and the requirements and, where applicable, the third countries concerned, as set out in Part A of Annex IV to Directive 2000/29/EC. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2) of this Regulation.		1. The Commission shall adopt an implementing act, containing the plants, plant products and other objects **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	**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.**

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		Regulation.	That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation.

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In the list established by that implementing act, those plants, plant products and other objects shall be identified by their respective CN code.		In the list established by that implementing act, those plants, plant products and other objects shall **also** be identified by their respective CN code~~.~~ **, 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.

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

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Those measures may take the form of specific requirements, adopted in accordance with Article 42(1), for the introduction into the Union territory of particular plants, plant products or other objects, which are equivalent to special requirements for the movement of those plants, plant products or other objects within the Union territory (hereinafter: 'equivalent requirements'). In case a plant, plant product or other object included in that implementing act does not pose a phytosanitary risk of an unacceptable level, or it poses such a risk but that risk cannot be reduced to an acceptable level by the special requirements, the Commission shall amend that implementing act.		Those measures may take the form of specific requirements, adopted in accordance with Article 42(1), for the introduction into the Union territory of particular plants, plant products or other objects, which are equivalent to special requirements for the **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 **pest** ~~phytosanitary~~ risk of an unacceptable level, or it poses such a risk but that risk cannot be reduced to an acceptable level by the special requirements, the Commission shall amend that implementing act **accordingly by removing that plant, plant product or other object from the list or by including it in the list referred to in Article 40(2).**	

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The acceptability of the level of that phytosanitary risk shall be assessed, and the measures to reduce that risk to an acceptable level shall be adopted, in accordance with the principles set out in Section 2 of Annex IV on principles for the management of the risks of pests. Where appropriate, the acceptability of that level of phytosanitary risk shall be assessed, and those measures shall be adopted, with regards to one or more specific third countries or parts thereof. Those amendments shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation. On duly justified imperative grounds of urgency to address a serious phytosanitary risk, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 99(4).		The acceptability of the level of that **pest** ~~phytosanitary~~ risk shall be assessed, and the measures to reduce that risk to an acceptable level shall be adopted, in accordance with the principles set out in Section 2 of Annex IV on principles for the management of the risks of pests. Where appropriate, the acceptability of that level of **pest** ~~phytosanitary~~ risk shall be assessed, and those measures shall be adopted, with regards to one or more specific third countries or parts thereof. Those amendments shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation. On duly justified imperative grounds of urgency to address a serious **pest** ~~phytosanitary~~ risk, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 99(4).	

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3. A plant, plant product or other object listed in the implementing act provided for in paragraph 1 may only be introduced into, or moved within, the Union territory if the special requirements, or equivalent requirements, are fulfilled.		DELETED	Ok with Council text
4. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States where plants, plant products or other objects have been introduced into, or moved within, the Union territory in violation of paragraph 3. Where applicable, the third country from which the plants, plant products or other objects were introduced into the Union territory shall also be notified.		4. **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.~~**, 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

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		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,**	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 measures 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

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		plant product or other object concerned the criteria set out in Annex IIIA.	objects). That preliminary assessment shall **be based on** ~~take into account~~, as appropriate for the plant, plant product or other object concerned, the criteria set out in Annex IIIA.

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		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
		3. The Commission shall adopt an implementing act, listing on the appropriate taxonomic level the high risk plants, plant products or other objects referred to in paragraph 1, and the third countries concerned and, where appropriate, the third countries, group of third countries or specific areas of third country concerned. **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**	3. The Commission shall adopt an implementing act, **provisionally** listing on the appropriate taxonomic level**, pending the risk assessment referred to in paragraph 4,** the high risk plants, plant products or other objects referred to in paragraph 1, and, where appropriate, the third countries, group of third countries or specific areas of third country concerned. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99 (3) of this Regulation. That implementing act shall be adopted **the first time** by [Office of publication insert the date corresponding to two

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

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		4. If it is concluded, on the basis of a risk assessment, that a plant, plant product or other object, originating in the third countries concerned, referred to in paragraph 2 on the taxonomic level as listed in accordance with paragraph 3 or below that level does not pose a risk of an unacceptable level by its likelihood to host a Union quarantine pest, the Commission shall adopt an implementing act removing that plant, plant product or other object from the list referred to in that paragraph for the third countries concerned. If it is concluded, on the basis of a risk assessment, that the a plant, plant product or other object originating in the third countries concerned , referred to in paragraph 2 poses an unacceptable risk by its likelihood to host a Union quarantine pest, and that that risk cannot be reduced to an acceptable level by applying one or	Ok with Council text

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		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**	

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		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).**	
		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.**	Ok with Council text

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		6. The Commission may, by means of an implementing act, lay down specific rules concerning the procedure to be followed in order to carry out the risk assessment referred to in paragraph 4. **That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).**	Ok with Council text

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		Article 41b **Specific import conditions for the introduction into the Union territory of wood packaging material**	
		Wood packaging material, whether or not actually in use in the transport of objects of all kinds, shall only be introduced into the Union territory if it fulfils all of the following requirements:	Ok with Council text (whole article)
		(*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.	

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		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 **Setting out of equivalent requirements**	*Article 42* **Setting out of equivalent requirements**	*Article 42* **Setting out of equivalent requirements**	*Article 42* **Setting out of equivalent requirements**
1. Equivalent requirements, as referred to in the second subparagraph of Article 41(2) shall be set out, by means of an implementing act, on request of a particular third country, if all of the following conditions are fulfilled:			Ok with Council text (whole article)

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

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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 **Information to be provided to travellers, clients of postal services and internet clients**	*Article 43* **Information to be provided to travellers, clients of postal services and internet clients**	Article 43 **Information to be provided to travellers <u>and</u>~~,~~ clients of postal services ~~and internet clients~~**	*Article 43* **Information to be provided to travellers, clients of postal services and internet clients**
1. Member States and international transport operators shall make information available to passengers concerning the prohibitions, set out pursuant to Article 40(3), the requirements, set out pursuant to Articles 41(1) and 42(2), and the exemptions, set out pursuant to Article 70(2), as regards the introduction of plants, plant products and other objects into the Union territory.	**<u>AM 86</u>** 1. ***The Commission,*** Member States and international transport operators shall make information available to passengers concerning the prohibitions, set out pursuant to Article 40(3), the requirements, set out pursuant to Articles 41(1) and 42(2), and the exemptions, set out pursuant to Article 70(2), as regards the introduction of plants, plant products and other objects into the Union territory.	1. Member States**<u>, seaports, airports,</u>** and international transport operators shall make information available to passengers concerning ~~the~~ prohibitions, set out pursuant to Article 40(~~3~~**<u>01</u>**), ~~the~~ requirements, set out pursuant to Articles 41(1) and 42(2), and ~~the~~ exemptions, set out pursuant to Article 70(2), as regards the introduction of plants, plant products and other objects into the Union territory.	AM withdrawn

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

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

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Article 44 **Exception from prohibitions and requirements for frontier zones**	*Article 44* **Exception from prohibitions and requirements for frontier zones**	*Article 44* **Exception from prohibitions and requirements for frontier zones**	*Article 44* **Exception from prohibitions and requirements for frontier zones**
1. By way of derogation from Articles 40(3) and 41(3), Member States may authorise the introduction of plants, plant products and other objects into the Union territory, where the plants, plant products and other objects fulfil the following conditions:		1. By way of derogation from Articles 40(~~3~~**01**)**,** ~~and~~ 41(~~3~~**01**) **and [41a(2)]**, Member States may authorise the introduction of plants, plant products and other objects into the Union territory, where the plants, plant products and other objects fulfil **all of** the following conditions:	Ok with Council text
(a) they are grown or produced in areas of third countries in the vicinity of their border with Member States (hereinafter: 'third country frontier zones');	**AM 89** (a) they are grown or produced in areas of third countries in the vicinity of their ***land*** border with Member States (hereinafter: 'third country frontier zones');	(a) they are grown or produced in areas of third countries in the vicinity of their **land** border with Member States (hereinafter: 'third country frontier zones');	AM accepted
(b) they are introduced into areas of Member States immediately across that border (hereinafter: 'Member State frontier zones');			

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

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

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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).	

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4. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and the other Member States where plants, plant products or other objects have been introduced into, or moved within, the frontier zones as referred to in paragraphs 1 and 2 in violation of those paragraphs. The third country from which the plants, plant products or other objects were introduced into the frontier zone concerned shall also be notified.		4. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and the other Member States where plants, plant products or other objects have been introduced into, or moved within, the frontier zones as referred to in paragraphs 1**,** ~~and~~ 2 **and 3** in violation of those paragraphs. ~~The~~**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~~.	

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Article 45 **Exception from prohibitions and requirements for phytosanitary transit**	**AM 90** ~~**Exception from prohibitions and r**~~***R*****equirements for phytosanitary transit**	*Article 45* **Exception from prohibitions and requirements for phytosanitary transit**	AM accepted *Article 45* **Requirements for phytosanitary transit**
1. By way of derogation from Article 40(3) and Article 41(3), Member States may authorise the introduction of plants, plant products and other objects into, and their passing through, the Union territory to a third country (hereinafter 'phytosanitary transit'), where those plants, plant products and other objects fulfil the following conditions:		1. By way of derogation from Article 40(~~3~~**01),** ~~and~~ Article 41(~~3~~**01**)**,** ~~and~~ **41a(2) and 68(1) [68a]**, ~~Member States may authorise the introduction of~~ plants, plant products and other objects **may be introduced** into, and **be** ~~their~~ pass**ed**~~ing~~ through, the Union territory to a third country**, either in the form of transit or transhipment** (hereinafter 'phytosanitary transit'), where those plants, plant products and other objects **are packed and moved in such a way that there is no risk of spreading of Union quarantine pests or pests subject to measures adopted pursuant to Article 29(1) during their introduction into, and passing through, the Union territory;** ~~fulfil the following conditions:~~	1. By way of derogation from Article 40(01), Article 41(01), 41a(2) and 68(1) [68a], plants, plant products and other objects may be introduced into, and be passed through, the Union territory to a third country, either in the form of transit or transhipment (hereinafter 'phytosanitary transit'), where those plants, plant products and other objects **fulfil the following conditions:**

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(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

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

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

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

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

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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(~~3~~**01),** 41(~~3~~**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**, 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.

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		That authorisation shall be 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.**	OK with Council text
(a) the presence of the plants, plant products or other objects concerned does not cause an unacceptable risk of the spread of a Union quarantine pest if adequate restrictions are imposed;		DELETED	OK with Council text

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

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
It shall assess the storage facilities in which those plants, plant products or other objects are to be kept, as referred to in paragraph 1(b), and the scientific and technical qualifications of the personnel by whom the activity involving those plants, plant products or other objects is to be carried out, as referred to in paragraph 1(c).		DELETED	OK with Council text
On the basis of those assessments the competent authority shall authorise the introduction of those plants, plant products or other objects into, or their movement within, the Union territory if the requirements set out in paragraph 1 are fulfilled.		DELETED	OK with Council text
3. Where an authorisation is granted, it shall include all of the following conditions:			
(a) the plants, plant products or other objects concerned are to be kept in storage facilities found to be appropriate by the competent authorities and referred to in the authorisation;		(a) the plants, plant products or other objects concerned are to be kept in **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

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(b) the activity involving those plants, plant products or other objects is to be carried out in a quarantine station designated in accordance with Article 56 by the competent authority and referred to in the authorisation;		(b) the activity involving those plants, plant products or other objects is to be carried out in a quarantine station**, or confinement facility,** designated in accordance with Article 56 by the competent authority and referred to in the authorisation;	OK with Council text
(c) the activity involving those plants, plant products or other objects is to be carried out by personnel whose scientific and technical qualifications are found to be appropriate by the competent authority and referred to in the authorisation;		(c) the activity involving those plants, plant products or other objects is to be carried out by personnel whose scientific and technical ~~qualifications~~ **competencies** are found to be appropriate by the competent authority and referred to in the authorisation;	OK with Council text
(d) those plants, plant products or other objects are to be accompanied by the authorisation when introduced into or moved within the Union territory.			

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4. The authorisation shall be limited to the amount that is adequate for the activity concerned and shall not exceed the capacity of the designated quarantine station. It shall include the restrictions necessary to adequately mitigate the risk of the spread of the Union quarantine pests concerned.		4. The authorisation shall be limited to the amount **and duration** that is adequate for the activity concerned and shall not exceed the capacity of the designated quarantine station **or confinement facility**. 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~~.	OK with Council text
5. The competent authority shall monitor compliance with the conditions referred to in paragraph 3 and the limitation and the restrictions referred to in paragraph 4 and take the necessary action in case those conditions, that limitation or those restrictions are not complied with.		5. The competent authority shall monitor compliance with the conditions referred to in paragraph 3 and the limitation and the restrictions referred to in paragraph 4 and take the necessary action in case those conditions, that limitation or those restrictions are not complied with. **Where appropriate, that action shall be the revocation of the authorisation referred to in paragraph 1.**	OK with Council text

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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 **1**~~2~~; 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 action**s 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).**	

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

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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 ***plant products 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 and**~~or~~ **other objects** ~~for planting~~ from third countries, where the following conditions are fulfilled:	Ok with Council text

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			(a0) the plants, plant products or other objects are likely to pose newly identified pest risks which are not sufficiently covered by any Union measures and are not linked, or cannot yet be linked, to Union quarantine pests listed pursuant to Article 5(2) and (3) or pests subject to measures adopted pursuant to Article 29(1).

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(a) there is no or little phytosanitary experience as regards trade in the plants for planting concerned originating in or dispatched from the third country concerned;	**AM 139** (a) there is no or little phytosanitary experience as regards trade in the plants, **plant products and other objects** concerned originating in or dispatched from the third country concerned;	(a) there is ~~no or little~~**insufficient** phytosanitary experience**, such as in relation to new plant species or pathways,** as regards trade in the plants**, plant products and**~~or~~ **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	DELETED [AM accepted Ok with Council text moved up]

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		pursuant to Article 29**(1)**.	

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

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	samples;	into the Union territory and testing of samples;	

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(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

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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 ***five*** years. This period may be prolonged once for a maximum of ***five*** years.	3. The measures referred to in paragraph 1 shall apply for ~~a~~**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 years.~~	3. The **temporary** measures referred to in paragraph 1 shall apply for ~~a~~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. 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.

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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**	Ok with Council text

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		~~phytosanitary~~ risks.	

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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.	

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	AM 98 ***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.***		AM accepted

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

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

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		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.	

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		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.	

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		3. Where, on the basis of the assessment referred to in paragraph 2, the Commission concludes that that risk is not adequately mitigated by the temporary measures, taken by the Member State pursuant to paragraph 1a, or if those measures are disproportionate or not adequately justified, it may decide, by means of an implementing act, that those measures are to be repealed or amended. Until that implementing act has been adopted by the Commission, the Member State may maintain the measures that it has employed. **That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).**	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
SECTION 2 MEASURES RELATING TO PROTECTED ZONES	**SECTION 2 MEASURES RELATING TO PROTECTED ZONES**		**SECTION 2 MEASURES RELATING TO PROTECTED ZONES**
Article 49 **Prohibition of introduction of plants, plant products and other objects into protected zones**	*Article 49* **Prohibition of introduction of plants, plant products and other objects into protected zones**	*Article 49* **Prohibition of introduction of plants, plant products and other objects into protected zones**	*Article 49* **Prohibition of introduction of plants, plant products and other objects into protected zones**
		<u>01</u>. A plant, plant product or other object listed in the implementing act provided for in paragraph 1 shall not be introduced into the respective protected zone from the third country, or area of the Union territory, concerned.	**01. Certain plants, plant products or other objects originating from third countries or within the territory of the Union, shall not be introduced into certain protected zones.**

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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 ~~advisory~~**examination** procedure referred to in Article 99(~~2~~**3**) 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.

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Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
2. In case a plant, plant product or other object, coming from outside the protected zone concerned, poses a phytosanitary risk of an unacceptable level by its likelihood to host a protected zone quarantine pest, and that risk cannot be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures to manage the risks and pathways of quarantine pests, the Commission shall amend, as appropriate, the implementing act referred to in paragraph 1, to include in it that plant, plant product or other object and the protected zones concerned.		2. In case a plant, plant product or other object, coming from outside the protected zone concerned, poses a ~~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

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In case a plant, plant product or other object included in that implementing act does not pose a phytosanitary risk of an unacceptable level, or it poses such a risk but that risk can be reduced to an acceptable level by applying one or more of the measures set out in points 2 and 3 of Section 1 of Annex IV on measures to manage the risks and pathways of quarantine pests, the Commission shall amend that implementing act. Those amendments shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation. The acceptability of the level of that phytosanitary risk shall be assessed in accordance with the principles set out in Section 2 of Annex II on principles for the management of the risks of pests.		In case a plant, plant product or other object included in that implementing act does not pose a ~~phytosanitary~~**pest** 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 ~~phytosanitary~~**pest** risk shall be assessed in accordance with the principles set out in Section 2 of Annex ~~II~~**IV** on principles for the management of the risks of pests.	

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3. A plant, plant product or other object listed in the implementing act provided for in paragraph 1 shall not be introduced into the respective protected zone from the third country, or area of the Union territory, concerned.		DELETED	Ok with Council text
4. On duly justified imperative grounds of urgency to address a serious phytosanitary risk, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 99(4).		4. On duly justified imperative grounds of urgency to address a serious ~~phytosanitary~~**pest** risk, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 99(4).	Ok with Council text
5. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States of any cases where plants, plant products or other objects have been introduced into, or moved within the protected zone concerned, in violation of the prohibitions adopted pursuant to this Article.		5. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States of any cases where plants, plant products or other objects have been introduced into, or moved within the protected zone concerned, in violation of the prohibitions adopted pursuant to this Article.	Ok with Council text

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

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
1. The Commission shall adopt an implementing act, containing the plants, plant products and other objects, the respective protected zones and the requirements, as set out in Part B of Annex IV to Directive 2000/29/EC. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2) of this Regulation.		1. The Commission shall adopt an implementing act, containing the plants, plant products and other objects, the respective protected zones and the requirements, as set out in Part B of Annex IV to Directive 2000/29/EC. That implementing act shall be adopted in accordance with the ~~advisory~~**examination** procedure referred to in Article 99(~~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, their respective protected zones and the special requirements. The first time that the Commission adopts that implementing act, it shall include the plants, plant products and other objects, the respective protected zones and the special requirements as listed in Part B of Annex IV to Directive 2000/29/EC.** That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation.
In the list established by that implementing act, the plants, plant products and other objects shall be identified by their respective CN code.		In the list established by that implementing act, the plants, plant products and other objects shall **also** be identified by their respective CN code**, where that code is available**. **Other codes, laid down by Union legislation, shall in addition be used in the case**	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.

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		where they specify further the applicable CN code for a specific plant, plant product or other object.	

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

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In case a plant, plant product or other object included in that implementing act does not pose a phytosanitary risk of an unacceptable level 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 ~~II~~**IV** on principles for the management of the risks of pests.	

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On duly justified imperative grounds of urgency to address a serious phytosanitary risk, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 99(4).		On duly justified imperative grounds of urgency to address a serious ~~phytosanitary~~ **pest** risk, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 99(4).	
3. A plant, plant product or other object listed in the implementing act provided for in paragraph 1 may only be introduced into, or moved within, the respective protected zone if the special requirements for protected zones are fulfilled.		DELETED	Ok with Council text

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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

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Article 51 **Information to be provided to travellers, clients of postal services and internet clients as regards protected zones**	*Article 51* **Information to be provided to travellers, clients of postal services and internet clients as regards protected zones**	Article 51 **Information to be provided to travellers~~,~~ and clients of postal services ~~and internet clients~~ as regards protected zones**	*Article 51* **Information to be provided to travellers, clients of postal services and internet clients as regards protected zones**
Article 43 concerning information to be provided to travellers, clients of postal services and internet clients shall apply accordingly as regards the introduction of plants, plant products and other objects from third countries into protected zones.		Article 43 concerning information to be provided to travellers~~,~~ **and** clients of postal services ~~and internet clients~~ shall apply accordingly as regards the introduction **into, or movement within, protected zones** of plants, plant products and other objects ~~from third countries into protected zones.~~**.**	Ok with Council text
Article 52 **Exception from prohibitions and requirements for frontier zones as regards protected zones**	*Article 52* **Exception from prohibitions and requirements for frontier zones as regards protected zones**	*Article 52* **Exception from prohibitions and requirements for frontier zones as regards protected zones**	*Article 52* **Exception from prohibitions and requirements for frontier zones as regards protected zones**
Article 44 concerning the exceptions from prohibitions and requirements for frontier zones shall apply as regards the plants, plant products and other objects listed pursuant to Article 49(1) and (2) and Article 50(1) and (2) with regard to protected zones bordering third country frontier zones.		Article 44 ~~concerning the exceptions from prohibitions and requirements for frontier zones shall apply~~ **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~~**which are introduced from the frontier zone of a third country into the respective** protected zones **bordering** ~~third country~~**that frontier** ~~zones.~~**zone.**	Ok with Council text

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

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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(~~3~~**01**) and 50(~~3~~**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**, technical or educational** purposes, trials, varietal selection, **and** breeding ~~and exhibitions~~.	By way of derogation from the prohibitions and requirements provided for in Articles 49(01) and 50(01), Article 46 shall apply accordingly as regards the plants, plant products and other objects listed pursuant to Article 49(1) and (2) and Article 50(1) and (2) with regard to the introduction into and the movement within protected zones of plants, plant products and other objects used for scientific, **official testing** ~~technical~~ or educational purposes, trials, varietal selection, and breeding.

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

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

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

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		(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 the following conditions:		DELETED	
(a) they provide physical isolation of the plants, plant products and other objects to be kept in quarantine and ensure they cannot be accessed or removed from those stations without consent of the competent authority;		DELETED	
(b) where the activities carried out in the quarantine stations concern plants, plant products or other objects, they provide suitable growing or incubation conditions conducive for the development on those plants, plant products and other objects of signs and symptoms of quarantine pests;		DELETED	

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

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3. Member States shall communicate a list of the designated quarantine stations in their territory to the Commission and the other Member States upon request.		3. Member States shall communicate a list of the designated quarantine stations **and confinement facilities** in their territory to the Commission and the other Member States upon request.	
		Article 56b **Requirements for quarantine stations and confinement facilities**	
		Quarantine stations and confinement facilities shall meet the following conditions to prevent the spread of Union quarantine pests:	Ok with Council text **1.** Quarantine stations and 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;	Ok with Council text
		(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;	Ok with Council text

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		(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;	Ok with Council text
		(d) a sufficient number of suitably qualified, trained and experienced personnel is available.;	Ok with Council text
		(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.	Ok with Council text
			2. The Commission may, by means of implementing acts, lay down specific rules in order to provide uniform conditions of application for the requirements set out in paragraph 1 in relation to the type of plants, plan products and other objects and the actual or potential risk, including specific requirements for scientific, technical or educational purposes, trials, varietal selections, or breeding. **Those implementing acts shall be**

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			adopted in accordance with the examination procedure referred to in Article 99(3).
Article 57 **Operation of quarantine stations**	*Article 57* **Operation of quarantine stations**	*Article 57* **Operation of quarantine stations and confinement facilities**	*Article 57* **Operation of quarantine stations**
1. The person responsible for the quarantine station shall monitor that station and the immediate vicinity of that station for the presence of quarantine pests.		1. The person responsible for the quarantine station**, or confinement facility,** shall monitor that station **or facility** and the immediate vicinity of that station **or facility** for the **unintended** presence of **Union** quarantine pests **and pests subject to measures adopted pursuant to Article 29(1)**.	Ok with Council text (whole Article)

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Where such a pest is found to be present, the person responsible for the quarantine station concerned shall take the appropriate action. It shall notify the competent authority of that presence and of that action.		**1a.** Where **an unintended presence of** such a pest is found ~~to be present~~**, or in case of suspicion of the unintended presence of such a pest,** the person responsible for the quarantine station **or 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 quarantine station shall ensure that personnel and visitors wear protective clothing and shoe covering and, where appropriate, are subject to decontamination upon leaving that station.		DELETED	

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

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

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(b) the person responsible for that quarantine station fails to take appropriate and timely remedial action.		DELETED	
		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).	

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	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 non-compliance continues, that authority shall without delay revoke that designation.**	AM withdrawn (covered by negotiating text under art. 59 (3))
Article 59 **Release of plants, plant products and other objects from quarantine stations**	*Article 59* **Release of plants, plant products and other objects from quarantine stations**	*Article 59* **Release of plants, plant products and other objects from quarantine stations and confinement facilities**	*Article 59* **Release of plants, plant products and other objects from quarantine stations**
1. Plants, plant products and other objects shall only leave the quarantine stations, upon authorisation by the competent authorities, if it is confirmed that they are free from Union quarantine pests, or, where applicable, protected zone quarantine pests.		1. Plants, plant products and other objects shall only leave the quarantine stations **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

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2. Competent authorities may authorise the movement of plants, plant products and other objects from the quarantine stations to other quarantine stations or to any other locations only if measures are taken to ensure that no Union quarantine pests, or, where applicable, protected zone quarantine pests, are spread in the area concerned.		2. Competent authorities may authorise the movement of plants, plant products or other objects **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~~.	2. 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 **official testing** ~~technical~~ reasons and takes place under the conditions set by the competent authority.

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			3. The Commission may, by means of implementing acts, lay down specific rules concerning the release of plants, plant products and other objects from quarantine stations and confinement facilities, and, where appropriate, labelling requirements related to that release or to the movement referred to in paragraph 2. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).**

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		Article 59a **Implementing powers concerning the designation, authorisation, operation and supervision of quarantine stations and confinement facilities and the release of plants, plant products and other objects from quarantine stations and confinement facilities**	DELETED (whole Article)
		1. The Commission may, by means of implementing acts, further specify the requirements and operation conditions set out in Articles 56, 56b, 57, 58 and 59 as regards the following elements:	
		a) designation, authorisation, operation and supervision of quarantine stations and confinement facilities, including specific requirements for scientific, technical or educational purposes, trials, varietal selections, or breeding;	

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		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 **Movement out of the Union territory**	*Article 60* **Movement out of the Union territory**	DELETED	*Article 60* **Movement out of the Union territory**
1. Where the movement of a plant, plant product or other object out of the Union is governed by a phytosanitary agreement with a third country, that movement shall comply with that agreement.		DELETED	Ok with Council text

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2. Where the movement of a plant, plant product or other object out of the Union is not governed by a phytosanitary agreement with a third country, that movement shall take place in accordance with the phytosanitary rules of the third country into which that plant, plant product or other object is to be moved.		DELETED	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
3. Where the movement of a plant, plant product or other object out of the Union is neither governed by a phytosanitary agreement with a third country nor by the phytosanitary rules of the third country into which that plant, plant product or other object is to be moved, the requirements for movement of plants, plant products and other objects within the Union territory, as set out in the list referred to in Article 41(1) and (2), shall apply. Those requirements shall, however, not apply where they concern a pest that fulfils either of the following conditions:		DELETED	Ok with Council text

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

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

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(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 passports according to Article 84;**	OK with Council text
This paragraph shall apply as regards the following activities:		DELETED	Ok with Council text
(a) planting;		DELETED	Ok with Council text
(b) growing;		DELETED	Ok with Council text
(c) production;		DELETED	Ok with Council text
(d) introduction into the Union territory;		DELETED	Ok with Council text
(e) movement within the Union territory;		DELETED	Ok with Council text
(f) movement out of the Union territory;		DELETED	Ok with Council text
(g) producing and/or making available on the market in the meaning of Article 3(5) of Regulation (EU) No …/…. [*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

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

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		(g) professional operators whose activities concern the relevant plants in demarcated areas referred to in Article 17, unless these operators are listed in another official register which already exists for other purposes.	DELETED
		(h) Professional operators other than the ones referred to in points a) to g), if so required by the implementing act adopted pursuant to Articles 27(1), and 29 (1), 41(1), 47 (1), 49(1) and 50(1).	DELETED
		Member States may decide that further categories of growers or other professional operators may be registered, if so justified by the pest risk presented by the plants that they grow or by any other of their activities.	"Member States may decide that further categories of growers or other professional operators **shall** be registered, if so justified by the pest risk presented by the plants that they grow or by any other of their activities."

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2. A professional operator may be registered in the register of a competent authority more than once, provided that each registration is linked to different premises, collective warehouses and dispatching centres as referred to in Article 62(2)(d). For each of those registrations, the procedure of Article 62 shall apply.		2. A professional operator may be registered **only once** in the register of a competent authority ~~more than once, provided that~~ **. Where applicable, that registration shall be carried out with explicit references to each** ~~registration is linked to~~ different premises, ~~collective warehouses and dispatching centres~~ as referred to in Article 62(2)(d). ~~For each of those registrations, the procedure of Article 62 shall apply.~~	Ok with Council text
3. Paragraph 1 shall not apply to a professional operator covered by one or more of the following points:		3. Paragraph 1 shall not apply to a professional operator covered by one or more of the following points:	
(a) it supplies exclusively small, as appropriate to the plants, plant products and other objects concerned, quantities of plants, plant products and other objects to final users, by other means than sales through distance contracts;	**AM 102** (a) it supplies exclusively small, as appropriate to the plants, plant products and other objects concerned, quantities of plants, plant products and other objects to final users~~, **by other means than sales through distance contracts**~~;	(a) it supplies exclusively **and directly to final users** small~~, as appropriate to the plants, plant products and other objects concerned,~~ quantities of plants, plant products and other objects ~~to final users, by other~~ **by means other than distant sales** ~~through distance contracts~~ ;	
			(aa) it supplies exclusively and directly to final users small quantities of seeds, other than the seeds subject Article 68;

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(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 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.	OK with Council text
The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out one or more of the following:	**AM 103** ~~**The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out one or more of the following:**~~	**3a.** The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out one or more of the following:	IA/DA

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(a) further categories of professional operators to be exempted from the application of paragraph 1, where that registration would constitute a disproportionate administrative burden for them compared to the phytosanitary risk of their professional activities;	~~**(a) further categories of professional operators to be exempted from the application of paragraph 1, where that registration would constitute a disproportionate administrative burden for them compared to the phytosanitary risk of their professional activities;**~~	(a) further categories of professional operators to be exempted from the application of paragraph 1, where that registration would constitute a disproportionate administrative burden for them compared to the ~~phytosanitary~~**pest** risk ~~of~~**related to** their professional activities;	(a) further categories of professional operators to be exempted from the application of paragraph 1, where that registration would constitute a disproportionate administrative burden for them compared to the **low** pest risk related to their professional activities;
(b) particular requirements for the registration of certain categories of professional operators;	~~**(b) particular requirements for the registration of certain categories of professional operators;**~~	(b) particular requirements for the registration of certain categories of professional operators**, 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.**~~	**3b. 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

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		That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).	
Article 62 **Procedure of registration**	*Article 62* **Procedure of registration**	*Article 62* **Procedure of registration**	*Article 62* **Procedure of registration**
1. Professional operators falling within the scope of points (a) or (b) of the first subparagraph of Article 61(1) shall submit an application to the competent authorities for inclusion in the register.		1. Professional operators falling within the scope ~~of points (a) or (b) of the first subparagraph~~ of Article 61(1) shall submit an application to the competent authorities for inclusion in the register.	OK with Council text
2. That application shall include the following elements:		2. That application shall include **at least** 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 ~~each~~**one 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]

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

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

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		<u>3a. By way of derogation from paragraphs 1 and 2, a competent authority shall register a professional operator without the submission of the application, if that operator is registered in accordance with subparagraph 3 of Article 6(5), Article 6(6) or Article 13c(1)(b) of Directive 2000/29/EC or national plant health rules, and all elements of paragraph 2 are available to that competent authority. Where appropriate, the professional operator concerned shall submit an update of those elements within three months from the date of application of this Regulation .</u>	OK with Council text

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4. Registered professional operators shall, where appropriate, submit an application for updating the data referred to in points (a), (d) and (e) of paragraph 2, and the statements referred to in points (b) and (c) of paragraph 2.		4. Registered ~~professional~~ operators shall, where ~~appropriate~~**applicable**, submit **annually** an ~~application for updating~~**update concerning any changes of** the data referred to in points ~~(a),~~ (d) and (e) of paragraph 2, and the statements referred to in points (b) and (c) of paragraph 2. **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.**	OK with Council text

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

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(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[27] for the Member State in which the professional operator is registered**;**	OK with Council text
(c) an indication whether the professional operator is authorised for each of the activities referred to in point (c) of Article 62(2).		(c) **as applicable,** an indication ~~whether the professional operator is authorised~~ for ~~each~~**which** of the activities referred to in point (c) of Article 62(2) **the professional operator is authorised, and, as applicable, the specific plants, plant products or other objects concerned .**	OK with Council text
Article 64 **Availability of information of official registers**	*Article 64* **Availability of information of official registers**	*Article 64* **Availability of information of official registers**	*Article 64* **Availability of information of official registers**
1. The Member State keeping the register shall, on request, make the information it contains available to the other Member States or the Commission.		1. The Member State keeping the register shall, **make available,** on **motivated** request, ~~make~~ the information it contains ~~available~~ to the other Member States or the Commission**, for their own use**.	[Article to be confirmed at trilogue] OK with Council text

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

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

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Article 65 **Traceability**	*Article 65* **Traceability**	*Article 65* **Traceability**	*Article 65* **Traceability**
1. A professional operator to which plants, plant products or other objects are supplied that are subject to prohibitions, requirements or conditions pursuant to Articles 40(1), 41(1) and (2), 44(1) and (3), 45(1), 46(1) and (3), 47(1), 49(1) and (2), 50(1) and (2), 52, 53 and 54 shall keep a record for each plant, plant product or other object supplied, allowing that operator to identify the professional operators supplying it.		1. A professional operator to which plants, plant products or other objects are supplied that are subject to ~~prohibitions,~~ requirements or conditions pursuant to Articles **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

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

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

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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).**	3. Professional operators shall keep the records referred to in paragraphs 1, 2 and 2a for at least three years from the date on which the plant, plant product or other object concerned was supplied to or by them~~, or for the different minimum period set out in the implementing act referred to in the second subparagraph, where so justified by the length of the cultivation period of the respective plant~~. **3a.** The Commission may, by means of implementing acts, **set out the following elements:** **(a) a shorter or longer minimum period than the one referred to in paragraph 3 with regards to specific plants, where so justified by the length of the cultivation period of those plants;** **(b)** ~~specify~~ requirements as to ~~the content, and~~ **the** accessibility of the records to be kept by the professional operators referred to in paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in

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			Article 99(3).

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4. On request, they shall communicate the information in the records referred to in paragraphs 1 and 2 to the competent authorities.		4. On request, ~~they~~**the professional operators referred to in paragraph 3** shall communicate the information in the records referred to in paragraphs 1**,** ~~and~~ 2 **and 2a** to the competent ~~authorities~~ **authority**.	OK with Council text
5. Paragraphs 1 to 4 shall not apply to the professional operators referred to in point (b) of Article 61(3).		5. Paragraphs 1 to 4 shall not apply to the professional operators referred to in point**s** (b) **and (c)** of Article 61(3).	OK with Council text
Article 66 **Movements of plants, plant products and other objects within the premises of the professional operator**	*Article 66* **Movements of plants, plant products and other objects within the premises of the professional operator**	*Article 66* **Movements of plants, plant products and other objects within and between the premises of the professional operator**	*Article 66* **Movements of plants, plant products and other objects within the premises of the professional operator**
1. Professional operators shall have in place traceability systems and procedures to allow identification of the movements of their plants, plant products and other objects within their own premises. The first subparagraph shall not apply to the professional operators referred to in point (b) of Article 61(3).		1. The ~~P~~professional 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 within **and between** their own premises.	OK with Council text

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		The first subparagraph shall not apply to the professional operators referred to in point**s** (b) **and (c)** of Article 61(3).	
2. The information, as identified by the systems and procedures referred to in paragraph 1, on the movement of the plants, plant products and other objects within those premises shall be made available to the competent authority on request.		2. The information, as identified by the systems ~~and~~**or** procedures referred to in paragraph 1, on the movement of the plants, plant products and other objects within those premises shall be made available to the competent authority on request.	OK with Council text
	AM 105 ***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:***		AM withdrawn

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	(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;***		

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Chapter VI **Certification of plants, plant products and other objects**	**Chapter VI** **Certification of plants, plant products and other objects**		**Chapter VI** **Certification of plants, plant products and other objects**
SECTION 1 **PHYTOSANITARY CERTIFICATES REQUIRED FOR THE INTRODUCTION OF PLANTS, PLANT PRODUCTS AND OTHER OBJECTS INTO THE UNION TERRITORY**	**SECTION 1** **PHYTOSANITARY CERTIFICATES REQUIRED FOR THE INTRODUCTION OF PLANTS, PLANT PRODUCTS AND OTHER OBJECTS INTO THE UNION TERRITORY**		**SECTION 1** **PHYTOSANITARY CERTIFICATES REQUIRED FOR THE INTRODUCTION OF PLANTS, PLANT PRODUCTS AND OTHER OBJECTS INTO THE UNION TERRITORY**
Article 67 **Phytosanitary certificate for introduction into the Union territory**	*Article 67* **Phytosanitary certificate for introduction into the Union territory**	*Article 67* **Phytosanitary certificate for introduction into the Union territory**	*Article 67* **Phytosanitary certificate for introduction into the Union territory**
1. A phytosanitary certificate for introduction of plants, plant products and other objects into the Union territory shall be a document, issued by a third country, which fulfils the conditions of Article 71, has the contents set out in Part A of Annex V, or, where applicable, Part B of Annex V, and certifies that the plant, plant product or other object concerned complies with all of the following requirements:			
(a) it is free from Union quarantine pests;		(a) it is free from Union quarantine pests **or pests subject to measures adopted pursuant to Article 29 (1)**;	Ok with Council text

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(b) it complies with the provisions of Article 37(1) concerning the presence of Union quality pests on plants for planting;		(b) it complies with the provisions of Article 37(1) concerning the presence of Union ~~quality~~ **regulated non-quarantine** pests on plants for planting;	Ok with Council text
(c) it complies with the requirements referred to in Article 41(1) and (2);		(c) it complies with the requirements referred to in Article**s** 41(1) and (2)**, [41a] or, where applicable, in Article 50(1), (2)**;	Ok with Council text
(d) where applicable, it complies with rules adopted in accordance with the provisions adopted pursuant to Article 27(1) and (2) and Article 29(1).		(d) where applicable, it complies with rules adopted in accordance with the provisions adopted pursuant to Article 27(1)**(c)** and (2) and Article 29(1).	Ok with Council text

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2. Where applicable, the phytosanitary certificate shall specify under the heading 'Additional Declaration', and in accordance with the implementing acts adopted pursuant to Articles 41(1) and (2) and 50(1) and (2), which specific requirement is fulfilled, where there is a choice between several options. This specification shall include a reference to the relevant option provided in those acts.	**AM 106** 2. Where applicable, the phytosanitary certificate shall specify under the heading 'Additional Declaration', and in accordance with the implementing acts adopted pursuant to Articles 41(1) and (2) and 50(1) and (2), which specific requirement is fulfilled, where there is a choice between several options. This specification shall include ***the text of, or*** a reference to the relevant option provided in those acts.	2. ~~Where applicable, the~~**The** phytosanitary certificate shall specify under the heading 'Additional Declaration'~~, and in accordance with the~~ **which specific requirement is fulfilled, whenever the respective implementing** ~~acts~~**act, adopted pursuant to Articles 27(1),(2), 29(1),(2), 37(2)** ~~**and (5a)**~~**, 41(1) and (2),** 50(1) and (2)~~, which specific requirement is fulfilled, where there is a choice between~~**allows for** several **different** options~~. This~~ **for such requirements. That** specification shall include a reference to the relevant ~~option provided in those acts.~~**provision of the respective implementing act and the full wording of that provision.**	AM withdrawn 2. The phytosanitary certificate shall specify under the heading 'Additional Declaration' which specific requirement is fulfilled, whenever the respective implementing act, adopted pursuant to Articles 27(1),(2), 29(1),(2), 37(2), 41(1) and (2), 50(1) and (2), for several different options for such requirements. **That specification shall include the full wording of the relevant requirement.**

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3. Where applicable, the phytosanitary certificate shall state that the plants, plant products or other objects concerned comply with phytosanitary measures recognised as equivalent, pursuant to Article 42, to the requirements of the implementing act adopted pursuant to Article 41(2).			
4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending Parts A and B of Annex V to adapt them to the scientific and technical developments and the development of international standards.		4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending Parts A and B of Annex V to adapt them to the ~~scientific and technical developments and the~~ **development of the relevant** international standards.	Ok with Council text
	AM 107 ***(4a) Plant health certificates may also be used in accordance with the provisions of Regulation (EC) No 338/97 31b or (EC) 865/200631c .*** _____ ***31b OJ L 61, 3.3.1997, p.1*** ***31c OJ L 166, 19.6.2006, p.1***		AM withdrawn

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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;	Ok with Council text
(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;	Ok with Council text
(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;	Ok with Council text
(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];**	(c) seeds listed pursuant to Article 37(2) and subject to equivalence decisions adopted pursuant to ~~seeds~~ directives **66/401/EEC, 66/402/EEC,**

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			68/198/EC, 98/56/EC, 1999/105/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC.

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(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).	Ok with Council text
		(e) plants, plant products and other objects subject to points (a) and (b) of Article 47(2).	Ok with Council text
Points (a) to (d) shall not apply, however, where the act adopted pursuant to Articles 27(1), 29(1) or 41(1) and (2) requires proof of compliance in the form of an official mark, as referred to in Article 91(1), or another official attestation, as referred to in Article 93(1). That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2).		Points (a**0**) 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(**3**~~2~~).	Ok with Council text

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		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 ~~advisory~~**examination** procedure referred to in Article 99**(~~2~~3).**	Ok with Council text

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

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		Article 68a **Other plants for which phytosanitary certificates are required**	
		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.	**OPEN** IA/DA
		2. However that implementing act shall set out that a phytosanitary certificate is not required for the plants where an assessment, based on evidence about pest risks and experience with trade, demonstrates that such a certificate is not necessary. That assessment shall take into account the criteria set out in Annex VIA. As appropriate, that assessment may only concern plants of a particular third country of origin or dispatch, or a group of third countries of origin or dispatch.	Ok with Council text

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		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*].	Ok with Council text

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Article 69 **Plants, plant products and other objects for which phytosanitary certificates are required for introduction into a protected zone**	*Article 69* **Plants, plant products and other objects for which phytosanitary certificates are required for introduction into a protected zone**	*Article 69* **Plants, plant products and other objects for which phytosanitary certificates are required for introduction into a protected zone**	*Article 69* **Plants, plant products and other objects for which phytosanitary certificates are required for introduction into a protected zone**
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, in addition to the cases referred to in Article 68 (1), (2) and (3), for their introduction into certain protected zones from those third countries. That list shall include:			1. **Phytosanitary certificates are required, in addition to the cases referred to in Article 68 (1), (2) and (3), for the introduction of some plants, plant products and other objects into certain protected zones from certain third countries of origin or dispatch.** The Commission shall, by means of an implementing act, establish a list of th**ose** plants, plant products and other objects, and the respective third countries of origin or dispatch **referred to in the first subparagraph** ~~for which a phytosanitary certificate is required, in addition to the cases referred to in Article 68 (1), (2) and (3), for their introduction into certain protected zones from those third countries.~~ That list shall include:
(a) the plants, plant products and other objects listed in Point II of Part B of Annex V to Directive 2000/29/EC;			(a) **the first time that the Commission adopts that implementing act,** the plants, plant products and other objects listed in Point II of Part B of Annex V to

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			Directive 2000/29/EC;
(b) plants, plant products and other objects listed pursuant to Article 50(1) or (2).			

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Points (a) and (b) shall not apply, however, where the act adopted pursuant to Article 50(1) or (2) requires proof of compliance in the form of an official mark, as referred to in Article 91(1), or another official attestation, as referred to in Article 93(1). That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2).		Points (a) and (b) shall not apply, however, **and a phytosanitary certificate shall not be required** where the act adopted pursuant to Article 50(1) or (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(**3).**	**Notwithstanding the list of plant, plant products and other objects under** points (a) and (b) ~~shall not apply, however, and~~ a phytosanitary certificate shall not be required where the act adopted pursuant to Article 50(1) or (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 advisoryexamination procedure referred to in Article 99(3).
		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.

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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);			
(b) where a plant, plant product or other object, not listed in that act, fulfils paragraph 1(b).			
That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2).		That implementing act shall be adopted in accordance with the ~~advisory~~ **examination** procedure referred to in Article 99(~~2~~**3**).	Ok with Council text
3. The Commission may, by means of an implementing act, amend the implementing act referred to in paragraph 1, in accordance with the principles set out in Section 2 of Annex IV, where there is a risk that a plant, plant product or other object, not listed in that act, hosts the respective protected zone quarantine pest, or where, for a plant, plant product or other object listed in that act, that risk no longer exists.		3. **Further to paragraph 2,** ~~T~~the Commission may, by means of an implementing act, amend the implementing act referred to in paragraph 1, in accordance with the principles set out in Section 2 of Annex IV, where there is a risk that a plant, plant product or other object, not listed in that act, hosts the respective protected zone quarantine pest, or where, for a plant, plant product or other object listed in that act, that risk no longer exists.	Ok with Council text

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That implementing act shall be adopted in accordance with the 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 paragraphs 1, 2 and 3, no phytosanitary certificate shall be required for the plants, plant products or other objects, which are subject to Articles 52, 53, 54 and 70.		4. By way of derogation from paragraphs 1, 2 and 3, no phytosanitary certificate shall be required for the plants, plant products or other objects, which are subject to Articles 52, 53, 54 and 70**(1)**.	Ok with Council text
Article 70 **Exceptions for travellers' luggage, clients of postal services and internet clients**		*Article 70* **Exceptions for travellers' luggage~~, clients of postal services and internet clients~~**	
1. Small quantities of particular plants, plant products and other objects from a third country may be exempted from the requirement for a phytosanitary certificate set out in Article 68(1) and Article 69(1), if they comply with all of the following conditions:		1. Small quantities of particular plants, **other than plants for planting, and of** plant products and other objects from a third country may be exempted from the requirement for a phytosanitary certificate set out in Article 68(1) and Article 69(1), if they comply with all of the following conditions:	Ok with Council text (whole Article)
(a) they are introduced into the Union territory as part of travellers' personal luggage, as consignments shipped following sales through distance contracts to final users (hereinafter: 'internet clients'), or as shipments delivered by postal services to final users;		(a) they are introduced into the Union territory as part of travellers' personal luggage~~, as consignments shipped following sales through distance contracts to final users (hereinafter: 'internet clients'), or as shipments delivered by postal services to final users~~;	

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(b) they are not to be used for professional or commercial purposes;			
(c) they are listed pursuant to paragraph 2.			
That exemption shall not apply to plants for planting, other than seeds.		~~That exemption shall not apply to plants for planting, other than seeds.~~	
2. The Commission shall, by means of implementing acts, list the plants, plant products and other objects referred to in paragraph 1 and the third countries concerned, and set out the maximum quantity, as appropriate, of the plants, plant products and other objects concerned that shall be subject to the exemption of that paragraph and, where appropriate, one or more of the risk management measures set out in Section 1 of Annex IV.		2. The Commission shall, by means of implementing acts, list the plants, plant products and other objects referred to in paragraph 1 and the third countries concerned, and set out the maximum quantity, as appropriate, of the plants, plant products and other objects concerned that shall be subject to the exemption of that paragraph and, where appropriate, one or more of the risk management measures set out in Section 1 of Annex IV.	

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That listing and the setting out of the maximum quantity concerned and, where appropriate, the risk management measures shall be decided on the basis of the phytosanitary risk posed by small quantities of those plants, plant products and other objects, in accordance with the criteria set out in Section 2 of Annex IV. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation.		That listing and the setting out of the maximum quantity concerned and, where appropriate, the risk management measures shall be decided on the basis of the ~~phytosanitary~~**pest** risk posed by small quantities of those plants, plant products and other objects, in accordance with the criteria set out in Section 2 of Annex IV. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3) of this Regulation.	
Article 71 **Conditions to be fulfilled by a phytosanitary certificate**	*Article 71* **Conditions to be fulfilled by a phytosanitary certificate**	*Article 71* **Conditions to be fulfilled by a phytosanitary certificate**	*Article 71* **Conditions to be fulfilled by a phytosanitary certificate**

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1. The competent authority shall only accept a phytosanitary certificate accompanying plants, plant products or other objects to be introduced from a third country, if the content of that certificate complies with Part A of Annex V. Where the plants, plant products or other objects are to be introduced from a third country from which they do not originate, the competent authority shall only accept a phytosanitary certificate complying with Part B of Annex V.		1. **Without prejudice to obligations under the International Plant Protection Convention and taking into account relevant international standards,** ~~T~~the competent authority shall only accept a phytosanitary certificate accompanying plants, plant products or other objects to be introduced from a third country, if the content of that certificate complies with Part A of Annex V. Where the plants, plant products or other objects are to be introduced from a third country from which they do not originate, the competent authority shall only accept a phytosanitary certificate complying **either** with **Part A or** Part B of Annex V.	Ok with Council text (whole Article except IA/DA)

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It shall not accept that phytosanitary certificate where the additional declaration referred to in Article 67(2), where applicable, is not present or not correct, and where the statement referred to in Article 67(3), where applicable, is not present.		It shall not accept that phytosanitary certificate where the additional declaration referred to in Article 67(2), where applicable, is not present or not correct, and where the statement referred to in Article 67(3), where applicable, is not present. **It shall not accept a phytosanitary certificate for re-export if that phytosanitary certificate is not accompanied by the original phytosanitary certificate for export, or a certified copy of the original phytosanitary certificate for export.**	
2. The competent authority shall only accept a phytosanitary certificate if it fulfils the following requirements:			
(a) it is issued in at least one of the official languages of the Union;			
(b) it is addressed to the Union or one of its Member States;		(b) it is addressed to the ~~Union or one~~**national plant protection organisation** of ~~its~~**a** Member ~~States~~**State**;	

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(c) it has been issued no more than 14 days before the date on which the plants, plant products or other objects covered by it have left the third country, in which it was issued.			
3. In the case of a third country which is party to the IPPC, the competent authority shall only accept the phytosanitary certificates issued by the official national plant protection organisation of that third country or, under its responsibility, by a public officer who is technically qualified and duly authorised by that official national plant protection organisation.		3. In the case of a third country which is **a contracting** party to the IPPC, the competent authority shall only accept the phytosanitary certificates issued by the official national plant protection organisation of that third country or, under its responsibility, by a public officer who is technically qualified and duly authorised by that official national plant protection organisation.	

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4. In the case of a third country which is not party to the IPPC, the competent authority shall only accept the phytosanitary certificates issued by the authorities competent in accordance with the national rules of that third country and notified to the Commission. The Commission shall inform the Member States and the operators, through the electronic notification system referred to in Article 97, pursuant to point (a) of Article 131 of the Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on Official Controls*], of the notifications received.		4. In the case of a third country which is not **a contracting** party to the IPPC, the competent authority shall only accept the phytosanitary certificates issued by the authorities competent in accordance with the national rules of that third country and notified to the Commission. The Commission shall inform the Member States and the operators, through the electronic notification system referred to in Article 97, pursuant to point (a) of Article 131 of the Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on Official Controls*], of the notifications received.	

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The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, supplementing the conditions for acceptance referred to in the first subparagraph, to ensure the reliability of those certificates.		The Commission shall ~~be empowered to adopt delegated acts, in accordance with Article 98, supplementing~~**by means of an implementing act set out specific rules concerning** the conditions for acceptance referred to in the first subparagraph, to ensure the reliability of those certificates. **That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).**	**OPEN** IA/DA
5. Electronic phytosanitary certificates shall only be accepted when provided through, or in electronic exchange with, the computerised information management system referred to in Article 130 of Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on Official Controls*].			

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Article 72 **Invalidation of phytosanitary certificate**	*Article 72* **Invalidation of phytosanitary certificate**	*Article 72* **Invalidation of phytosanitary certificate**	*Article 72* **Invalidation of phytosanitary certificate**
1. Where a phytosanitary certificate has been issued in accordance with Article 67(1), (2) and (3), and the competent authority concerned concludes that the conditions referred to in Article 71 are not fulfilled, it shall invalidate that phytosanitary certificate and ensure that it does not accompany any longer those plants, plant products or other objects concerned. In that case, and in respect of the plants, plant products or other objects concerned, the competent authority shall take one of the measures as set out in Article 64(3) of Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on Official Controls*].		1. Where a phytosanitary certificate has been issued in accordance with Article 67(1), (2) and (3), and the competent authority concerned concludes that the conditions referred to in Article 71 are not fulfilled, it shall invalidate that phytosanitary certificate and ensure that it does not accompany any longer those plants, plant products or other objects concerned. In that case, and in respect of the plants, plant products or other objects concerned, the competent authority shall take one of the measures as set out in Article 64(3) of Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on Official Controls*].	Ok with Council text (whole Article except IA/DA)

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		Upon invalidation, the certificate concerned shall bear on its face and in a prominent position a triangular stamp in red, marked 'certificate cancelled' from the respective competent authority, together with its denomination and the date of invalidation. It shall be in capital letters, and in at least one of the official languages of the Union.	
2. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States where a phytosanitary certificate was invalidated pursuant to paragraph 1. The third country which had issued that phytosanitary certificate shall also be notified.		2. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States where a phytosanitary certificate was invalidated pursuant to paragraph 1. The third country which had issued that phytosanitary certificate shall also be notified **by the Member State concerned**.	

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		3. The Commission may by means of an implementing act set out specific rules concerning the invalidation of the electronic phytosanitary certificates, as referred to in Article 71(5). That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).	IA/DA EP could accept IA "3. The Commission may by means of an implementing act set out **technical arrangements** ~~specific rules~~ concerning the invalidation of the electronic phytosanitary certificates, as referred to in Article 71(5). That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3)."

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SECTION 2 PLANT PASSPORTS REQUIRED FOR THE MOVEMENT OF PLANTS, PLANT PRODUCTS AND OTHER OBJECTS WITHIN THE UNION TERRITORY	**SECTION 2 PLANT PASSPORTS REQUIRED FOR THE MOVEMENT OF PLANTS, PLANT PRODUCTS AND OTHER OBJECTS WITHIN THE UNION TERRITORY**		**SECTION 2 PLANT PASSPORTS REQUIRED FOR THE MOVEMENT OF PLANTS, PLANT PRODUCTS AND OTHER OBJECTS WITHIN THE UNION TERRITORY**
Article 73 **Plant passports**	*Article 73* **Plant passports**	*Article 73* **Plant passports**	*Article 73* **Plant passports**
A plant passport shall be an official label for movement of plants, plant products and other objects within the Union territory and, where applicable, into and within protected zones, which certifies compliance with all requirements set out in Article 80 and, for movement into protected zones, Article 81, and has the content and format set out in Article 78.		A plant passport shall be an official label for movement of plants, plant products and other objects within the Union territory and, where applicable, into and within protected zones, which ~~certifies~~**attests** compliance with all requirements set out in Article 80 and, for movement into **and within** protected zones, Article 81, and has the content and format set out in Article 78.	Ok with Council text

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	AM 108 ***Article 73 a*** ***The Commission shall, not later than ...*, submit a report to the European Parliament and the Council to present the experience gained from the extension of the plant passport system to all movement of plants, plant products and other objects within the Union territory including a clear costs benefits analysis for the operators, accompanied if appropriate, by a legislative proposal.*** ****OJ: Please insert the date five years after the entry into force of this Regulation.***		AM Accepted (but moved to art. 74, it replaces former AM 109)
Article 74 **Plants, plant products and other objects for which a plant passport is required for movement within the Union territory**	*Article 74* **Plants, plant products and other objects for which a plant passport is required for movement within the Union territory**	*Article 74* **Plants, plant products and other objects for which a plant passport is required for movement within the Union territory**	*Article 74* **Plants, plant products and other objects for which a plant passport is required for movement within the Union territory**
1. The Commission shall, by means of an implementing act, establish a list of the plants, plant products and other objects, for which a plant passport is required for their movement within the Union territory. That list shall include:			1. **Plant passports are required for movement of certain plants, plant products and other objects within the Union territory.** The Commission shall, by means of an implementing act, establish a list of th**ose** plants, plant products and other objects, for which a plant passport is required for their movement within the Union territory.

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			That list shall include:

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(a) all plants for planting, other than seeds;			
(b) the plants, plant products and other objects listed in point (I) of Part (A) of Annex V to Directive 2000/29/EC;		(b) **as long as not subject to point (a),** the plants, plant products and other objects listed in point (I) of Part (A) of Annex V to Directive 2000/29/EC;	(b) **the first time that the Commission adopts that implementing act,** ~~as long as not subject to point (a),~~ the plants, plant products and other objects listed in point (I) of Part (A) of Annex V to Directive 2000/29/EC **as long as not already covered by point (a),**;
(c) plants, plant products and other objects for which requirements have been adopted pursuant to Article 27(1), (2) or (3) or 29(1), (2) or (3) concerning their movement within the Union territory;			
(d) seeds listed pursuant to Article 37(2);			
(e) plants, plant products and other objects listed pursuant to Article 41(1) and (2).		(e) plants, plant products and other objects listed pursuant to Article 41(1) and (2~~).~~ **with regard to their movement within the Union, with the exception of plants for planting, plant products and other objects requiring another specific label or other type of attestation pursuant to that Article.**	Ok with Council text
That implementing act shall be adopted in accordance with the advisory procedure referred to in		That implementing act shall be adopted in accordance with the ~~advisory~~**examination** procedure	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
Article 99(2).		referred to in Article 99(~~2~~3).	

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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, not listed in that act, fulfils paragraphs 1(c), (d) or (e);			
(b) where a plant, plant product or other object , listed in that implementing act, does not fulfil paragraph 1(c), (d) or (e);			
That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(3).		That implementing act shall be adopted in accordance with the ~~advisory~~ **examination** procedure referred to in Article 99(3).	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
3. The Commission may, by means of an implementing act, amend the implementing act referred to in paragraph 1, in accordance with the principles of Section 2 of Annex IV, where there is a risk that a plant, plant product or other object, not listed in that act, hosts a Union quarantine pest or where, for a plant, plant product or other object listed in that act, that risk no longer exists. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).		3. **Further to paragraph 2,** ~~T~~the Commission may, by means of an implementing act, amend the implementing act referred to in paragraph 1, in accordance with the principles of Section 2 of Annex IV, where there is a risk that a plant, plant product or other object, not listed in that act, hosts a Union quarantine pest or where, for a plant, plant product or other object listed in that act, that risk no longer exists. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).	Ok with Council text
4. By way of derogation from paragraphs 1, 2 and 3, no plant passport shall be required for the plants, plant products or other objects, which are subject to Articles 44, 45, 46 and 70.		4. By way of derogation from paragraphs 1, 2 and 3, no plant passport shall be required for the plants, plant products or other objects, which are subject to Articles 44, 45 and 46 and 70.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	AM 109 ***4a. The Commission shall, not later than ...*, submit a report to the European Parliament and the Council to present the experience gained from the extension of the plant passport system to all movement of plants, plant products and other objects within the Union territory with a clear analysis of costs and benefits for the operators.*** **** OJ: Please insert the date five years after the entry into force of this Regulation.***		AM 109 withdrawn and replaced by revised version of AM 108 "4a. The Commission shall, not later than ...*, submit a report to the European Parliament and the Council to present the experience gained from the extension of the plant passport system to all movement of **plants for planting** within the Union territory including a clear costs benefits analysis for the operators, accompanied if appropriate, by a legislative proposal. *OJ: Please insert the date five years after the **date of application** ~~entry into force~~ of this Regulation."
Article 75 **Plants, plant products and other objects for which a plant passport is required for introduction into, and movement within, protected zones**	*Article 75* **Plants, plant products and other objects for which a plant passport is required for introduction into, and movement within, protected zones**	Article 75 **Plants, plant products and other objects for which a plant passport is required for introduction into, and movement within, protected zones**	*Article 75* **Plants, plant products and other objects for which a plant passport is required for introduction into, and movement within, protected zones**
1. The Commission shall, by means of an implementing act, establish a list of the plants, plant products and other objects, for which a plant passport is required for their introduction into certain protected zones. That list shall include:		1. The Commission shall, by means of an implementing act, establish a list of the plants, plant products and other objects, for which a plant passport is required for their introduction into **and movement within** certain protected zones.	1. **Plant passports are required for certain plants, plant products and other objects being introduced into or moved within certain protected zones.** The Commission shall, by means of an implementing act, establish a list of th**os**e plants, plant products and other objects, for which a plant passport is required for their

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			introduction into and movement within certain protected zones. That list shall include:

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(a) the plants, plant products and other objects listed in point (II) of Part A of Annex V to Directive 2000/29/EC;			(a) **the first time that the Commission adopts that implementing act,** the plants, plant products and other objects listed in point (II) of Part A of Annex V to Directive 2000/29/EC;
(b) other plants, plant products and other objects listed pursuant to Article 50(2).			
That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2).		That implementing act shall be adopted in accordance with the ~~advisory~~**examination** procedure referred to in Article 99(~~2~~**3**).	Ok with Council text
2. The Commission may, 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, not listed in that act, fulfils paragraph 1(b);			
(b) where a plant, plant product or other object , listed in that implementing act, does not fulfil paragraph 1(a) or (b).			(b) where a plant, plant product or other object , listed in that implementing act, does not fulfil paragraph 1~~(a) or~~ (b).
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(**3).**	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
3. The Commission may, by means of an implementing act, amend the implementing act referred to in paragraph 1, and in accordance with the principles of Section 2 of Annex IV, where there is a risk that a plant, plant product or other object, not listed in that act, hosts the respective protected zone quarantine pest, or where, for a plant, plant product or other object listed in that act, that risk no longer exists. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).		3. **Further to paragraph 2,** ~~T~~the Commission may, by means of an implementing act, amend the implementing act referred to in paragraph 1, and in accordance with the principles of Section 2 of Annex IV, where there is a risk that a plant, plant product or other object, not listed in that act, hosts the respective protected zone quarantine pest, or where, for a plant, plant product or other object listed in that act, that risk no longer exists. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).	Ok with Council text
4. By way of derogation from paragraphs 1, 2 and 3, no plant passport shall be required for the plants, plant products or other objects, which are subject to Articles 52, 53, 54 and 70.		4. By way of derogation from paragraphs 1, 2 and 3, no plant passport shall be required for the plants, plant products or other objects, which are subject to Articles 52, 53~~,~~ **and** 54 ~~**and 70**~~.	Ok with Council text

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Article 76 **Exception for final users**	*Article 76* **Exception for final users**	*Article 76* **Exception for <u>direct supply to</u> final users**	*Article 76* **Exception for final users**
1. No plant passport shall be required for the movement of small, as appropriate to the plants, plant products and other objects concerned, quantities of plants, plant products or other objects to a final user.	**<u>AM 110</u>** 1. No plant passport shall be required for the movement of small, as appropriate to the plants, plant products and other objects concerned, quantities of plants, plant products or other objects to a final user***, including home gardeners***.	1. No plant passport shall be required for the movement of ~~small, as appropriate to the~~ plants, plant products ~~and~~**<u>or</u>** other objects ~~concerned, quantities of plants, plant products or other objects~~ **<u>supplied directly</u>** to a final user.	AM accepted OK with Council text 1. No plant passport shall be required for the movement of plants, plant products or other objects supplied directly to a final user**, including home gardeners**.
		<u>This exception shall not apply to:</u>	OK with Council text
		<u>(a) final users receiving those plants, plant products or other objects through distant sales;</u>	OK with Council text
		<u>(b) final users of plants, plant products or other objects for which a plant passport for protected zones is required pursuant to Article 75.</u>	OK with Council text
		<u>The Commission may, by means of an implementing act, specify that the requirements of point (b) shall only apply for particular protected zone pests, plants, plant products or other objects .</u>	**OPEN** IA/DA

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		That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).	
2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out the maximum figure for small quantities of particular plants, plant products or other objects.		2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out **the** ~~maximum figure~~**cases where, for** ~~small quantities of~~ particular plants, plant products or other objects**, the exception of paragraph 1 shall only apply to small quantities. Those delegated acts shall define those quantities per period of time as appropriate to the plant, plant product or other object concerned and the respective pest risks.**	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
Article 77 **Exceptions for movements within and between the premises of a professional operator**	*Article 77* **Exceptions for movements within and between the premises of a professional operator**	*Article 77* **Exceptions for movements within and between the premises of a ~~professional~~ registered operator**	*Article 77* **Exceptions for movements within and between the premises of a professional operator**
No plant passport shall be required for the movements of plants, plant products and other objects within and between the premises of the same professional operator.		No plant passport shall be required for the movements of plants, plant products and other objects within and between the premises of the same ~~professional~~ **registered** operator~~.~~**, which are in close proximity to each other.**	Ok with Council text (whole Article)
		Member States may further define close proximity in their respective territories and whether any documents need to be issued for those movements instead of the plant passport.	
		Where such movements take place in areas between two or more Member States, the exception from the requirement for a plant passport shall be approved by all of the respective competent authorities.	

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Article 78 **Content and format of the plant passport**	*Article 78* **Content and format of the plant passport**	*Article 78* **Content and format of the plant passport**	*Article 78* **Content and format of the plant passport**
1. The plant passport shall take the form of a distinct label, which shall be printed on any suitable substrate, provided that the plant passport is kept separate from any other information or label which may also be indicated on that substrate. The plant passport shall be clearly legible and indelible.		1. The plant passport shall take the form of a distinct label, ~~which shall be printed~~**made** on any substrate **suitable** ~~suitable~~ **for printing the elements referred to in paragraph 2**, provided that the plant passport is ~~kept separate~~**clearly distinguishable** from any other information or label which may also be indicated on that substrate. The plant passport shall be **easily visible and** clearly legible ~~and indelible~~**, and the information on it shall be unchangeable and durable.**	Ok with Council text (whole Article except IA/DA)
2. The plant passport for movement within the Union territory shall contain the elements set out in Part A of Annex VI.			
		By way of derogation to point 1 (e) of Part A of Annex VI, the traceability code may not be required where plants for planting fulfil all of the following conditions:	

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		(a) they are prepared in such a way that they are ready for the sale to final users without any further preparation and no risk exists concerning the spread of Union quarantine pests or pests subject to measures adopted pursuant to Article 29(1);	
		(b) they do not belong to types or species listed by the implementing act referred to in paragraph (2a).	
		2a. The Commission shall, by means of an implementing act, specify types and species of plants for planting for which the exemption referred to in paragraph (2) shall not apply. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).	IA/DA EP could accept IA "2a. The Commission shall, by means of an implementing act, **identify** ~~specify~~ types and species of plants for planting for which the exemption referred to in paragraph (2) shall not apply. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3)."
The plant passport for introduction into, and movement within, a protected zone shall contain the elements set out in Part B of Annex VI.		**2b.** The plant passport for introduction into, and movement within, a protected zone shall contain the elements set out in Part B of Annex VI.	

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3. In the case of plants for planting produced, or made 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*], as pre-basic, basic or certified material in the meaning of Article 10 of that Regulation, the plant passport shall be included, in a distinct form, in the official label produced in accordance with Article 22 of that Regulation, or, where applicable, in the master certificate issued in accordance with Article 122(1) of that Regulation. Where this paragraph applies, the plant passport for movement within the Union territory shall contain the elements set out in Part C of Annex VI.		3. In the case of plants for planting produced, or made 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*],~~ as pre-basic, basic or certified material ~~in the meaning of Article 10 of that Regulation,~~ **or pre-basic, basic or certified seed or seed potatoes, 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 2008/90/EC** the plant passport shall be included, in a distinct form, in the official label produced in accordance with ~~Article 22 of that Regulation, or, where applicable, in the master certificate issued in accordance with Article 122(1) of that Regulation~~**the respective provisions of those Directives**.	

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		Where this paragraph applies, the plant passport for movement within the Union territory shall contain the elements set out in Part C of Annex VI.	
Where this paragraph applies, the plant passport for introduction into, and movement within, a protected zone shall contain the elements set out in Part D of Annex VI.		Where this paragraph applies, the plant passport for introduction into, and movement within, a protected zone shall contain the elements set out in Part D of Annex VI.	
4. The Commission shall be empowered to adopt, pursuant to Article 98, delegated acts amending Parts A, B, C and D of Annex VI, to adapt those elements, where applicable, to scientific and technical developments.		4. The Commission shall be empowered to adopt, pursuant to Article 98, delegated acts amending Parts A, B, C and D of Annex VI, to adapt those elements, where applicable, to **the development of** scientific and technical ~~developments~~**knowledge.**	

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5. Within one year from the entry into force of this Regulation, the Commission shall adopt, by means of implementing acts, the format specifications of the plant passport for movement within the Union territory and the plant passport for introduction into, and movement within, a protected zone, as regards the plant passports referred to in the first and second subparagraphs of paragraph 2 and in the second and third subparagraphs of paragraph 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).			

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Where the nature of particular plants, plant products or other objects so requires, specific size specifications may be set out for them.		Where the nature of particular plants, plant products or other objects so requires, specific size specifications **for the plant passport** may be set out for ~~them~~**such plants, plant products or other objects.**	
		6. A plant passport may also be issued in an electronic form [hereinafter 'electronic plant passport'], provided that it contains all the elements referred to in paragraph 2, and that the technical modalities have been set out through the implementing act referred to in the second subparagraph. **The Commission may, by means of an implementing act, set out technical modalities for the issuance of electronic plant passports, to ensure their compliance with the provisions of this Article and appropriate, credible and effective mode for the issuance of those plant passports. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).**	EP could accept IA 6. A plant passport may also be issued in an electronic form [hereinafter 'electronic plant passport'], provided that it contains all the elements referred to in paragraph 2, and that the technical ~~modalities~~ **arrangements** have been set out through the implementing act referred to in the second subparagraph. The Commission may, by means of an implementing act, set out technical modalities for the issuance of electronic plant passports, to ensure their compliance with the provisions of this Article and appropriate, credible and effective mode for the issuance of those plant passports. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).

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Article 79 **Issuance by authorised professional operators and competent authorities**	*Article 79* **Issuance by authorised professional operators and competent authorities**	*Article 79* **Issuance by authorised professional operators and competent authorities**	*Article 79* **Issuance by authorised professional operators and competent authorities**
1. Plant passports shall be issued by registered operators, authorised, in accordance with Article 84, by the competent authorities to issue plant passports, hereinafter 'authorised operators', under the supervision of the competent authorities. Authorised operators shall issue plant passports only for the plants, plant products or other objects for which they are responsible.		1. Plant passports shall be issued by ~~registered~~**authorised** operators, ~~authorised, in accordance with Article 84, by the competent authorities to issue plant passports, hereinafter 'authorised operators',~~ under the supervision of the competent authorities. Authorised operators shall issue plant passports only for the plants, plant products or other objects for which they are responsible.	Ok with Council text
2. Plant passports may, however, be issued by the competent authorities where a registered operator requests so.		2. ~~Plant passports may, however, be issued by the~~**By way of derogation from paragraph (1) c**ompetent authorities ~~where a registered operator requests so~~**may decide to issue plant passports**.	2. By way of derogation from paragraph (1) competent authorities may ~~decide to~~ **also** issue plant passports.

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3. Authorised operators shall only issue plant passports in the premises, collective warehouses and dispatching centres referred to in Article 62(2)(d).		3. Authorised operators shall only issue plant passports in the premises, collective warehouses and dispatching centres ~~referred to in~~**which are under their responsibility and declared by them pursuant to** Article 62(2)(d)**or, where ~~the first subparagraph of~~ Article 89(1) applies, in another location if authorised so by the competent authority**.	Ok with Council text
Article 80 **Substantive requirements for a plant passport for movement within the Union territory**	*Article 80* **Substantive requirements for a plant passport for movement within the Union territory**	*Article 80* **Substantive requirements for a plant passport for movement within the Union territory**	*Article 80* **Substantive requirements for a plant passport for movement within the Union territory**
A plant passport shall be issued for movement within the Union territory for a plant, plant product or other object only where it fulfils the following requirements:		A plant passport shall be issued for movement within the Union territory for a plant, plant product or other object ~~only where it~~**which** fulfils the following requirements:	Ok with Council text (whole Article)
(a) it is free from Union quarantine pests;		(a) it is free from Union quarantine pests **or pests subject to measures adopted pursuant to Article 29(1)**;	

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(b) it complies with the provisions of Article 37(1) concerning the presence of Union quality pests on plants for planting;		(b) it complies with the provisions of Article 37(1) concerning the presence of Union ~~quality~~**regulated non-quarantine** pests on plants for planting **and the provisions of Article 37(2) concerning the measures to be taken;**	
(c) it complies with the requirements referred to in Article 41(1) and (2);		(c) it complies with the requirements **concerning its movement within the Union, as** referred to in Article 41(1) and (2);	
(d) where applicable, it complies with rules adopted in accordance with the provisions adopted pursuant to Article 27(1) and (2) and Article 29(1) and (2); and		(d) where applicable, it complies with rules adopted in accordance with the ~~provisions~~ **relevant measures** adopted pursuant to **Article 16 (3), points (a) to (c) of Article** 27(1~~) and~~ **), Article 27**(2) and Article 29(1) and (2); and	
(e) where applicable, it complies with measures adopted by the competent authorities for the eradication of Union quarantine pests pursuant to Article 16(1) and the eradication of pests provisionally qualifying as Union quarantine pests pursuant to Article 28(1).		(e) where applicable, it complies with measures adopted by the competent authorities for the eradication of Union quarantine pests **or pests subject to measures adopted pursuant to Article 29(1)** pursuant to Article 16(1) and the eradication of pests provisionally qualifying as Union quarantine pests pursuant to Article 28(1).	

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Article 81 **Substantive requirements for a plant passport for movement into and within a protected zone**	*Article 81* **Substantive requirements for a plant passport for movement into and within a protected zone**	*Article 81* **Substantive requirements for a plant passport for movement into and within a protected zone**	*Article 81* **Substantive requirements for a plant passport for movement into and within a protected zone**
1. A plant passport shall be issued for introduction into, and movement within, a protected zone for a plant, plant product and other object only where it fulfils all of the requirements of Article 80, and in addition the following requirements:		1. A plant passport shall be issued for introduction into, and movement within, a protected zone for a plant, plant product and other object ~~only where it~~**which** fulfils all of the requirements of Article 80, and in addition the following requirements:	Ok with Council text (whole Article)
(a) it is free from the respective protected zone quarantine pest; and			
(b) it complies with the requirements referred to in Article 50(1) and (2).			
2. Where Article 33(2) applies, the plant passport referred to in paragraph 1 shall not be issued.		2. Where Article 33(2) applies, the plant passport referred to in paragraph 1 shall not be issued **for plants, plant products or other objects originating in the demarcated area concerned and which may host the protected zone pest concerned.**	

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Article 82 **Examinations for plant passports**	*Article 82* **Examinations for plant passports**	*Article 82* **Examinations for plant passports**	*Article 82* **Examinations for plant passports**
1. A plant passport may only be issued for plants, plant products and other objects for which a meticulous examination in accordance with paragraphs 2, 3, and 4 has shown that they fulfil the requirements of Article 80, and, where applicable, Article 81.			Ok with Council text (whole Article except IA/DA)
Plants, plant products and other objects may either be examined individually or by representative samples. The examination shall also cover the packaging material of the plants, plant products or other objects concerned.			
2. The examination shall be carried out by the authorised operator, or, where applicable under Article 79(2), by the competent authorities.		2. The examination shall be carried out by the authorised operator ~~or, where applicable under Article 79(2), by the competent authorities.~~ **However, in the following cases, the examination shall be carried out by the competent authority:**	
		(a) where point (c) of paragraph 3 applies concerning inspections, sampling and testing;	

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		(b) where Article 79(2) applies;	
		(c) where an examination is carried out in the immediate vicinity as referred to in point b) ~~the second paragraph~~ of paragraph (3~~1~~) and the authorised operator has not access to that immediate vicinity.	
3. The examination shall fulfil the following conditions:			
(a) it shall be carried out frequently, at appropriate times and taking into account the risks involved;		(a) it shall be carried out ~~frequently~~, at appropriate times and taking into account the risks involved;	
(b) it shall be carried out at the premises, collective warehouses and dispatching centres referred to in Article 62(2)(d); and		(b) it shall be carried out at the premises~~, collective warehouses and dispatching centres~~ referred to in Article 62(2)(d). **Where so required by the implementing acts adopted pursuant to Articles 27(1), 29 (1), 37(2), 41(1), or 50(1), an examination shall also be carried out in the immediate vicinity of the place of production of the plants, plant products or other object concerned;** ~~and~~	

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(c) it shall be made by visual examination and, in the case of suspicion of the presence of a Union quarantine pest or, in case of a protected zone, the protected zone quarantine pest concerned, by sampling and testing.		(c) it shall be made **at least** by visual examination ~~and, in the~~**. In case of suspicion of the presence of a Union quarantine pest or**~~, in case~~ **pests subject to measures adopted pursuant to Article 29(1), or in the case of the suspicion of the presence of a protected zone**~~, the protected zone~~ **quarantine pest** ~~concerned,~~**in the respective protected zone, the visual examination shall be complemented by inspections, sampling and testing by the competent authority. In case of suspicion of the presence of a Union regulated non quarantine pest, and where applicable above the respective thresholds, the visual examination shall be complemented by sampling and testing;**	
		(ca) its results shall be recorded and stored for at least three years.	

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That examination shall take place without prejudice to any specific examination requirements or measures adopted in accordance with Article 27(1), (2) or (3), 29(1), (2) or (3), 41(1) and (2), and 50(1) and (2).		That examination shall take place without prejudice to any specific examination requirements or measures adopted in accordance with Article 27(1), (2) or (3), 29(1), (2) or (3), **37(2),** 41(1) and (2), and 50(1) and (2**). Where those examination requirements or measures require that that examination is carried out by the compentent authority, that examination shall not be carried out by the authorised operator referred to in paragraph 2.**	

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4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out detailed measures concerning visual examination, sampling and testing, and the frequency and timing of the examinations, referred to in paragraphs 1, 2 and 3, with regard to specific plants, plant products and other objects, on the basis of the particular phytosanitary risks they may present. Those examinations shall, where appropriate, concern certain plants for planting belonging to the categories referred to in Article 12(1) of Regulation (EU) No …/… (*Office of Publications, please insert number of Regulation on the production and making available on the market of plant reproductive material*), and, where appropriate, shall be carried out for any of the elements, as appropriate, set out in Part D of Annex II to that Regulation.	**AM 111** **~~4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out detailed measures concerning visual examination, sampling and testing, and the frequency and timing of the examinations, referred to in paragraphs 1, 2 and 3, with regard to specific plants, plant products and other objects, on the basis of the particular phytosanitary risks they may present. Those examinations shall, where appropriate, concern certain plants for planting belonging to the categories referred to in Article 12(1) of Regulation (EU) No …/… (*Office of Publications, please insert number of Regulation on the production and making available on the market of plant reproductive material*), and, where appropriate, shall be carried out for any of the elements, as appropriate, set out in Part D of Annex II to that Regulation.~~**	4. The Commission ~~shall be empowered to adopt delegated~~**may by means of implementing acts**~~, in accordance with Article 98, setting~~ **set** out detailed ~~measures~~ **rules** concerning visual examination, sampling and testing, and the frequency and timing of the examinations, referred to in paragraphs 1, 2 and 3, with regard to specific plants, plant products and other objects, on the basis of the particular ~~phytosanitary~~**pest** risks they may present. Those examinations shall, where appropriate, concern certain plants for planting belonging to ~~the categories referred to in Article 12(1) of Regulation (EU) No …/… (*Office of Publications, please insert number of Regulation on the production and making available on the market of plant reproductive material*), and, where appropriate, shall be carried out for any of the elements, as appropriate, set out in Part D of Annex II to~~	**OPEN** IA/DA

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		~~that Regulation.~~ **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, ~~1992/33/EEC~~, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC** **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).**	
Where the Commission adopts such a delegated act for specific plants for planting, and those plants for planting are subject to certification schemes pursuant to Article 20(1) of Regulation (EU) No …/…. [*Office of Publications, please*	~~**Where the Commission adopts such a delegated act for specific plants for planting, and those plants for planting are subject to certification schemes pursuant to Article 20(1) of Regulation (EU) No …/….**~~	Where the Commission adopts such ~~a delegated~~**an implementing** act for specific plants for planting, and those plants for planting are subject to certification schemes pursuant to ~~Article 20(1) of Regulation (EU) No …/….~~	IA/DA

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insert number of Regulation on the production and making available on the market of plant reproductive material], the respective examinations shall be combined in a single certification scheme.	~~[~~***~~Office of Publications, please insert number of Regulation on the production and making available on the market of plant reproductive material~~***~~]~~**~~, the respective examinations shall be combined in a single certification scheme.~~**	[~~*Office of Publications, please insert number of Regulation on the production and making available on the market of plant reproductive material*~~], ~~the respective examinations shall be combined~~	

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When adopting those delegated acts, the Commission shall take into account the technical and scientific knowledge and developments.	~~When adopting those delegated acts, the Commission shall take into account the technical and scientific knowledge and developments.~~	**Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC and 2008/90/EC , the Commission shall set out the requirements as regards the examinations for the presence of Union quarantine**	
		pests or pests subject to measures adopted pursuant to Article 29(1) and Union regulated non-quarantine pests and the examinations for other characteristics of the plants for planting pursuant to those Directives in a single certification scheme. When adopting those ~~delegated~~**implementing** acts, the Commission shall take into account the **development of** technical and scientific knowledge and ~~developments~~**international standards**.	

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Article 83 **Attaching of the plants passports**	*Article 83* **Attaching of the plants passports**	*Article 83* **Attaching of the plants passports**	*Article 83* **Attaching of the plants passports**
Plant passports shall be attached by the authorised operators, or, where so applicable under Article 79(2), by the competent authorities, to each lot of the plants, plant products and other objects concerned before they are moved within the Union territory pursuant to Article 74 or into or within a protected zone pursuant to Article 75. Where such plants, plant products or other objects are moved in a package, bundle or container, the plant passport shall be attached to that package, bundle or container.		Plant passports shall be attached by the ~~authorised~~ **professional** operators~~, or, where so applicable under Article 79(2), by~~ **concerned to the** ~~competent authorities, to each lot~~**trade unit** of the plants, plant products and other objects concerned before they are moved within the Union territory pursuant to Article 74 or into or within a protected zone pursuant to Article 75. Where such plants, plant products or other objects are moved in a package, bundle or container, the plant passport shall be attached to that package, bundle or container.	Ok with Council text

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Article 84 **Authorisation of professional operators to issue plant passports**	*Article 84* **Authorisation of professional operators to issue plant passports**	*Article 84* **Authorisation of professional operators to issue plant passports**	*Article 84* **Authorisation of professional operators to issue plant passports**
1. The competent authority shall grant an authorisation to a professional operator to issue plant passports (hereinafter 'the authorisation to issue plant passports') where that professional operator complies with the following conditions:		1. The competent authority shall grant an authorisation to a professional operator to issue plant passports (hereinafter 'the authorisation to issue plant passports') **for particular families, genera, or species, and commodity types of plants, plant products and other objects** where that professional operator complies with the following conditions:	Ok with Council text (whole Article except IA/DA)

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(a) it possesses the necessary knowledge to carry out the examinations referred to in Article 82 concerning the Union quarantine pests, protected zone quarantine pests and Union quality pests that could affect the plants, plant products and other objects concerned, and concerning the signs of the presence of those pests and the symptoms caused by them, the means to prevent the presence and spread of those pests, and the means to eradicate them;		(a) it possesses the necessary knowledge to carry out the examinations referred to in Article 82 concerning the Union quarantine pests **or pests subject to measures adopted pursuant to Article 29(1)**, protected zone quarantine pests and Union ~~quality~~ **regulated non-quarantine** pests that could affect the plants, plant products and other objects concerned, and concerning the signs of the presence of those pests ~~and~~**,** the symptoms caused by them, **and** the means to prevent the presence and spread of those pests, ~~and the means to eradicate them~~;	
(b) it has in place systems and procedures enabling it to fulfil its obligations concerning traceability pursuant to Article 65 and 66.			

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2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out qualification requirements to be fulfilled by the professional operators in order for them to comply with the conditions of paragraph 1(a).		2. The Commission ~~shall be empowered to adopt delegated~~ **may, by means of implementing** acts, ~~in accordance with Article 98, setting~~**, set** out ~~qualification requirements~~**criteria** to be fulfilled by the professional operators in order for them to comply with the conditions of paragraph 1(a)~~.~~ **and procedures to ensure that those criteria are met.** **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).**	**OPEN** IA/DA

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Article 85 **Obligations of authorised operators**	*Article 85* **Obligations of authorised operators**	*Article 85* **Obligations of authorised operators**	*Article 85* **Obligations of authorised operators**
1. Where an authorised operator intends to issue a plant passport, it shall identify and monitor the points of its production process, and the points concerning the movement of plants, plant products and other objects by that operator, which are critical as regards compliance with the rules adopted pursuant to Article 27(1), (2) and (3), Article 29(1), (2) and (3), Article 37(1), Article 41(3), Article 80 and Article 82, and, where applicable, Article 33(2), Article 50(3) and Article 81. It shall keep records concerning the identification and monitoring of those points.		1. Where an authorised operator intends to issue a plant passport, it shall identify and monitor the points of its production process, and the points concerning the movement of plants, plant products and other objects ~~by that operator~~, which are critical as regards compliance with the rules adopted pursuant to Article 27(1), (2) and (3), Article 29(1), (2) and (3), Article 37(1), Article 41(~~3~~**01**), Article 80 and Article 82, and, where applicable, Article 33(2), Article 50(~~3~~**01**) and Article 81. It shall keep **for at least 3 years** records concerning the identification and monitoring of those points.	Ok with Council text (whole Article)

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2. The authorised operator referred to in paragraph 1 shall provide appropriate training to its personnel involved in the examinations referred to in Article 82, to ensure that that personnel possesses the necessary knowledge to carry out those examinations.		2. The authorised operator referred to in paragraph 1 shall ~~provide~~**ensure that appropriate** training **is provided, when necessary,** to its personnel involved in the examinations referred to in Article 82, to ensure that that personnel possesses the necessary knowledge to carry out those examinations.	
Article 86 **Phytosanitary risk management plans**	*Article 86* **Phytosanitary risk management plans**	*Article 86* ~~**Phytosanitary**~~**Pest risk management plans**	*Article 86* **Phytosanitary risk management plans**
1. The competent authority may approve, as appropriate, phytosanitary risk management plans of authorised operators, setting out the measures implemented by those operators to fulfil the obligations set out in Article 85(1).		1. **Authorised operators may have in place pest risk management plans.** The competent authority ~~may~~**shall** approve**,** ~~as appropriate, phytosanitary risk management plans~~ **those plans, if they fulfil all of** ~~authorised operators, setting~~**the following conditions:**	Ok with Council text (whole Article except IA/DA)
		a) they set out measures which are appropriate for those operators to fulfil the obligations set out in Article 85(1);	
		b) they fulfil the requirements set out in paragraph 2.	

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		Authorized operators implementing an approved pest risk management plan may be subject to inspections with a reduced frequency, as referred to in Article 19 of the Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on Official Controls*]	
2. The phytosanitary risk management plan shall cover, where appropriate in the form of instruction manuals, at least the following:		2. The ~~phytosanitary~~**pest** risk management ~~plan~~**plans** shall cover, where appropriate in the form of ~~instruction~~**standard operating procedure** manuals, at least the following:	
(a) the information required under Article 62(2) concerning the registration of the authorised operator;			
(b) the information required under Article 65(3) and 66(1) concerning the traceability of plants, plant products and other objects;			
(c) a description of the production processes of the authorised operator and its activities as regards movement and sales of plants, plant products and other objects;			

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(d) an analysis of the critical points referred to in Article 85(1) and the measures taken by the authorised operator to mitigate the phytosanitary risks associated with those critical points;		(d) an analysis of the critical points referred to in Article 85(1) and the measures taken by the authorised operator to mitigate the ~~phytosanitary~~**pest** risks associated with those critical points;	
(e) the procedures in place and actions foreseen in the case of suspicion or findings of quarantine pests, the recording of those suspicion or findings and the recording of the actions taken;			
(f) the roles and responsibilities of the personnel involved in the notifications referred to in Article 9(1), the examinations referred to in Article 82(1), and the issuance of plant passports pursuant to Article 79(1), Article 88(1) and (2) and Article 89;		(f) the roles and responsibilities of the personnel involved in the notifications referred to in Article ~~9(1)~~ **15**, the examinations referred to in Article 82(1), ~~and~~ the issuance of plant passports pursuant to Article 79(1), Article 88(1) and (2) and Article 89**, and the attaching of plant passports pursuant to Article 83**;	
(g) the training provided to the personnel referred to in point (f).			
3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending the elements referred to in paragraph 2.		DELETED	IA/DA

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		3a. Where the competent authority becomes aware that the professional operator concerned does not apply the measures referred to in point (a) of paragraph (1), or that a pest risk management plan is no longer up to date with any of the requirements referred to in point (b) of paragraph (1) , that authority shall without delay take the measures necessary to ensure that non-compliance with those conditions does not continue. Those measures may include the withdrawal of the approval of that plan. **Where the competent authority has taken measures in accordance with the first subparagraph , other than the withdrawal of the approval of the plan, and non-compliance continues, that authority shall without delay withdraw that approval.**	

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Article 87 **Withdrawal of authorisation**	*Article 87* **Withdrawal of authorisation**	*Article 87* **Inspections and withdrawal of authorisation**	*Article 87* **Withdrawal of authorisation**
		01. The competent authority shall carry out inspections at least once per year, and sampling and testing if appropriate, to verify whether the authorised operators comply with Article 78(1), (2), (2b), (3), Article 82, Article 83, Article 84(1), Article 85 or Article 88(1), (2), (3), (5).	Ok with Council text (whole Article)

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1. Where the competent authority becomes aware that an authorised operator does not comply with Article 82(1), (2), (3) or (4) or Article 84(1), or that a plant, plant product or other object, for which that professional operator has issued a plant passport, does not comply with Article 80 or, where applicable, Article 81, that authority shall without delay take the measures necessary to ensure that non-compliance with those provisions does not continue.		1. Where the competent authority becomes aware that an authorised operator does not comply with **the provisions referred to in paragraph (01)** or that a plant, plant product or other object, for which that professional operator has issued a plant passport, does not comply with Article 80 or, where applicable, Article 81, 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 withdrawal of the authorisation to issue plant passports for the plants, plant products and other objects concerned.**	

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2. Where the competent authority has taken measures in accordance with paragraph 1, other than the withdrawal of the authorisation to issue plant passports, and non-compliance continues, that authority shall without delay withdraw that authorisation.		2. Where the competent authority has taken measures in accordance with paragraph 1, other than the withdrawal of the authorisation to issue plant passports **for the plants, plant products and other objects concerned**, and non-compliance continues, that authority shall without delay withdraw that authorisation.	
Article 88 **Replacing a plant passport**	*Article 88* **Replacing a plant passport**	*Article 88* **Replacing a plant passport**	*Article 88* **Replacing a plant passport**
1. An authorised operator which has received a lot of plants, plant products or other objects, for which a plant passport has been issued, or the competent authority acting on request of a professional operator, may issue a new plant passport for that lot, replacing the plant passport initially issued for that lot, provided that the conditions of paragraph 3 are fulfilled.		1. An authorised operator which has received **a** ~~lot~~ **trade unit of** plants, plant products or other objects, for which a plant passport has been issued, or the competent authority acting on request of a professional operator, may issue a new plant passport for that ~~lot~~ **trade unit**, replacing the plant passport initially issued for that ~~lot~~ **trade unit**, provided that the conditions of paragraph 3 are fulfilled.	Ok with Council text

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2. Where a lot of plants, plant products or other objects, for which a plant passport has been issued, is divided into two or more lots, the authorised operator responsible for those new lots, or the competent authority acting on request of a professional operator, shall issue a plant passport for each new lot resulting from the division, provided that the conditions set out in paragraph 3 are fulfilled. Those plant passports shall replace the plant passport issued for the initial lot.		2. Where **a** ~~lot~~ **trade unit of** plants, plant products or other objects, for which a plant passport has been issued, is divided into two or more ~~lot~~ **trade units**, the authorised operator responsible for those new ~~lot~~ **trade units**, or the competent authority acting on request of a professional operator, shall issue a plant passport for each new ~~lot~~ **trade unit** resulting from the division, provided that the conditions set out in paragraph 3 are fulfilled. Those plant passports shall replace the plant passport issued for the initial ~~lot~~ **trade unit**.	2. Where a trade unit of plants, plant products or other objects, for which a plant passport has been issued, is divided into two or more **new** trade units, the authorised operator responsible for those new trade units, or the competent authority acting on request of a professional operator, shall issue a plant passport for each new trade unit resulting from the division, provided that the conditions set out in paragraph 3 are fulfilled. Those plant passports shall replace the plant passport issued for the initial trade unit.
Where two lots, for each of which a plant passport has been issued, are combined into a single lot, the authorised operator responsible for that new lot, or the competent authority acting on request of a professional operator, shall issue a plant passport for that lot. That plant passport shall replace the plant passport issued for the initial lots, provided that the conditions in paragraph 3 are fulfilled.		DELETED	Ok with Council text

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3. A plant passport, as provided for in paragraphs 1 and 2, may only be issued if the following conditions are fulfilled:			
(a) the identity of the plants, plant products or other objects concerned is guaranteed; and		(a) **the traceability requirements referred to in Article 65 (2a) concerning** ~~the identity of~~ the plants, plant products or other objects concerned ~~is guaranteed~~ **are fulfilled**; ~~and~~	Ok with Council text
(b) the plants, plant products or other objects concerned continue to comply with the requirements referred to in Articles 80 and 81.		(b) **as applicable,** the plants, plant products or other objects concerned continue to comply with the requirements referred to in Articles 80 and 81; **and**	Ok with Council text
		(c) the characteristics of the plants, plant products or other objects concerned have not changed.	Ok with Council text
4. Where a plant passport is issued pursuant to paragraphs 1 or 2, the examination referred to in Article 82(1) shall not be required.			
5. Following the replacement of a plant passport referred to in paragraphs 1 and 2, the authorised operator concerned shall retain the replaced plant passport for three years.		5. Following the replacement of a plant passport **as** referred to in paragraphs 1 and 2, the authorised operator concerned shall retain the replaced plant passport ~~for~~**or its content for at least** three years.	Ok with Council text

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In case a plant passport is issued by the competent authority to replace a plant passport, the professional operator, on whose request it is issued, shall retain the replaced plant passport for three years.		In case **the replacement of a plant passport as referred to in paragraphs 1 and 2 is** ~~issued~~**carried out** by the competent authority ~~to replace a plant passport~~, the professional operator, on whose request it is issued, shall retain the replaced plant passport ~~for~~**or its content for at least** three years. **That retainment may take the form of storage of the information contained in the plant passport in a computerised database, provided that this includes the information contained in any traceability barcode, hologram, chip or other data carrier, which may supplement the traceability code, as referred to in Annex VI.**	

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Article 89 **Plant passports replacing phytosanitary certificates**	*Article 89* **Plant passports replacing phytosanitary certificates**	*Article 89* **Plant passports replacing phytosanitary certificates**	*Article 89* **Plant passports replacing phytosanitary certificates**
1. By way of derogation from Article 82, where a plant, plant product or other object, introduced into the Union territory from a third country, which for movement within the Union territory requires a plant passport pursuant to the implementing acts referred to in Article 74(1) and 75(1), such a passport shall be issued where the checks pursuant to Article 47(1) of Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on Official Controls*]concerning the introduction of the respective plant, plant product or other object have been completed satisfactorily.	**AM 112** 1. By way of derogation from Article 82, where a plant, plant product or other object, introduced into the Union territory from a third country, which for movement within the Union territory requires a plant passport pursuant to the implementing acts referred to in Article 74(1) and 75(1), such a passport shall be issued where the checks pursuant to Article 47(1) of Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on Official Controls*]concerning the introduction of the respective plant, plant product or other object have been completed satisfactorily ***and have come to the result that the plants, plant products or other objects concerned fulfil the substantive requirements for issuance of a plant passport according to Article 80 and, where appropriate, Article 81***.		AM accepted with slight rewording "1. By way of derogation from Article 82, where a plant, plant product or other object, introduced into the Union territory from a third country, which for movement within the Union territory requires a plant passport pursuant to the implementing acts referred to in Article 74(1) and 75(1), such a passport shall be issued where the checks pursuant to Article 47(1) of Regulation (EU) No …/…. [Office of Publications, please insert number of Regulation on Official Controls]concerning the introduction of the respective plant, plant product or other object have been completed satisfactorily and have come to the **conclusion** that the plants, plant products or other objects concerned fulfil the substantive requirements for issuance of a plant passport according to Article 80 and, where appropriate, Article 81."

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		<u>The replacement of a phytosanitary certificate by a plant passport may be carried out at the place of destination of the plant, plant product or other object concerned, instead of the point of entry, where checking at the place of destination is allowed pursuant to an implementing act adopted in accordance with Article […]of the Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on Official Controls*]</u>	Ok with Council text
		<u>1a. By way of derogation from the first subparagraph of paragraph 1, Member States may decide to replace a phytosanitary certificate at the place of entry of the</u>	Ok with Council text

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		plant, plant product or other object concerned into the Union territory, by a certified copy of the original phytosanitary certificate.	

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		That certified copy of the original phytosanitary certificate shall be issued by the competent authority and shall accompany the movement of the plant, plant product or other object concerned only up to the point where the plant passport is issued and only within the territory of the respective Member State.	

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2. Following the issuance of a plant passport referred to in paragraph 1, the authorised operator issuing that plant passport shall, where applicable, retain the phytosanitary certificate for three years. Where point (c) of Article 95(2) applies, that phytosanitary certificate shall be replaced by a certified copy of it.		2. ~~Following the issuance of a plant passport referred to in paragraph 1, the authorised operator issuing that plant passport shall, where applicable, retain the phytosanitary certificate for three years.~~ **The competent authority** shall retain the phytosanitary certificate for **at least** three years. **That retainment may take the form of storage of the information contained in the phytosanitary certificate in a computerised database.** Where point (~~c~~**a0**) of Article 95(2) applies, that phytosanitary certificate shall be replaced by a certified copy of it.	Ok with Council text

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Article 90 **Obligation to remove the plant passport**	*Article 90* **Obligation to remove the plant passport**	*Article 90* **~~Obligation to remove~~ Invalidation and removal of the plant passport**	*Article 90* **Obligation to remove the plant passport**
1. The professional operator which has under its control a lot of plants, plant products or other objects, shall remove the plant passport from that lot, in case it becomes aware that any of the requirements of Articles 78 to 82, 84 or 85 are not fulfilled.		1. The professional operator which has under its control a ~~lot~~ **trade unit** of plants, plant products or other objects, shall ~~remove~~ **invalidate** the plant passport **and, where possible, remove it** from that ~~lot~~ **trade unit**, in case it becomes aware that any of the requirements of Articles 78 to 82, 84, 85**, 88, or 89** are not fulfilled.	Ok with Council text (whole Article)
The professional operator shall invalidate that plant passport by drawing a clearly visible and indelible diagonal red line over it.		DELETED	
		Without prejudice to the notification obligation referred to in Article 15, that professional operator shall inform the competent authority under the competence of which it operates.	

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2. In case the professional operator fails to comply with paragraph 1, the competent authorities shall remove the plant passport from the lot concerned and shall invalidate that plant passport by drawing a clearly visible and indelible diagonal red line over it.		2. In case the professional operator fails to comply with paragraph 1, the competent authorities shall ~~remove~~**invalidate** the plant passport **and, where possible, remove it** from the ~~lot~~ **trade unit** concerned~~ and shall invalidate that plant passport by drawing a clearly visible and indelible diagonal red line over it.~~	
3. Where paragraphs 1 and 2 apply, the professional operator concerned shall retain the invalidated plant passport for three years.		3. Where paragraphs 1 and 2 apply, the professional operator concerned shall retain the invalidated plant passport ~~for~~ **or its content for at least** three years. **That retainment may take the form of storage of the information contained in the invalidated plant passport in a computerised database, provided that this includes the information contained in any traceability barcode, hologram, chip or other data carrier, which may supplement the traceability code , as referred to in Annex VI, and a statement concerning that invalidation.**	

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4. Where paragraphs 1 and 2 apply, the professional operator concerned shall inform accordingly the authorised operator, or competent authority, who issued the invalidated plant passport.			
5. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States where a plant passport was removed and invalidated pursuant to paragraph 2.			

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SECTION 3 **OTHER ATTESTATIONS**	**SECTION 3** **OTHER ATTESTATIONS**		**SECTION 3** **OTHER ATTESTATIONS**
Article 91 **Marking of wood packaging material**	*Article 91* **Marking of wood packaging material**	*Article 91* **Marking of wood packaging material, wood, or other objects**	*Article 91* **Marking of wood packaging material**
1. The mark attesting that wood packaging material has been treated against Union quarantine pests and protected zone quarantine pests, in accordance with a method established pursuant to Article 27(1) or (2), Article 29(1) or (2), Article 41(1) or (2) or Article 50(1) or (2), shall contain the elements set out in Annex VII.		DELETED	Ok with Council text (whole Article except IA/DA)
		The mark applied on wood packaging material, wood or other objects to attest ~~verify~~ that a treatment has been applied in accordance with Annex 1 of ISPM 15 shall comply with the requirements set out in Annex 2 of ISPM15, in all of the following cases:	
		(a) wood packaging material introduced into the Union territory from a third country, as referred to in Article 41b;	

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		(b) wood packaging material marked within the Union territory, moving out of the Union territory;	
		(c) wood packaging material, wood or other objects moving within the Union territory, if required so by an implementing act adopted pursuant to Articles 27, 29, 41 or 50.	
		(d) any other wood packaging material, wood or other object marked within the Union territory.	
		The mark shall only be applied where the wood packaging material, wood or other objects have been subject to the approved treatments referred to in Annex 1 of ISPM15, without prejudice to Regulation 1005/2009 and Regulation 1007/2009 ~~Commission Decision 2011/120/EU.~~	

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		For wood packaging material, wood or other objects marked in the Union territory, the mark shall only be applied by a registered operator authorised in accordance with Article 92. **Points (a) and (b) shall not apply to wood packaging material which is subject to the exemptions provided for in ISPM15.**	
2. The Commission shall be empowered, in accordance with Article 98, to adopt delegated acts amending Annex VII to adapt that mark to the development of international standards.		2. The Commission shall be empowered, in accordance with Article 98, to adopt delegated acts amending ~~Annex VII~~**and supplementing the requirements of paragraph 1,** to adapt ~~that mark~~ **them** to the development of international standards **and notably to ISPM15**.	
3. The mark shall only be applied by a professional operator authorised in accordance with Article 92.		DELETED	

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4. The Commission shall adopt, by means of implementing acts, the format specifications of the mark referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).		DELETED	IA/DA **OPEN** COM: have a "may"
		Article 91a **Repairing of wood packaging material in the Union territory**	
		1. Wood packaging material that is marked with the mark referred to in Article 91 shall only be repaired if all of the following conditions are fulfilled :	Ok with Council text (whole Article except IA/DA)
		(a) the person carrying out that repair is a registered operator authorised according to Article 92;	
		(b) material and treatment used are eligible for repair;	
		(c) the mark is applied anew, as appropriate.	

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		2. The Commission shall by means of implementing acts set out specific requirements concerning the material, treatment and marking referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99 (3). Those implementing acts shall take into account relevant international standards and notably the International Standard for Phytosanitary Measures No 15 *Regulation of Wood Packaging Material in International Trade* (ISPM15).	**OPEN** IA/DA
		3. Paragraphs 1 and 2 shall not apply in the case where a professional operator permanently obliterates by any means all earlier applications of that mark from the wood packaging material.	

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Article 92 **Authorisation and supervision of professional operators applying the mark of wood packaging material in the Union territory**		*Article 92* **Authorisation and supervision of ~~professional~~ registered operators applying the mark of wood packaging material in the Union territory**	
1. An authorisation to apply the mark referred to in Article 91(3) shall be granted to a registered operator provided that it fulfils the following conditions:		1. An authorisation to apply the mark referred to in Article 91~~(3)~~ **and to repair wood packaging material according to Article 91a** shall be granted **by the competent authority on application** to a registered operator provided that it fulfils **all of** the following conditions:	Ok with Council text (whole Article except IA/DA)
(a) it possesses the necessary knowledge to carry out the treatment of the wood packaging material required pursuant to the acts referred to in Article 91(1);		(a) it possesses the necessary knowledge to carry out the treatment of the wood packaging material**, wood and other objects** required pursuant to the acts referred to in Article 91~~(1)~~ **and 91a;**	

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(b) it operates appropriate facilities to carry out that treatment (hereinafter: 'treatment facilities').		(b) it operates appropriate facilities **and equipment** to carry out that treatment (hereinafter: 'treatment facilities'~~).~~**);**	
The Commission shall be empowered, in accordance with Article 98, to adopt delegated acts amending the requirements for authorisation, where appropriate in view of the development of scientific and technical knowledge. The authorisation shall be granted by the competent authority on application.		The Commission ~~shall be empowered, in accordance with Article 98, to adopt delegated acts amending~~**may, by means of an implementing act specify** the requirements for authorisation, where appropriate in view of the development of scientific and technical knowledge~~.~~ **and international standards. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).** ~~The authorisation shall be granted by the competent authority on application.~~	**OPEN** IA/DA

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2. By way of derogation from paragraph 1, the authorisation referred to in that paragraph may be granted, concerning the marking of wood packaging material entirely composed of treated wood, where the registered operator fulfils all of the following conditions:		~~2. By way of derogation from paragraph 1, the authorisation referred to in that paragraph may be granted, concerning the marking of wood packaging material entirely composed of treated wood, where the registered operator fulfils all of the following conditions:~~ **An authorisation to apply the mark referred to in Article 91 and to repair~~ing~~ wood packaging material according to Article 91a shall be granted by the competent authority on application to a registered operator, using wood treated in a facility of another operator, provided that it fulfils all of the following conditions for wood packaging material ~~to be~~ marked with that mark :**	
(a) it exclusively uses wood from treatment facilities operated by a registered operator authorised pursuant to paragraph 1;		(a) it exclusively uses wood**:**	

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		(i) **which has been subject to the approved treatments referred to in Annex 1 of ISPM 15 and has been treated in** ~~from treatment~~ facilities operated by a registered operator authorised pursuant to paragraph 1; **or**	
		(ii) which has been subject to the approved treatments referred to in Annex 1 of ISPM15 in a treatment facility in a third country that has been approved by the national plant protection organisation of that third country.	
(b) it ensures that the wood used for that purpose can be traced back to those treatment facilities;		(b) it ensures that the wood used for that purpose can be traced back to those treatment facilities **in the Union teritory or to the third country treatment facilities concerned**;	

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(c) where applicable pursuant to Articles 27(1) and (2), 29(1) and (2), 41(1) and (2) and 50(1) and (2), it exclusively uses wood referred to in point (a) which is accompanied by a plant passport.		(c) where applicable pursuant to Articles 27(1) and (2), 29(1) and (2), 41(1) and (2) and 50(1) and (2), it exclusively uses wood referred to in point (a) which is accompanied by a plant passport **or any other document providing guarantees that the treatment requirements referred to in Annex 1 of ISPM15 are fulfilled.**	
3. The competent authority shall supervise the professional operators authorised pursuant to paragraph 1, to verify and ensure that they treat and mark wood packaging material in accordance with Article 91(1) and fulfil the conditions set out in paragraphs 1 and 2.		3. The competent authority shall supervise **at least once per year** the ~~professional~~ **registered** operators authorised pursuant to paragraph**s** 1 **and 2**, to verify and ensure that they treat and mark **as appropriate** wood packaging material**, wood and other objects** in accordance with Article 91(1) **and (1a) and** fulfil the conditions set out **respectively** in paragraphs 1 and 2.	

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The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, supplementing the requirements set out in this paragraph concerning the supervision of professional operators by the competent authority.		DELETED	**OPEN** IA/DA
4. Where the competent authority becomes aware that a professional operator does not comply with the requirements referred to in paragraphs 1, 2 or 3, that authority shall without delay take the measures necessary to ensure that non-compliance with those provisions does not continue.		4. Where the competent authority becomes aware that a professional operator does not comply with the requirements referred to in paragraphs 1~~,~~ **or** ~~3~~2, that authority shall without delay take the measures necessary to ensure that **the** non-compliance with those provisions does not continue.	

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Where the competent authority has taken those measures, other than the withdrawal of the authorisation referred to in paragraph 1, and non-compliance continues, that authority shall without delay withdraw the authorisation referred to in paragraph 1.		Where the competent authority has taken those measures, other than the withdrawal of the authorisation referred to in paragraph**s** 1 **or 2**, and non-compliance continues, that authority shall without delay withdraw the authorisation referred to in paragraph**s** 1 **or 2.**	
Article 93 **Attestations other than the mark of wood packaging material**	*Article 93* **Attestations other than the mark of wood packaging material**	*Article 93* **Attestations other than the mark of wood packaging material**	*Article 93* **Attestations other than the mark of wood packaging material**
1. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out the elements to be contained in official attestations, specific for plants, plant products or other objects, other than wood packaging material, which are required by the applicable international standards as form of proof of the implementation of measures adopted pursuant to Article 27(1) or (2), Article 29(1) or (2), Article 41(1) or (2) or Article 50(1) or (2).		1. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out the elements to be contained in official attestations, specific for plants, plant products or other objects, other than wood packaging material, which are required by the applicable international standards as form of proof of the implementation of measures adopted pursuant to Article 27(1) or (2), Article 29(1) or (2), Article 41(1) or (2), **Article 42,** or Article 50(1) or (2).	Ok with Council text

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2. Those delegated acts may also set out requirements concerning one or more of the following:			
(a) the authorisation of professional operators as regards the issuance of the official attestations referred to in paragraph 1;			
(b) the supervision by the competent authority of the professional operators authorised pursuant to point (a);			
(c) the withdrawal of that authorisation referred to in point (a).			
3. The Commission shall adopt, by means of implementing acts, the format specifications of the attestations referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).			

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SECTION 4 EXPORT OF PLANTS, PLANT PRODUCTS AND OTHER OBJECTS FROM THE UNION TERRITORY	**SECTION 4 EXPORT OF PLANTS, PLANT PRODUCTS AND OTHER OBJECTS FROM THE UNION TERRITORY**		**SECTION 4 EXPORT OF PLANTS, PLANT PRODUCTS AND OTHER OBJECTS FROM THE UNION TERRITORY**
Article 94 **Phytosanitary certificate for export**	*Article 94* **Phytosanitary certificate for export**	*Article 94* **Phytosanitary certificate for export from the Union**	*Article 94* **Phytosanitary certificate for export**
1. Where for the export of a plant, plant product or other object from the Union territory to a third country, a phytosanitary certificate is required by the rules of that third country (hereinafter: 'phytosanitary certificate for export'), that certificate shall be issued by the competent authority, at the request of the professional operator which has under its control the plant, plant product or other object to be exported.		1. Where for the export of a plant, plant product or other object from the Union territory to a third country, a phytosanitary certificate is required by the ~~rules~~ **phytosanitary import requirements** of that third country (hereinafter: 'phytosanitary certificate for export'), that certificate shall be issued by the competent authority , at the request of the professional operator ~~which has under its control~~**, when all of the** ~~plant, plant product or other object to be exported.~~**following conditions are fulfilled:**	Ok with Council text (whole Article)

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		(a) the professional operator is registered by that competent authority in accordance with Article 61 ;	
		(b) the professional operator has under its control the plant, plant product or other object to be exported;	
		(c) it is ensured that that plant, plant product or other object complies with the phytosanitary import requirements of the third country concerned.	
		The competent authority shall also issue a phytosanitary certificate for export at the request of persons other than professional operators, provided that the conditions set out in points (b) and (c) of the first subparagraph are fulfilled. **For the purpose of this paragraph, the competent authority shall not delegate the issuance of the phytosanitary certificate for export to any other person.**	

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2. The phytosanitary certificate for export shall be issued provided that the information available is sufficient to certify compliance with the requirements of the third country concerned. That information may originate, where applicable, from one or more of the following elements:		2. ~~The~~**Without prejudice to obligations under the International Plant Protection Convention, and taking into account the relevant international standards, the** phytosanitary certificate for export shall be issued provided that the information available ~~is sufficient~~ **allows the competent authority** to certify compliance **of the plant, plant product or other object concerned** with the **phytosanitary import** requirements of the third country concerned. That information may originate~~,~~ ~~where applicable,~~ from one or more of the following elements**, as applicable**:	
		(a0) official inspections, sampling and testing of the plants, plant products or other objects concerned, or their place of production and its vicinities;	

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		(a00) official information on the pest status in the production site, place of production, area or country of origin of the plants, plant products or other objects concerned;	
(a) a plant passport, as referred to in Article 73, accompanying the plant, plant product or other object concerned;		(a) a plant passport, as referred to in Article 73, accompanying the plant**s,** plant product**s** or other object**s** concerned**, where that plant passport attests the results of official examinations by the competent authority**;	
(b) the mark of wood packaging material as referred to in Article 91(1), or the attestation referred to in Article 93(1);			
(c) the information included in the pre-export certificate referred to in Article 96;			
(d) official information included in the phytosanitary certificate as referred to in Article 67, where the plant, plant products or other object concerned has been introduced into the Union territory from a third country;		(d) official information included in the phytosanitary certificate as referred to in Article 67, where the plant**s**, plant products or other object**s** concerned ~~has~~ **have** been introduced into the Union territory from a third country;	

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(e) official inspections, sampling and testing of the plant, plant product or other object concerned.		DELETED	
3. The phytosanitary certificate for export shall contain the elements set out in Part A of Annex VIII.		3. The phytosanitary certificate for export shall ~~contain the elements~~ **comply with the description and format of the model** set out in Part A of Annex VIII.	
4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending Part A of Annex VIII to adapt it to scientific and technical developments and the development of international standards.		4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending **and supplementing the elements referred to in paragraph 2 and** Part A of Annex VIII to adapt ~~it to scientific and technical developments and~~ **them to** the development **of the relevant** international standards.	
5. The Commission shall adopt, by means of implementing acts, the format specifications of the phytosanitary certificate as referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).		DELETED	

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6. Electronic phytosanitary certificates for export shall only be valid when provided through, or in electronic exchange with, the computerised information management system referred to in Article 130 of Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on Official Controls*].		6. Electronic phytosanitary certificates for export shall ~~only~~ be~~valid when~~ provided through, or in electronic exchange with, the computerised information management system referred to in Article 130 of Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on Official Controls*].	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
Article 95 **Phytosanitary certificate for re-export**	*Article 95* **Phytosanitary certificate for re-export**	*Article 95* **Phytosanitary certificate for re-export from the Union**	*Article 95* **Phytosanitary certificate for re-export**
1. Where a plant, plant product or other object originates in a third country and has been introduced into the Union territory from that, or another, third country, a phytosanitary certificate for re-export may be issued instead of the phytosanitary certificate for export. The phytosanitary certificate for re-export shall be issued by the competent authority at the request of the professional operator which has under its control the plant, plant product or other object to be exported.		1. ~~Where~~**For the re-export of** a plant, plant product or other object **which** originates in a third country and has been introduced into the Union territory from that, or another, third country, a phytosanitary certificate for re-export ~~may~~**from the Union (hereinafter: 'the phytosanitary certificate for re-export') shall, where possible,** be issued instead of the phytosanitary certificate for export. The phytosanitary certificate for re-export shall be issued by the competent authority at the request of the professional operator ~~which has under its control the plant, plant product or other object to be exported.~~**when the following conditions are fulfilled:**	Ok with Council text (whole Article)
		(a) that professional operator is registered by that competent authority in accordance with Article 61 ;	

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		(b) the professional operator has under its control the plant, plant product or other object to be re-exported,	
		(c) it is ensured that that plant, plant product or other object complies with the phytosanitary import requirements of the third country concerned;	
		The competent authority shall also issue a phytosanitary certificate for re-export at the request of persons other than professional operators, provided that the conditions set out in points (b) and (c) of the first subparagraph are fulfilled.	
		For the purpose of this paragraph, the competent authority shall not delegate the issuance of the phytosanitary certificate for re-export to any other person.	

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2. The phytosanitary certificate for re-export shall be issued provided that all of the following conditions are complied with:		2. ~~The~~**Without prejudice to obligations under the International Plant Protection Convention, and taking into account the relevant international standards, the** phytosanitary certificate for re-export shall be issued provided that **the information available allows to certify compliance with the phytosanitary import requirements of the third country concerned and that** all of the following conditions are complied with:	
		(a0) the original phytosanitary certificate accompanying the plant, plant product or other object concerned from the third country of origin, or a certified copy of it, is attached to the phytosanitary certificate for re-export~~.~~;	
(a) the plant, plant product or other object concerned has not been grown, produced or processed in the Member State from which it is exported to the third country concerned;		(a) the plant, plant product or other object concerned has not been grown, produced or processed **to change its nature** since its introduction in the Union teritory ~~in the Member State from which it is exported to the third country concerned~~ ;	

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(b) the plant, plant product or other object concerned has not been exposed to any risk of infestation with quarantine pests, listed as such by the third country of destination, during storage in the Member State from which it is to be exported to that third country;		(b) the plant, plant product or other object concerned has not been exposed to any risk of infestation **or contamination** with quarantine pests **or regulated non-quarantine pests**, listed as such by the third country of destination, during storage in the Member State from which it is to be exported to that third country;	
(c) where available, the phytosanitary certificate accompanying the plant, plant product or other object concerned from the third country of origin, or a certified copy of it, is attached to the phytosanitary certificate for re-export.		(c) ~~where available, the phytosanitary certificate accompanying the plant, plant product or other object concerned from the third country of origin, or a certified copy of it, is attached to the phytosanitary certificate for re-export~~**the identity of the plant, plant product or other object concerned has been maintained**.	
3. The provisions of Article 94(2), concerning the information sufficient to certify compliance with the requirements of the third country concerned, shall apply accordingly.		3. The provisions of Article 94(2), concerning the information ~~sufficient~~**allowing** to certify compliance with the **phytosanitary import** requirements of the third country concerned, shall apply accordingly.	

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4. The phytosanitary certificate for re-export shall contain the elements set out in Part B of Annex VIII.		4. The phytosanitary certificate for re-export shall ~~contain the elements~~**comply with the description and format of the model** set out in Part B of Annex VIII.	
5. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending Part B of Annex VIII to adapt it to scientific and technical developments and the development of international standards.		5. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, amending **and supplementing** Part B of Annex VIII to adapt it to ~~scientific and technical developments and~~ **the development of the relevant** international standards.	
6. The Commission shall adopt, by means of implementing acts, the format specifications of the phytosanitary certificate as referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).		DELETED	

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	AM 113 ***6a. The Commission shall consult the Advisory Group on the food chain and animal and plant health established under the Commission Decision 2004/613/EC[1]. This advisory group shall provide inputs during the preparation of implementing and delegated acts.*** ***[1] Commission Decision of 6 August 2004 concerning the creation of an advisory group on the food chain and animal and plant health (OJ L 275, 25.8.2004, p. 17).***		AM withdrawn
7. Electronic phytosanitary certificates for re-export shall only be valid when provided through, or in electronic exchange with, the computerised information management system referred to in Article 130 of Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on Official Controls*].		Electronic phytosanitary certificates for re-export shall ~~only~~ be ~~valid when~~ provided through, or in electronic exchange with, the computerised information management system referred to in Article 130 of Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on Official Controls*].	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
Article 96 **Pre-export certificates**	*Article 96* **Pre-export certificates**	*Article 96* **Pre-export certificates**	*Article 96* **Pre-export certificates**
1. The Member State from which the plants, plant products and other objects referred to in Article 94(1) are exported and the Member State in which the plants, plant products and other objects were grown, produced or processed, shall exchange information as necessary for issuing, without delay, the phytosanitary certificate for export.		1. The **competent authorities of the** Member State from which the plants, plant products **or** ~~and~~ other objects referred to in Article 94(1) are exported and the **competent authorities of the** Member State in which the plants, plant products ~~and~~ **or** other objects were grown, produced**, stored** or processed, shall exchange **the necessary phytosanitary** information as ~~necessary~~**the basis** for issuing~~, without delay,~~ the phytosanitary certificate for export.	Ok with Council text (whole Article)

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2. The exchange of information referred to in paragraph 1 shall take the form of a harmonised document (hereinafter 'pre-export certificate'), in which the Member State, in which the plants, plant products and other objects were grown, produced or processed, attests compliance of those plants, plant products or other objects with specific phytosanitary requirements concerning one or more of the following:		2. The exchange of information referred to in paragraph 1 shall take the form of a harmonised document (hereinafter 'pre-export certificate'), in which the **competent authorities of the** Member State, in which the plants, plant products and other objects were grown, produced**, stored** or processed, ~~attests~~**certifies** compliance of those plants, plant products or other objects with specific phytosanitary requirements concerning one or more of the following:	
(a) the absence of particular pests in the plants, plants products or other objects concerned;		(a) the absence**, or presence below a specified threshold,** of particular pests in the plants, plants products or other objects concerned;	
(b) the origin of the plants, plant products or other objects concerned;		(b) the origin of the plants, plant products or other objects concerned **in a specific field, production site, place of production or area;**	
		(ba) the pest status in the field, production site, place of production or area of origin or country of origin of the plants, plant products or other objects concerned;	

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		(bb) the results of the official examination, sampling and testing of the plants, plant products or other objects concerned;	
(c) the phytosanitary procedures applied to the production or processing of the plants, plant products or other objects concerned.			
3. The pre-export certificate shall be issued, on request of the professional operator, by the Member State in which the plants, plant products or other objects were grown, produced or processed, while those plants, plant products or other objects are on the premises of the professional operator concerned.	**AM 114** 3. The pre-export certificate shall be issued, on request of the professional operator, by the Member State***, or authorised professional operator as defined in Article 84,*** in which the plants, plant products or other objects were grown, produced or processed, while those plants, plant products or other objects are on the premises of the professional operator concerned.	3. The pre-export certificate shall be issued, on request of the professional operator, by **the competent authorities of ~~the~~** the Member State in which the plants, plant products or other objects were grown, produced**, stored** or processed, while those plants, plant products or other objects are on the premises of the professional operator concerned.	AM withdrawn

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4. The pre-export certificate shall accompany the plants, plant products and other objects concerned during their movement within the Union territory, unless the information contained in it is exchanged between the Member States concerned by electronic means.		4. The pre-export certificate shall accompany the plants, plant products and other objects concerned during their movement within the Union territory, unless the information contained in it is exchanged between the Member States concerned ~~by electronic means~~ **through, or in electronic exchange with, the computerised information management system referred to in Article 130 of Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on Official Controls*].**	

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		4a. Without prejudice to the requirements set out in paragraph 3, the pre-export certificate may be issued when the plants, plant products or other objects have left the premises of the professional operator concerned, provided that inspections and, where necessary, sampling have been carried out, confirming the compliance of those plants, plant products or other objects with one or more of the specific phytosanitary requirements referred to in paragraph 2.	

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5. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out the contents of the pre-export certificate.		5. **The pre-export certificate shall contain the elements and shall be in the format as set out in Part C of Annex VIII.** The Commission shall be empowered to adopt delegated acts, in accordance with Article 98**,** ~~setting out the contents of the pre-export certificate.~~ **amending and supplementing Part C of Annex VIII, to adapt it to the technical and scientific developments, and to the development of the relevant international standards.**	
6. The Commission shall adopt, by means of implementing acts, the format specifications of the pre-export certificate. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).		6. The Commission ~~shall adopt~~ **may** , by means of implementing acts, **lay down the** ~~format specifications~~ **procedures for the issuance** of the pre-export certificate. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).	

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Chapter VII **Supporting measures by the Commission**	**Chapter VII** **Supporting measures by the Commission**		**Chapter VII** **Supporting measures by the Commission**
Article 97 **Establishment of electronic notification system**	*Article 97* **Establishment of electronic notification system**	*Article 97* **Establishment of electronic notification system**	*Article 97* **Establishment of electronic notification system**
1. The Commission shall establish an electronic system for the submission of notifications by the Member States. That system shall be connected to and compatible with the computerised information management system referred to in Article 130(1) of Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on Official Controls*].	**AM 115** 1. The Commission shall establish an electronic system for the submission of notifications by the Member States ***and for informing professional operators if appropriate***. That system shall be connected to and compatible with the computerised information management system referred to in Article 130(1) of Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on Official Controls*].		AM withdrawn Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
2. Where the notification concerns the presence of a pest in plants, plant products or other objects introduced into, officially presented for introduction into, or moved within, the Union territory, the notification referred to in paragraph 1 shall contain a reference to the plants, plant products and other objects concerned, the nature of the non-compliance and the measures taken. Where the notification concerns the presence of a pest in the territory of a Member State, other than in a plant, plant product or other object introduced into, officially presented for introduction into, or moved within, the Union territory, the notification referred to in paragraph 1 shall contain a reference to the plants, plant products and other objects concerned, the name of the pest, the location and GPS coordinates of that presence, and the measures taken.		DELETED	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		Article 97a **Information items, format and deadlines of notifications, and notifications in the case of suspected presence of pests**	
		The Commission may, by means of implementing acts, lay down specific rules concerning the submission of notifications referred to in Articles 10(1) and (1a), 12, 16(3), 18(2), 27(7), subparagraph 1 of 28(3), 29(7), 33(1), 40(4), 41(4), 44(4), 47(6), 49(5), 50(4) 57(1), 72(2) and 90(5) . Those rules shall concern one or more the following elements :	IA/DA EP could accept IA
		(a) the information items to be included in those notifications;	
		(b) the format of those notifications and instructions on how to fill-in that format;	
		(c) deadlines for the submission of particular information items as referred to in point (a).	

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		(d) the cases where the suspected presence of a pest shall be notified due to the need of swift action in view of its biology and possibility of rapid and wide spread.	
		(e) the cases of non-compliance to be notified where that non-compliance creates a risk for spread of a Union quarantine pest or a pest provisionally qualifying as union quarantine pest.	
		Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).	
Chapter VIII Final provisions	**Chapter VIII Final provisions**		**Chapter VIII Final provisions**
Article 98 **Exercise of the delegation**	*Article 98* **Exercise of the delegation**	*Article 98* **Exercise of the delegation**	*Article 98* **Exercise of the delegation**
1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			

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		1a. It is of particular importance that the Commission carries out consultations with experts, including Member States' experts, before adopting those delegated acts	IA/DA
2. The delegation of power referred to in Articles 1(2), 7(1) and (2), 8(6), 11(3), 20, 22(3), 25(4), 30, 32(4), 34(1), 38, 44(2), 45(3), 46(6), 48, 61(3), 67(4), 71(4), 76, 78(4), 82(4), 84(2), 86(3), 91(2), 92(1) and (3), 93(1), 94(4), 95(5) and 96(5) shall be conferred on the Commission for an indeterminate period of time from the entry into force of this Regulation.	**AM 116** 2. The delegation of power referred to in Articles 1(2), ***5(2), 6(2),*** 7(1) and (2), 8(6), 11(3), 20, 22(3), 25(4), ***27,*** 30, 32(4), 34(1), ***37(2),*** 38, 44(2), 45(3), 46(6), 48, 61(3), 67(4), 71(4), 76, 78(4), 82(4), 84(2), 86(3), 91(2), 92(1) and (3), 93(1), 94(4), 95(5) and 96(5) shall be conferred on the Commission for ***a*** ~~**an indeterminate**~~ period of ~~**time**~~ ***five years*** from...* ***The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council oposses such extension.*** * OJ: Please insert the the date of entry into force of this Regulation.	2. The delegation of power referred to in Articles ~~1(2)~~, 7(1) ~~and (2)~~, ~~8(6)~~, ~~11(3)~~, 20, ~~22(3), 25(4), 30, 32(4), 34(1),~~ 38, **41b(2),** ~~44(2), 45(3), 46(6),~~ 48, 61(3a), 67(4), ~~71(4),~~ 76**(2)**, 78(4), ~~82(4), 84(2), 86(3),~~ 91(2), ~~92(1) and (3),~~ 93(1), 94(4), 95(5) and 96(5) shall be conferred on the Commission for a period of 5 years ~~an indeterminate period of time~~ from the entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	AM included in Council text IA/DA

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3. The delegation of power referred to in Articles 1(2), 7(1) and (2), 8(6), 11(3), 20, 22(3), 25(4), 30, 32(4), 34(1), 38, 44(2), 45(3), 46(6), 48, 61(3), 67(4), 71(4), 76, 78(4), 82(4), 84(2), 86(3), 91(2), 92(1) and (3), 93(1), 94(4), 95(5) and 96(5) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	**AM 117** 3. The delegation of power referred to in Articles 1(2), ***5(2), 6(2),*** 7(1) and (2), 8(6), 11(3), 20, 22(3), 25(4), ***27,*** 30, 32(4), 34(1), ***37(2),*** 38, 44(2), 45(3), 46(6), 48, 61(3), 67(4), 71(4), 76, 78(4), 82(4), 84(2), 86(3), 91(2), 92(1) and (3), 93(1), 94(4), 95(5) and 96(5) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	The delegation of power referred to in Articles ~~1(2)~~, 7(1) ~~and (2)~~, ~~8(6)~~, ~~11(3)~~, 20, ~~22(3), 25(4), 30, 32(4), 34(1),~~ 38, **41b(2),** ~~44(2), 45(3), 46(6),~~ 48, 61(3a), 67(4), ~~71(4),~~ 76**(2)**, 78(4), ~~82(4), 84(2), 86(3),~~ 91(2), ~~92(1) and (3),~~ 93(1), 94(4), 95(5) and 96(5) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	IA/DA
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			

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5. A delegated act adopted pursuant to Articles 1(2), 7(1) and (2), 8(6), 11(3), 20, 22(3), 25(4), 30, 32(4), 34(1), 38, 44(2), 45(3), 46(6), 48, 61(3), 67(4), 71(4), 76, 78(4), 82(4), 84(2), 86(3), 91(2), 92(1) and (3), 93(1), 94(4), 95(5) and 96(5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.		5. A delegated act adopted pursuant to Articles ~~1(2)~~, 7(1) ~~and (2)~~, ~~8(6)~~, ~~11(3)~~, 20, ~~22(3), 25(4), 30, 32(4), 34(1),~~ 38, **41b(2),** ~~44(2), 45(3), 46(6),~~ 48, 61(3a), 67(4), ~~71(4),~~ 76**(2)**, 78(4), ~~82(4), 84(2), 86(3),~~ 91(2), ~~92(1) and (3),~~ 93(1), 94(4), 95(5) and 96(5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.	IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	AM 118 ***5a. Four years after *, the Commission shall present a report to the European Parliament and Council concerning the use of the power to adopt delegated acts provided for in paragraph 2.*** **** OJ: Please insert the date of entry into force of this Regulation.***		AM withdrawn (included in Council text under (2))
	AM 119 ***Article 98a*** ***Urgency procedure*** ***Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.*** ***Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 98(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or by the Council.***		IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
Article 99 **Committee procedure**	*Article 99* **Committee procedure**	*Article 99* **Committee procedure**	*Article 99* **Committee procedure**
1. The Commission shall be assisted by the Standing Committee on Plants, Animals, Food and Feed established by Article 58(1) of Regulation (EC) No 178/2002 of the European Parliament and of the Council. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.			
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so requests.		DELETED	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so requests.			
4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof shall apply.			

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Article 100 **Penalties**	*Article 100* **Penalties**	*Article 100* **Penalties**	*Article 100* **Penalties**
The Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by …… [*Office of Publications, please insert date of application of this Regulation*] at the latest and shall notify them without delay of any subsequent amendments affecting them.	**AM 120** The Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate ***to the extent of the financial loss and phytosanitary damage incurred throughout the Union's territory,*** and dissuasive.		AM withdrawn
Article 101 **Repeals**	*Article 101* **Repeals**	Article 101 ***Repeals***	*Article 101* **Repeals**
1. Directive 2000/29/EC is repealed. The following acts are also repealed:			Ok with Council text (whole Article)
(a) Directive 69/464/EEC;			
(b) Directive 69/466/EEC;		DELETED	
(c) Directive 74/647/EEC ;			
(d) Directive 93/85/EEC;			
(e) Directive 98/57/EC;			
		(ea) Directive 2006/91/EC;	

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(f) Directive 2007/33/EC.			
2. References to those repealed acts shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex IX hereto.			
Article 102 **Amendment of Regulation (EU) […]/2013**	*Article 102* **Amendment of Regulation (EU) […]/2013**	**Article 102** **Amendment of Regulation (EU) 652/2014** ~~*[…]/2013*~~	*Article 102* **Amendment of Regulation (EU) […]/2013**
[*Office of Publications, please insert number of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material*]		DELETED	Ok with Council text (whole Article)
Regulation (EU) No [….]/2013 [*Office of Publications, please insert number of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material*] is amended as follows:		Regulation (EU) No ~~[….]/2013 [*Office of Publications, please insert number of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material*]~~**652/2014** is amended as follows:	
(1) In Article 1, point (e) is replaced by the following: '(e) on protective measures against pests of plants;'			

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		(1a) In Article ~~17~~5 (2), the following point (c) is inserted after point (b):	
(2) In Article 17(1), points (a), (b) and (c) are replaced by the following:		(2) In Article 1**6**~~7~~(1), points (a), (b) and (c) are replaced by the following:	
'(a) measures to eradicate a pest from an infested area, taken by the competent authorities pursuant to Article 16(1), 27(1) or 29(1) of Regulation (EU) No […]/[…] of the European Parliament and of the Council [on protective measures against pests of plants]*;		'(a) measures to eradicate a pest from an infested area, taken by the competent authorities pursuant to Article 16(1), 27(1)**, 28(1)** or 29(1) of Regulation (EU) No […]/[…] of the European Parliament and of the Council [on protective measures against pests of plants]*;	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(b) measures to contain a priority pest, listed pursuant to Article 6(2) of Regulation (EU) No […]/[…]*, against which Union containment measures have been adopted pursuant to Article 27(2) or Article 29(2) of that Regulation, in an infested area from which that priority pest cannot be eradicated, where those measures are essential to protect the Union territory against further spread of that priority pest. Those measures shall concern the eradication of that pest from the buffer zone surrounding that infested area in case its presence is detected in that buffer zone;		(b) measures to contain a priority pest, listed pursuant to Article 6(2) of Regulation (EU) No […]/[…]*, against which Union containment measures have been adopted pursuant to Article 27(2) ~~or Article 29(2)~~ of that Regulation, in an infested area from which that priority pest cannot be eradicated, where those measures are essential to protect the Union territory against further spread of that priority pest. Those measures shall concern the eradication of that pest from the buffer zone surrounding that infested area in case its presence is detected in that buffer zone;	
(c) prevention measures taken against the spread of a priority pest, listed pursuant to Article 6(2) of Regulation (EU) No […]/[…]*, against which Union measures have been adopted pursuant to Article 27(3) or Article 29(3) of that Regulation, where those measures are essential to protect the Union territory against further spread of that priority pest.		(c) prevention measures taken against the spread of a priority pest, listed pursuant to Article 6(2) of Regulation (EU) No […]/[…]*, against which Union measures have been adopted pursuant to Article 27(3) ~~or Article 29(3)~~ of that Regulation, where those measures are essential to protect the Union territory against further spread of that priority pest.	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	AM 121 ***(ca) measures to rapidly eradicate invasions of alien species at an early stage, taken by the Member States pursuant to Article 15 of Regulation (EU) No […]/2014 of the European Parliament and of the Council *,*** _____ ****Regulation (EU) No […]/2014 of the European Parliament and of the Council from ... on the prevention and management of the introduction and spread of invasive alien species (OJ L ..., ..., ...).***		AM withdrawn
* OJ L …, ……., p. …' [*Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [….]/2013 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*]			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(3) Article 18 is amended as follows:		(3) Article ~~18~~**17** is ~~amended as follows~~ **replaced by the following**: **'*Article 17* *Conditions***	
		The measures referred to in Article 16 may qualify for grants provided that they have been applied immediately and the applicable provisions laid down in the relevant Union law have been complied with, and provided that one or more of the following conditions is fulfilled:	
		(a) they concern Union quarantine pests, listed pursuant to Article 5(2) of Regulation (EU) No […]/[…]* as not known to occur in the Union territory;	
		(b) they concern pests, not listed as Union quarantine pests, which are subject to a measure adopted by the competent authority of a Member State pursuant to Article 28(1) of Regulation	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		(EU) No […]/[…]*;	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		(c) they concern pests, not listed as Union quarantine pests, which are covered by a measure adopted by the Commission pursuant to Article 29(1) of Regulation (EU) No […]/[…]*;	
		(d) they concern priority pests listed pursuant to Article 6(2) of Regulation (EU) No […]/[…]*.	
		For measures fulfilling the condition laid down in point (b), the grant shall not cover costs incurred later than two years after the entry into force of the measure adopted by the competent authority of the Member State concerned [pursuant to Article 28(1) of Regulation (EU) No […]/[…]*], or incurred after the expiry of that measure. For measures fulfilling the condition laid down in point (c), the grant shall not cover costs incurred after the expiry of the measure adopted by the Commission pursuant to Article 29(1) of Regulation (EU) No […]/[…]*.	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		*** OJ L …, ……., p. …'** **[*Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No 652/2014 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*]**	
(a) In the first paragraph, points (a) and (b) are replaced by the following:		DELETED	
(a) they concern Union quarantine pests not known to occur in the Union territory, listed pursuant to Article 5(2) of Regulation (EU) No […]/[…]*;		DELETED	
(b) they concern priority pests listed pursuant to Article 6(2) of Regulation (EU) No […]/[…]*;		DELETED	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(c) they concern pests, not listed as Union quarantine pests, which are covered by a measure adopted by the Commission pursuant to Article 29(1) of Regulation (EU) No […]/[…]*.		DELETED	
	AM 122 ***(ca) they concern live specimens of species, subspecies or lower taxon of plants, fungi or micro-organisms that, if introduced into the Union territory, may have a negative impact on plant health, and which are covered by early eradication measures adopted pursuant to Article 15 of Regulation (EU) No […]/2014**** _____ ****OJ, please insert the the number of Regulation (EU) No[...]/2014 of the European Parliament and the Council on the prevention and management of the introduction and spread of invasive alien species..***		AM withdrawn

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
* OJ L …, ……., p. …' [*Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [….]/2013 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*]		DELETED	
(b) The second paragraph is replaced by the following:		DELETED	
For measures fulfilling the condition laid down in point (c) of the first paragraph, the grant shall not cover costs incurred after the expiry of the measure adopted by the Commission pursuant to Article 29(1) of Regulation (EU) No […]/[…]*.		DELETED	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
* OJ L …, ……., p. …' [*Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [….]/2013 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*]		DELETED	
(4) Paragraph 1 of Article 19 is amended as follows:		(4) Paragraph**In paragraph 1 of Article** ~~19~~**18, point (d) is** ~~amended as follows:~~	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		'(d) costs of compensation to the owners concerned for the value of the destroyed plants, plant products or other objects subject to the measures referred to in Article 16, limited to the market value of such plants, plant products and other objects as if they were not affected by those measures; the salvage value, if any, shall be deducted from the compensation; and'	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(a) The following point (ca) is inserted after point (c):		DELETED	
(ca) costs incurred by Member States for compensation to the operators referred to in Article 2(7)(a), (b) and (c) of Regulation (EU) […]/[…]* for the value of the destroyed plants, plant products or other objects subject to the measures referred to in Article 16 of that Regulation, as regards priority pests, listed pursuant to Article 6(2) of that Regulation;		DELETED	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	AM 123 ***(cb) costs incurred by Member States for compensation to the operators referred to in Article 2(7)(a), (b) and (c) of Regulation (EU) No […]/2014 of the European Parliament and of the Council on protective measures against pests of plants* for the value of the destroyed plants, plant products or other objects covered by measures for rapid eradication at an early stage of invasion adopted pursuant to Article 15 of Regulation(EU) No […]/[…]***** _____ ****Regulation (EU) No .../2014 of the European Parliament and of the Council from ...on protective measures against pests of plants (OJ L, ..., ...).*** *****OJ, please insert the number of Regulation (EU) No[...]/2014 of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species.***		AM withdrawn

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	AM 124 ***(cc) costs of compensation to operators referred to in Article 2(7)(a), (b) and (c) of Regulation (EU) […]/[…]* for the implementation of enhanced biosecurity measures essential to protect the Union territory against priority pests.*** _____ ****OJ, please insert the number of Regulation (EU) No .../2014 of the European Parliament and of the Council from ...on protective measures against pests of plants***.		AM withdrawn
* OJ L …, ……., p. …' [*Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No […]/2013 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*]		DELETED	
(b) Point (d) is replaced by the following:		DELETED	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
'(d) in exceptional and duly justified cases, taking into account the Union added value of the measures, the costs incurred in carrying out other necessary measures than those referred to in points (a) to (ca), provided that such measures are set out in the grant decision referred to in Article 35(3).'		DELETED	
(c) The following second subparagraph is added:		DELETED	
'For the purposes of point (ca) of the first subparagraph, the compensation shall not exceed the market value of the plants, plant products or other objects immediately before they were destroyed and the salvage value, if any, shall be deducted from the compensation.'	**AM 125** 'For the purposes of point (ca), ***(cb) and (cc)*** of the first subparagraph, the compensation shall not exceed the market value of the plants, plant products or other objects immediately before they were destroyed and the salvage value, if any, shall be deducted from the compensation.'	DELETED	AM withdrawn

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(5) Article 20 is amended as follows:		(5) Article **19**~~20~~ is amended as follows:	
(a) In the first paragraph, points (a) and (b) are replaced by the following:		(a) ~~**In the first paragraph, points (a) and (b) are**~~ **The first paragraph is** replaced by the following:	
		'Grants may be awarded to Member States for annual and multiannual survey programmes that they carry out concerning the presence of pests ('survey programmes'), provided that those survey programmes comply with at least one of the following three conditions:	
(a) they concern Union quarantine pests not known to occur in the Union territory, listed pursuant to Article 5(2) of Regulation (EU) No […]/[…]*;		(a) they concern Union quarantine pests ~~**not known to occur in the Union territory,**~~ listed pursuant to Article 5(2) of Regulation (EU) No […]/[…]***as not known to occur in the Union territory**;	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(b) they concern priority pests listed pursuant to Article 6(2) of Regulation (EU) […]/[…]*;		(b) they concern priority pests listed pursuant to Article 6(2) of Regulation (EU) […]/[…]*; **and**	
(c) they concern pests not listed as Union quarantine pests which are covered by a measure adopted by the Commission pursuant to Article 29(1) of Regulation (EU) No […]/[…]*.			
* OJ L …, ……., p. …' [*Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [….]/2013 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*]			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(d) The third paragraph is replaced by the following:			
'For measures fulfilling the condition laid down in point (c) of the first paragraph, the grant shall not cover costs incurred after the expiry of the measure adopted by the Commission pursuant to Article 29(1) of Regulation (EU) No […]/[…]*.			
* OJ L …, ……., p. …' [*Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) No [….]/2013 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*]			
		(6) Article 20 is amended as follows:	
		Point (a0) is added before point (a):	
		'(a0) costs for visual inspections;'	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		(7) Article 47 is amended as follows: **Point 2 is replaced by the following:** **'(2) The following Article is inserted:** **Member States shall provide that anyone who becomes aware of the presence of a pest listed in Annex I or Annex II or a pest covered by a measure pursuant to Article 16 (2) or 16(3), or has reason to suspect such a presence, shall notify the competent authority within ten calendar days, and, if so requested by that competent authority, shall provide the information concerning that presence which is in its possession.** **Where the notification is not submitted in writing, the competent authority shall officially record it.**	[to harmonise the notification regime] '(2) The following Article is inserted: Member States shall provide that anyone who becomes aware of the presence of a pest listed in Annex I or Annex II or a pest covered by a measure pursuant to Article 16 (2) or 16(3), or has reason to suspect such a presence, shall **immediately** notify the competent authority ~~within ten calendar days~~, and, if so requested by that competent authority, shall provide the information concerning that presence which is in its possession. Where the notification is not submitted in writing, the competent authority shall officially record it.

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		Article 102a **Amendment of the Regulation (EU) No 228/2013**[28]	
		Article 24 of the Regulation (EU) No 228/2013 of the European Parliament and the Council of the 13 March 2013 laying down specific measures for agriculture in the outermost regions of the Union and repealing Council regulation (EC) No 247/2006 is amended as follows:	OK with Council text (whole Article)
		' Union financing of the programmes for the control of pests in the outermost regions of the Union shall be implemented in accordance with the provisions of Regulation (EU) No 652/2014 for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material'	

[28] OJ L 78 of 20.3.2013, p.23

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		Article 102b **Amendment of Regulation (EU) 1143/2014**	
		Regulation (EU) No 1143/2014 is amended as follows:	OK with Council text (whole Article)
		(1) In Article 2, point (d) is replaced by the following:	
		'(d) pests of plants listed pursuant to Article 5(2) or Article 32(3), or subject to measures pursuant to Article 29(1) of Regulation (EU) No XXX/XXXX [on protective measures against pests of plants*];'	
		*** OJ L …, ……., p. …'** **[*Office of Publications, please insert this footnote, referring to the present Regulation, in Regulation (EU) 1143/2014 on the prevention and management of the introduction and spread of invasive alien species*]**	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
Article 103 **Entry into force and application**	*Article 103* **Entry into force and application**	*Article 103* **Entry into force and application**	*Article 103* **Entry into force and application**
1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.			OK with Council text (whole Article)
It shall apply [*Office of Publications, please insert date counting 36 months from the entry into force*].			
2. Article 97(2) shall apply from the date when the systems referred to in Article 97(1) are established.		DELETED	
3. The acts referred to in points (a), (d), (e) and (f) of Article 101(1) shall be repealed on 31 December 2021. In case of conflict between the provisions of those acts and the provisions of this Regulation, the provisions of this Regulation shall prevail.			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		4. Point 7 of Article 102 shall apply from 1 January 2017.	
		5. Paragraph 3 of Article 94 and paragraph 4 of Article 95 shall apply from 1 January 2021.	
This Regulation shall be binding in its entirety and directly applicable in all Member States.			
Done at Brussels,			
For the European Parliament *The President* For the Council *The President*			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
ANNEX I	**ANNEX I**	DELETED	**ANNEX I**
Territories for which, for the purpose of this Regulation, references to third countries shall be read as references to third countries and to those territories, and for which references to the Union territory shall be read as references to the Union territory without those territories, as referred to in Article 1(2)	**Territories for which, for the purpose of this Regulation, references to third countries shall be read as references to third countries and to those territories, and for which references to the Union territory shall be read as references to the Union territory without those territories, as referred to in Article 1(2)**	DELETED	**Territories for which, for the purpose of this Regulation, references to third countries shall be read as references to third countries and to those territories, and for which references to the Union territory shall be read as references to the Union territory without those territories, as referred to in Article 1(2)**
The territories of:		DELETED	OK with Council text (whole Annex)
1. Guadeloupe		DELETED	
2. French Guiana		DELETED	
3. Martinique		DELETED	
4. Réunion		DELETED	
5. Saint-Martin		DELETED	
6. Mayotte		DELETED	
7. Ceuta		DELETED	
8. Melilla		DELETED	
9. The Canary Islands		DELETED	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	AM 126 ***Annex Ia*** ***List of Union quarantine pests referred to in Article 5*** ***HARMFUL ORGANISMS NOT KNOWN TO OCCUR IN ANY PART OF THE COMMUNITY AND RELEVANT FOR THE ENTIRE COMMUNITY*** ***a) Insects, mites and nematodes, at all stages of their development*** ***Acleris spp. (non-European)*** ***Aculops fuchsiae Keifer*** ***Agrilus planipennis Fairmaire*** ***Aleurochantus spp.*** ***Amauromyza maculosa (Malloch)*** ***Anomala orientalis Waterhouse*** ***Anoplophora chinensis (Thomson)*** ***Anoplophora glabripennis (Motschulsky)*** ***Anoplophora malasiaca (Forster)*** ***Anthonomus bisignifer (Schenkling)*** ***Anthonomus signatus (Say)*** ***Aonidella citrina Coquillet*** ***Aphelenchoïdes besseyi Christie*** ***Arrhenodes minutus Drury*** ***Aschistonyx eppoi Inouye*** ***Bemisia tabaci Genn. (non-European populations) vectors of viruses such as:*** ***a) Bean golden mosaic virus*** ***b) Cowpea mild mottle virus***		IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	c) Lettuce infectious yellows virus		
	d) Pepper mild tigré virus ***e) Squash leaf curl virus*** ***f) Euphorbia mosaic virus*** ***g) Florida tomato virus*** ***Bursaphelenchus xylophilus (Steiner et Buher) Nickle et al.*** ***Carposina niponensis Walsingham*** ***Cicadellidae (non-European) known to be vectors of Pierce's disease (caused by Xylella fastidiosa), such as:*** ***(a) Carneocephala fulgida Nottingham*** ***(b) Draeculacephala minerva Bali*** ***(c) Graphocephala atropunctata (Signoret)*** ***Choristoneura spp. (non-European)*** ***Conotrachelus nenuphar (Herbst)*** ***Dendrolimus sibiricus Tschetverikov*** ***Diabrotica barberi Smith & Lawrence*** ***Diabrotica undecimpunctata howardi Barber*** ***Diabrotica undecimpunctata undecimpunctata Mannerheim*** ***Diabrotica virgifera zeae Krysan & Smith*** ***Diaphorina citri Kuway***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	Enarmonia packardi (Zeller) ***Enarmonia prunivora Walsh*** ***Eotetranychus lewisi McGregor*** ***Grapholita inopinata Heinrich*** ***Heliothis zea (Boddie)*** ***Hirschmanniella spp., other than*** ***Hirschmanniella gracilis (de Man) Luc et Goodey*** ***Hishomonus phycitis*** ***Leucaspis japonica Ckll.*** ***Liriomyza sativae Blanchard*** ***Listronotus bonariensis (Kuschel)*** ***Longidorus diadecturus Eveleigh et Allen*** ***Margarodes, non-European species, such as: a) Margarodes vitis (Phillipi)*** ***Margarodes vredendalensis de Klerk c) Margarodes prieskeansis Jakubski*** ***Monochamus spp. (non-European)*** ***Myndus crudus Van Duzee*** ***Nacobbus aberrans (Thorne) Thorne et Allen*** ***Naupactus leucoloma Boheman*** ***Numonia pirivorella (Matsumura)*** ***Oligonychus perditus Pritchard et Baker*** ***Pissodes spp. (non-European)*** ***Premnotrypes spp. (non-European)*** ***Pseudopityophthorus minutissimus (Zimmermann)***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	Pseudopityophthorus pruinosus (Eichhoff) ***Radopholus citrophilus Huettel Dickson et Kaplan*** ***Rhynchophorus palmarum (L.)*** ***Scaphoideus luteolus (Van Duzee)*** ***Scirtothrips aurantii Faure*** ***Scirtothrips dorsalis Hood*** ***Scirtothrips citri (Moultex)*** ***Scolytidae spp. (non-European)*** ***Scrobipalpopsis solanivora Povolny*** ***Spodoptera eridania (Cramer)*** ***Spodoptera frugiperda (Smith)*** ***Spodoptera litura (Fabricus)*** ***Tachypterellus quadrigibbus Say*** ***Taxoptera citricida Kirk.*** ***Thaumatotibia leucotreta*** ***Thrips palmi Karny*** ***Tephritidae (non-European) such as:*** ***(a) Anastrepha fraterculus (Wiedemann)*** ***(b) Anastrepha ludens (Loew)*** ***(c) Anastrepha obliqua Macquart*** ***(d) Anastrepha suspensa (Loew)*** ***(e) Dacus ciliatus Loew*** ***(f) Dacus cucurbitae Coquillet*** ***(g) Dacus dorsalis Hendel*** ***(h) Dacus tryoni (Froggatt)*** ***(i) Dacus tsunconis Miyake*** ***(j) Dacus zonatus Saund.***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	(k) Epochra canadensis (Loew) ***(l) Pardalaspis cyanescens Bezzi*** ***(m) Pardalaspis quinaria Bezzi*** ***(n) Pterandrus rosa (Karsch)*** ***(o) Rhacochlaena japonica Ito*** ***(p) Rhagoletis cingulata (Loew)*** ***(q) Rhagoletis completa Cresson*** ***(r) Rhagoletis fausta (Osten-Sacken)*** ***(s) Rhagoletis indifferens Curran*** ***(t) Rhagoletis mendax Curran*** ***(u) Rhagoletis pomonella Walsh*** ***(v) Rhagoletis ribicola Doane*** ***(w) Rhagoletis suavis (Loew)*** ***Trioza erytreae Del Guercio*** ***Unaspis citri Comstock*** ***Xiphinema americanum Cobb sensu lato (non-European populations)*** ***Xiphinema californicum Lamberti et Bleve-Zacheo*** ***(b) Bacteria*** ***Citrus greening bacterium*** ***Citrus variegated chlorosis*** ***Erwinia stewartii (Smith) Dye*** ***Xanthomonas campestris (all strains pathogenic to Citrus)*** ***Xanthomonas campestris pv.***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	oryzae (Ishiyama) Dye and pv. oryzicola (Fang. et al.) Dye ***Xylella fastidiosa (Well et Raju)*** ***(c) Fungi*** ***Alternaria alternata (Fr.) Keissler (non-European pathogenic isolates)*** ***Anisogramma anomala (Peck) E. Müller*** ***Apiosporina morbosa (Schwein.) v. Arx*** ***Atropellis spp.*** ***Ceratocystis fagacearum (Bretz) Hunt*** ***Ceratocystis virescens (Davidson) Moreau.*** ***Cercoseptoria pini-densifloae (Hori et Nambu) Deighton*** ***Cercospora angolensis Carv. et Mendes*** ***Ciborinia camelliae Kohn*** ***Chrysomyxa arctostaphyli Dietel*** ***Cronartium spp. (non-European)*** ***Diaporthe vaccinii Shaer*** ***Endocronartium spp. (non-European)*** ***Elsinoe spp. Bitanc. et Jenk. Mendes*** ***Fusarium oxysporum f. sp. albedinis (Kilian et Maire) Gordon*** ***Guignardia citricarpa Kiely (all strains pathogenic to Citrus)*** ***Guignardia laricina (Saw.)***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	Yamamoto et Ito ***Guignardia piricola (Nosa) Yamamoto*** ***Gymnosporangium spp. (non-European)*** ***Inonotus weiril (Murril) Kotlaba et Pouzar*** ***Melampsora farlowii (Arthur) Davis*** ***Monilinia fructicola (Winter) Honey*** ***Mycosphaerella larici-leptolepis Ito et al.*** ***Mycosphaerella populorum G. E. Thompson*** ***Phoma andina Turkensteen*** ***Phyllosticta solitaria Ell. et Ev.*** ***Puccinia pittieriana Hennings*** ***Septoria lycopersici Speg. var. malagutii Ciccarone et Boerema*** ***Scirrhia acicola (Dearn.) Siggers*** ***Stegophora ulmea (Schweinitz: Fries)*** ***Sydow & Sydow*** ***Thecaphora solani Barrus*** ***Tilletia indica Mitra*** ***Trechispora brinkmannii (Bresad.) Rogers*** ***Venturia nashicola Tanaka et Yamamoto***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	(d) Viruses and virus-like organisms ***Elm phlöem necresis mycoplasm*** ***Potato viruses and virus-like organisms, such as:*** ***(a) Andean potato latent virus*** ***(b) Andean potato mottle virus*** ***(c) Arracacha virus B, oca strain*** ***(d) Potato black ringspot virus*** ***(e) Potato spindle tuber viroid*** ***(f) Potato virus T*** ***(g) Non-European isolates of potato viruses A, M, S, V, X, and Y (including Y o, Y n and Y e) and Potato leafroll virus*** ***Tobacco ringspot virus*** ***Tomato ringspot virus*** ***Viruses and virus-like organisms of Cydonia Mill., Fragaria L., Malus Mill., Prunus L., Pyrus L., Ribes L., Rubus L. and Vitis L., such as:*** ***(a) Blueberry leaf mottle virus*** ***(b) Cherry rasp leaf virus (American)*** ***(c) Peach mosaic virus (American)*** ***(d) Peach phony rickettsia***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	(e) Peach rosette mosaic virus ***(f) Peach rosette mycoplasm*** ***(g) Peach X-disease mycoplasm*** ***(h) Peach yellows mycoplasm*** ***(i) Plum line pattern virus (American)*** ***(j) Raspberry leaf curl virus (American)*** ***(k) Strawberry latent C virus*** ***(l) Strawberry vein banding virus*** ***(m) Strawberry witches' broom mycoplasm*** ***(n) Non-European viruses and virus-like organisms of Cydonia Mill., Fragaria L., Malus Mill., Prunus L., Pyrus L., Ribes L., Rubus L. and Vitis L.*** ***Viruses transmitted by Bemisia tabaci Genn., such as:*** ***(a) Bean golden mosaic virus*** ***(b) Cowpea mild mottle virus*** ***(c) Lettuce infectious yellows virus*** ***(d) Pepper mild tigré virus*** ***(e) Squash leaf curl virus*** ***(f) Euphorbia mosaic virus*** ***(g) Florida tomato virus*** ***Beet curly top virus (non-European isolates)***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	Black raspberry latent virus ***Blight and blight-like*** ***Cadang-Cadang viroid*** ***Cherry leafroll virus*** ***Chrysanthemum stem necrosis virus Citrus mosaic virus*** ***Citrus tristeza virus (non-European isolates)*** ***Leprosis*** ***Little cherry pathogen (non-European isolates)*** ***Naturally spreading psorosis*** ***Palm lethal yellowing mycoplasm*** ***Prunus necrotic ringspot virus*** ***Satsuma dwarf virus*** ***Tatter leaf virus*** ***Witches' broom (MLO)*** ***e) Parasitic plants*** ***Arceuthobium spp. (non-European)*** ***HARMFUL ORGANISMS KNOWN TO OCCUR IN THE COMMUNITY AND RELEVANT FOR THE ENTIRE COMMUNITY*** ***(a) Insects, mites and nematodes, at all stages of their development*** ***Diabrotica virgifera virgifera Le Conte***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	Globodera pallida (Stone) Behrens ***Globodera rostochiensis (Wollenweber) Behrens*** ***Meloidogyne chitwoodi Golden et al. (all populations)*** ***Meloidogyne fallax Karssen*** ***Opogona sacchari (Bojer)*** ***Popillia japonica Newman*** ***Rhizoecus hibisci Kawai & Takagi*** ***Spodoptera littoralis (Boisduval)*** ***(b) Bacteria*** ***Clavibacter michiganensi (Smith) Davis et al. ssp. sepedonicus (Spieckermann et Kotthoff) Davis et al.*** ***Pseudomonas solanacearun (Smith) Smith*** ***(c) Fungi*** ***Melampsora medusae Thümen*** ***Synchytrium endobioticum (Schilhersky) Percival*** ***(d) Viruses and virus-like organisms*** ***Apple proliferation mycoplasm*** ***Apricot chlorotic leafroll mycoplasm*** ***Pear decline mycoplasm*** ***(e) Other*** ***Pomacea spp.***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	AM 127 ***ANNEX Ib*** ***List of Union priority pests reffered to in Article 6(2)*** ***(a) Insects, mites and nematodes, at all stages of their development*** ***Anoplophora chinensis (Thomson)*** ***Anoplophora glabripennis (Motschulsky)*** ***Bursaphelenchus xylophilus (Steiner et Buher) Nickle et al.*** ***Cicadellidae (non-European species) known to carry Pierce's disease (caused by Xylella fastidiosa), such as:*** ***(a) Carneocephala fulgida Nottingham*** ***(b) Draeculacephala minerva Ball*** ***(c) Graphocephala atropunctata (Signoret)*** ***Diaphorina citri Kuway*** ***Paysandisia archon*** ***Pistosia dactyliferae*** ***Rhynchophorus ferrugineus*** ***Thaumatotibia leucotreta*** ***Trioza erytreae Del Guercio***		IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	(b) Bacteria ***Citrus greening bacterium*** ***Pseudomonas solanacearun (Smith) Smith*** ***Pseudomonas syringae*** ***Xanthomonas campestris (all strains pathogenic to Citrus)*** ***Xanthomonas campestris pv. oryzae (Ishiyama) Dye and pv. oryzicola (Fang. et al.) Dye*** ***Xylella fastidiosa (Well et Raju)*** ***(c) Fungi*** ***Elsinoe spp. Bitanc. et Jenk. Mendes*** ***gibberella circinata*** ***Guignardia citricarpa Kiely (all strains pathogenic to Citrus)*** ***Hypoxylon mammatum*** ***Phythoptora ramorum*** ***Trechispora brinkmannii (Bresad.) Rogers*** ***Venturia nashicola Tanaka et Yamamoto*** ***(d) Virus and virus-like organisms*** ***Potato viruses and virus-like organisms such as:*** ***(a) Andean potato latent virus*** ***(b) Andean potato mottle virus*** ***(c) Arracacha virus B, oca strain***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	(d) Potato black ringspot virus ***(e) Potato spindle tuber viroid*** ***(f) Potato virus T*** ***(g) Non European isolates of potato viruses A, M, S, V, X, and Y (including Y o, Y n and Y e) and Potato leafroll virus*** ***Grapevine flavescence dorée MLO*** ***(e) other*** ***Pomacea spp.***		
	AM 128 ***Annex Ic*** ***List of quality pests referred to in Article 36*** ***INSECTS*** ***Acanthoscelides obtectus Sag.*** ***Pelargonium flower break carmovirus*** ***Aceria essigi.*** ***Aculops fockeui.*** ***Agromyzidae*** ***Aleurodidae, particularly Bemisia tabaci*** ***Aleurothrixus floccosus (Mashell)*** ***Anarsia lineatella.*** ***Aphelenchoides spp.*** ***Blastophaga spp.*** ***Bruchus affinis Froel.*** ***Bruchus atomarius L.*** ***Bruchus pisorum L.*** ***Bruchus rufimanus Boh.*** ***Cacoecimorpha pronubana*** ***Cecidophyopsis ribis.***		IA/DA

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	Circulifer haematoceps ***Circulifer tenellus*** ***Scale insects, particularly:*** ***Epidiaspis leperii, Pseudaulacaspis pentagona, Quadraspidiotus perniciosus.*** ***Daktulosphaira vitifoliae (Fitch)*** ***Diarthronomia chrysanthemi*** ***Ditylenchus destructor Thorne*** ***Ditylenchus dipsaciEpichoristodes acerbella*** ***Epidiaspis leperii.*** ***Eriophis avellanae.*** ***Eriophyes similis.*** ***Eriosoma lanigerum*** ***Eumerus spp.*** ***Eusophera pinguis.*** ***Eutetranychus orientalis Klein*** ***Helicoverpa armigera (Hübner)*** ***Lepidoptera*** ***Liriomyza huidobrensis (Blanchard)*** ***Liriomyza trifolii (Burgess)*** ***Meloidogyne spp.*** ***Merodon equestris*** ***Myzus ornatus*** ***Otiorrhynchus sulcatus*** ***Parabemisia myricae (Kuwana)*** ***Parabemisia, myricae (Kuwana).*** ***Parasaissetia nigra (Nietner)*** ***Paysandisia archon (Burmeister)*** ***Pratylenchus penetrans*** ***Pratylenchus spp.***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	Pseudaulacaspis pentagona. ***Quadraspidiotus perniciosus*** ***Quadraspidiotus perniciosus*** ***Radopholus similis (Cobb) Thorne*** ***Rhizoglyphidae*** ***Rhyacionia buoliana*** ***Rhyzoglyphus spp.*** ***Rotylenchus robustus*** ***Salssetia oleae.*** ***Sciara*** ***Tarsonemidae*** ***Tarsonemidae.*** ***Tetranychus urticae*** ***Thysanoptera*** ***Tylenchulus semipenetrans*** ***Pelargonium line pattern virus*** ***BACTERIA*** ***Agrobacterium rhizogenes.*** ***Agrobacterium tumefaciens.*** ***Agrobacterium tumefaciens*** ***Clavibacter michiganensis spp. insidiosus (McCulloch) Davis et al.*** ***Clavibacter michiganensis spp. michiganensis (Smith) Davis et al*** ***Corynebacterium sepedonicum*** ***Erwinia amylovora (Burr.) Winsi. et al*** ***Erwinia carotovora subsp. Carotovora*** ***Erwinia chrysanthemi*** ***Pseudomonas caryophylli (Burkholder) Starr et Burkholder*** ***Pseudomonas marginata***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	Pseudomonas solanacearum. ***Pseudomonas syringae pv. glycinea*** ***Pseudomonas syringae pv. mors prunorum.*** ***Pseudomonas syringae pv. persicae (Prunier et al.) Young et al*** ***Pseudomonas syringae pv. savastanoi.*** ***Psudomonas syringae pv. syringae*** ***Rhodococcus fascians*** ***Xanthomonas campestris pv. Begoniae*** ***Xanthomonas campestris pv. corylina.*** ***Xanthomonas campestris pv. juglandi.*** ***Xanthomonas campestris pv. Pelargonii*** ***Xanthomonas campestris pv. pruni (Smith) Dye*** ***Xanthomonas campestris pv.phaseoli (Smith) Dye*** ***Xanthomonas campestris pv.vesicatoria (Doidge) Dye*** ***Xanthomonas fragariae Kennedy et King*** ***Xylophilus ampelinus Vitis (Panagopoulos) Willems.et al***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	FUNGI ***Stem rot pathogens (Botrytis spp., Pythium spp.)*** ***Fusarium oxisporum f. sp. lilii*** ***Fusarium oxisporum sp. gladioli*** ***Rhizoctonia spp.*** ***Alternaria dianthicola*** ***Armillariella mellea*** ***Ceratocystis fimbriata f. sp. platani Walter*** ***Chondrostereum purpureum*** ***Claviceps purpurea*** ***Cryphonectria parasitica (Murrill) Barr*** ***Curvularia trifolii*** ***Cylindrocarpon destructans*** ***Diaporthe phaseolorum var. caulivora and var. sojae*** ***Didymella applanata.*** ***Didymella ligulicola (Baker, Dimock*** ***et Davis) v. Arx*** ***Exosporium palmivorum*** ***Fusarium fujikuroi*** ***Fusarium oxisporum f. sp. dianthi*** ***Fusarium oxisporum sp. chrysanthemi*** ***Fusarium oxysporum f. sp. narcissi*** ***Fusarium spp.***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	Gliocladium wermoeseni ***Graphiola phoenicis*** ***Helminthosporium*** ***Lophodermium seditiosum*** ***Mycosphaerella dianthi*** ***Nectria galligena*** ***Powdery mildew*** ***Penicillium gladioli*** ***Peronospora rubi.*** ***Pestalozzia Phoenicis*** ***Phialophora cinerescens*** ***(Wollenweber) van Beyma*** ***Phialophora gregata*** ***Phoma tracheiphila (Petri)*** ***Kanchaveli et Gikashvili*** ***Phyllactinia guttata.*** ***Phytophthora cactorum.*** ***Phytophthora fragariae var. rubi.*** ***Phytophthora spp.*** ***Plasmopara halstedii (Farlow)*** ***Berl. et de Toni*** ***Stem rot: Fusarium spp. and*** ***Pythium*** ***Puccinia chrysanthemi*** ***Puccinia horiana Hennings*** ***Puccinia pelargonii zonalis*** ***Pythium spp.*** ***Rhizoctonia spp.*** ***Rhizopus spp.*** ***Rosellinia necatrix*** ***Scirrhia pini Funk et Parker*** ***Sclerotinia spp.*** ***Septoria gladioli***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	Slerotium bulborum ***Synchytrium endobioticum*** ***Taphrina deformans*** ***Thielaviopsis basicola*** ***Tilletia*** ***Urocystis gladiolicola*** ***Uromyces dianthi*** ***Uromyces trasversalis*** ***Ustilaginaceae,*** ***Venturia spp.*** ***Verticillium spp*** ***VIRUSES AND VIRUS-LIKE ORGANISMS*** ***Narcissus white streak agent*** ***Carnation mottle carmovirus*** ***Carnation etched ring caulimovirus*** ***Carnation necrotic fleck closterovirus*** ***Aster yellow micoplasm*** ***Corky pit agent*** ***Anarsia lineatella*** ***Apple mosaic virus.*** ***Arabis mosaic virus Fragaria*** ***Beet leaf curl virus*** ***Black currant infecticus variegation*** ***Black currant rever.*** ***Cherry leaf roll virus.***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	Chondrostereum purpureum ***Chrysanthemum stunt viroid*** ***Citrus leaf rugose.*** ***Citrus tristeza virus (European isolates)*** ***Citrus vein enation woody gall*** ***Scale insects, particularly: Epidiaspis leperii, Pseudaulacaspis pentagona, Quadraspidiotus perniciosus*** ***Coniothyrium spp.*** ***Tomato aspermy cucumovirus*** ***Diplocarpon rosae*** ***Diseases that induce in young leaves psorosis and psorosis-like symptoms such as ring-spot, cristacortis, impietratura and concave gum.*** ***Eriosoma lanigerum*** ***Grapevine flavescence dorée MLO*** ***Hazel maculatura lineare MLO*** ***Infectious variegation.*** ***Arabis mosaic nepovirus*** ***Peronospora sparsa*** ***Phragmidium spp.*** ***Plum pox virus*** ***Potato stolbur mycoplasm*** ***Prune dwarf virus.*** ***Prunus necrotic ringspot virus***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	Raspberry bushy dwarf virus. ***Raspberry leaf curl virus.*** ***Raspberry ringspot virus*** ***Leaf curl*** ***Rosellinia necatrix*** ***Citric leaf rugose*** ***Sphaeroteca pannosa*** ***Spiroplasma citri Saglio. et al.*** ***Strawberry crinkle virus*** ***Strawberry green petal MLO.*** ***Strawberry latent ringspot virus*** ***Strawberry mild yellow edge virus*** ***Tomato black ring virus*** ***Tomato spotted wilt virus*** ***Tomato yellow leaf curl virus*** ***Pelargonium leaf curl tombusvirus*** ***Tospovirus (tomato spotted wilt virus, Impatiens necrotic spot virus)*** ***Infectious variegation*** ***Venturia spp.*** ***Verticillium spp.*** ***Viroids such as exocortis, caquexia-xyloporosis.*** ***Lily symptomless virus*** ***Tulipbreaking virus*** ***Gladiolus ringspot virus (syn.***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	Narcissus latent virus) ***Narcissus yellow stripe virus*** ***Chrysanthemum B mosaic virus*** ***Cucumber mosaic virus*** ***Tobacco rattle virus*** ***Lily virus x*** ***NEMATODES*** ***Heterodera rostochiensis*** ***OTHER HARMFUL ORGANISMS*** ***Cyperus esculentus (truffle)*** ***Orobanche (parasitic plant)***		

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
ANNEX II	**ANNEX II**		**ANNEX II**
CRITERIA FOR THE QUALIFICATION OF PESTS ACCORDING TO THEIR RISK TO THE UNION TERRITORY	**CRITERIA FOR THE QUALIFICATION OF PESTS ACCORDING TO THEIR RISK TO THE UNION TERRITORY**		**CRITERIA FOR THE QUALIFICATION OF PESTS ACCORDING TO THEIR RISK TO THE UNION TERRITORY**
SECTION 1	**SECTION 1**		**SECTION 1**
CRITERIA TO IDENTIFY PESTS WHICH QUALIFY AS A QUARANTINE PEST, AS REFERRED TO IN ARTICLES 3, 7(1) AND 28(2)	**CRITERIA TO IDENTIFY PESTS WHICH QUALIFY AS A QUARANTINE PEST, AS REFERRED TO IN ARTICLES 3, 7(1) AND 28(2)**	**CRITERIA TO IDENTIFY PESTS WHICH QUALIFY AS A QUARANTINE PEST, AS REFERRED TO IN ARTICLES 3, 6(1), 7(1), ~~AND~~ 28(2), 29(1a) AND 47(3))**	**CRITERIA TO IDENTIFY PESTS WHICH QUALIFY AS A QUARANTINE PEST, AS REFERRED TO IN ARTICLES 3, 7(1) AND 28(2)**
(1) Identity of the pest			
The taxonomic identity of the pest shall be clearly defined or, alternatively, the pest shall have been shown to produce consistent symptoms and to be transmissible. The taxonomic identity of the pest shall be defined at species level or, alternatively, a higher or lower taxonomic level, where that taxonomic level is scientifically appropriate based on its virulence, host range or vector relationships.			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(2) Presence of the pest in the territory in question			
One or more of the following conditions shall apply:			
(a) the pest is not known to be present in the territory in question;			
(b) the pest is not known to be present in the territory in question, except in a limited part of it;			
(c) the pest is not known to be present in the territory in question, except for scarce, irregular, isolated and infrequent presences in it.			
Where points (b) or (c) apply, the pest shall be considered to be distributed to a limited extent.		Where points (b) or (c) apply, the pest shall be considered to be **not widely distributed** ~~to a limited extent~~.	Ok with Council text
(3) Capability of entry, establishment and spread of the pest in the territory in question			
(a) *Capability of entry*			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
The pest shall be considered capable of entry into the territory in question, or, if present, into the part of that territory where it is distributed to a limited extent (hereinafter: 'endangered area'), either by natural spread, or if all of the following conditions are fulfilled:		The pest shall be considered capable of entry into the territory in question, or, if present **but not widely distributed,** into the part of that territory where it is **absent** ~~distributed to a limited extent~~ (hereinafter: '**relevant part of the** endangered area'), either by natural spread, or if all of the following conditions are fulfilled:	Ok with Council text
(i) it is associated, as regards plants, plant products or other objects which are moved into the territory in question, with those plants, plant products and other objects in the territory where they originate or from where they are moved into the territory in question;			
(ii) it survives during transport or storage;			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(iii) it may be transferred to a suitable host plant, plant product or other object in the territory in question.			
(b) *Capability of establishment*			
The pest shall be considered capable of perpetuating its presence for the foreseeable future (hereinafter: 'establishment') in the territory in question, or, if present, the part of that territory where it is distributed to a limited extent, if all of the following conditions are fulfilled:		The pest shall be considered capable of perpetuating its presence for the foreseeable ~~future (hereinafter: 'establishment')~~ in the territory in question, or, if present **but not widely distributed, in** the part of that territory where it is **absent** ~~distributed to a limited extent~~, if all of the following conditions are fulfilled:	Ok with Council text
(i) hosts of the pest and, where relevant, vectors for transmission of the pest are available;			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(ii) the decisive environmental factors are favourable for the pest concerned and, where applicable, its vector, enabling it to survive periods of climatic stress and complete its life cycle;			
(iii) cultivation practices and control measures applied in that territory are favourable;			
(iv) the survival methods, reproductive strategy, genetic adaptability of the pest and its minimum viable population size support its establishment.			
(c) *Capability of spread*			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
The pest shall be considered capable of territorial spread in the territory in question, or, if present, the part of that territory where it is distributed to a limited extent, if one or more of the following conditions is fulfilled:		The pest shall be considered capable of territorial spread in the territory in question, or, if present **but not widely distributed, in** the part of that territory where it is **absent** ~~distributed to a limited extent~~, if one or more of the following conditions is fulfilled:	Ok with Council text
(i) the environment is suitable for natural spread of the pest;			
(ii) barriers to natural spread of the pest are insufficient;			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(iii) commodities or conveyances allow for movement of the pest;			
(iv) hosts and, where relevant, vectors of the pest are present;			
		(iva) cultivation practices and control measures applied in that territory are favourable;	Ok with Council text
(v) natural enemies and antagonists of the pest are not present or not sufficiently capable to suppress the pest.			
(4) Potential economic, social and environmental impact			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
The entry, establishment and spread of the pest in the territory in question, or, if present, the part of that territory where it is distributed to a limited extent, shall have unacceptable economic, social and/or environmental impacts for that territory, or the part of that territory where it is distributed to a limited extent, as regards one or more of the following points:		The entry, establishment and spread of the pest in the territory in question, or, if present **but not widely distributed, in** the part of that territory where it is **absent** ~~distributed to a limited extent~~, shall have unacceptable economic, social and/or environmental impacts for that territory, or the part of that territory where it is **not widely** ~~distributed to a limited extent~~, as regards one or more of the following points:	Ok with Council text
(a) crop losses in terms of yield and quality;			
(b) costs of control measures;			
(c) costs of replanting and losses due to the necessity of growing substitute crops;		(c) costs of replanting and**/or** losses due to the necessity of growing substitute ~~crops~~**plants**	Ok with Council text
(d) effects on existing production practices;			
(e) effects on street trees, parks and public and private green;		(e) effects on street trees, parks and ~~public~~ **natural and** ~~private green~~**planted areas**;	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(f) effects on native plants, biodiversity and ecosystem services;			
(g) effects on the establishment, spread and impact of other pests, due to the capacity of the pest concerned to act as a vector for other pests;		(g) effects on the establishment, spread and impact of other pests, **for example** due to the capacity of the pest concerned to act as a vector for other pests;	Ok with Council text
(h) changes to producer costs or input demands, including control costs and costs of eradication and containment;			
(i) effects on producer profits that result from changes in production costs, yields or price levels;		(i) effects on producer profits that result from changes in **quality,** production costs, yields or price levels;	Ok with Council text
(j) changes to domestic or foreign consumer demand for a product resulting from quality changes;			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(k) effects on domestic and export markets and prices paid, including effects on export market access and likelihood of phytosanitary restrictions imposed by trading partners;			
(l) resources needed for additional research and advice;			
(m) environmental and other undesired effects of control measures;			
(n) effects on Natura 2000 or other protected areas;			
	AM 129 ***(na) effects on landscape heritage and tourist areas;***		AM accepted and included under (s)
(o) changes in ecological processes and the structure, stability or processes of an ecosystem, including further effects on plant species, erosion, water table changes, fire hazards, nutrient cycling;			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(p) costs of environmental restoration;		(p) costs of environmental restoration **and prevention measures**;	Ok with Council text
(q) effects on food security;		(q) effects on food security **and food safety**;	Ok with Council text
(r) effects on employment;			
(s) effects on water quality, recreation, tourism, animal grazing, hunting, fishing.			(s) effects on water quality, recreation, tourism, **landscape heritage,** animal grazing, hunting, fishing.
As regards points (a) to (g), direct effects on hosts in the endangered area shall be taken into account. Those effects shall be assessed taking account of the range of the host species, and on the basis of the types, amount and frequency of the damage suffered by those host species.		DELETED	Ok with Council text
As regards points (h) to (s), indirect effects within and outside the endangered area shall be taken into account.		DELETED	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
SECTION 2 **CRITERIA TO IDENTIFY UNION QUARANTINE PESTS WHICH QUALIFY AS A PRIORITY PEST AS REFERRED TO IN ARTICLES 6(1) AND 7(2)**	**SECTION 2** **CRITERIA TO IDENTIFY UNION QUARANTINE PESTS WHICH QUALIFY AS A PRIORITY PEST AS REFERRED TO IN ARTICLES 6(1) AND 7(2)**	**SECTION 2** **CRITERIA TO IDENTIFY UNION QUARANTINE PESTS WHICH QUALIFY AS A PRIORITY PEST AS REFERRED TO IN ARTICLES 6(1), 6(2) AND 7(2)**	**SECTION 2** **CRITERIA TO IDENTIFY UNION QUARANTINE PESTS WHICH QUALIFY AS A PRIORITY PEST AS REFERRED TO IN ARTICLES 6(1) AND 7(2)**
A Union quarantine pest shall be considered to have most severe economic, social or environmental impact for the Union territory, if its entry, establishment and spread fulfils one or more of the following points:			
(a) Economic impacts: the pest has the potential to cause major losses in terms of the direct and indirect effects referred to in point (4) of Section I for crops with a total annual production value for the Union territory of at least EUR 1 billion.	**AM 130** (a) Economic impacts: the pest has the potential to cause major losses in terms of the direct and indirect effects referred to in point (4) of Section 1 for crops ~~**with a total annual production value for**~~ ***in*** the Union territory ~~**of at least EUR 1 billion**~~.	(a) Economic impacts: the pest has the potential to cause major losses in terms of the direct and indirect effects referred to in point (4) of Section ~~I~~**1** for ~~crops~~**plants** with a ~~total annual production~~**significant economic** value for the Union territory ~~of at least EUR 1 billion~~. **The plants referred to in the first subparagraph may be trees that are not in production.**	AM accepted Ok with Council text "Economic impacts: the pest has the potential to cause major losses in terms of the direct and indirect effects referred to in point (4) of Section 1 for plants with a significant economic value ~~for~~ **in** the Union territory. The plants referred to in the first subparagraph may be trees that are not in production."

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
	AM 131 ***(aa) in case of pests affecting specialty crops, grown in the European territory on less than 200000 hectares, the potential loss in terms of total annual Union production value shall be at least EUR 200 million;***		AM withdrawn
(b) Social impacts: the pest has the potential to cause one or more of the following effects:			
(i) a significant employment decrease in the agriculture, horticulture of forestry sector concerned;		(i) a significant employment decrease in the agriculture, horticulture ~~of~~**or** forestry sector concerned **or industries related to those sectors, including tourism and recreation**;	Ok with Council text
(ii) risks to food security or food safety;		(ii) **significant** risks to food security or food safety;	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(iii) the disappearance of, or permanent large-scale damage to, main tree species growing or cultivated in the Union territory.		(iii) the disappearance of, or ~~permanent~~ **long term** large-scale damage to, ~~main~~**important** tree species growing or cultivated in the Union territory **or tree species of high importance in terms of landscape as well as cultural or historical heritage for the Union.**	Ok with Council text
(c) Environmental impacts: the pest has the potential to cause one or more of the following effects:			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(i) effects on species and habitats listed under the provisions of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora[29] and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds[30];		(i) **major effects on biodiversity and ecosystems services, including** effects on species and habitats listed under the provisions of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora[31] and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds[32];	Ok with Council text
(ii) major and permanent increases of the use of plant protection products on the crops concerned.		(ii) major and ~~permanent~~ **long term** increases of the use of plant protection products on the ~~crops~~ **plants** concerned.	Ok with Council text

[29] OJ L 206, 22.7.1992, p. 7.
[30] OJ L 20, 26.1.2010, p. 7.
[31] OJ L 206, 22.7.1992, p. 7.
[32] OJ L 20, 26.1.2010, p. 7.

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		(iia) <u>the disappearance of, or long term large-scale damage to, main important tree species growing or cultivated in the Union territory or tree species of high importance in terms of landscape as well as cultural or historical heritage for the Union.</u>	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
SECTION 3	**SECTION 3**		**SECTION 3**
CRITERIA FOR A PRELIMINARY ASSESSMENT TO IDENTIFY PESTS WHICH PROVISIONALLY QUALIFY AS A UNION QUARANTINE PEST REQUIRING TEMPORARY MEASURES AS REFERRED TO IN ARTICLES 21(1), 28(1), 29(1) AND 30	**CRITERIA FOR A PRELIMINARY ASSESSMENT TO IDENTIFY PESTS WHICH PROVISIONALLY QUALIFY AS A UNION QUARANTINE PEST REQUIRING TEMPORARY MEASURES AS REFERRED TO IN ARTICLES 21(1), 28(1), 29(1) AND 30**	**CRITERIA FOR A PRELIMINARY ASSESSMENT TO IDENTIFY PESTS WHICH PROVISIONALLY QUALIFY AS A UNION QUARANTINE PEST REQUIRING TEMPORARY MEASURES AS REFERRED TO IN ARTICLES 21(1), 28(1)~~,~~ AND 29(1) ~~AND 30~~**	**CRITERIA FOR A PRELIMINARY ASSESSMENT TO IDENTIFY PESTS WHICH PROVISIONALLY QUALIFY AS A UNION QUARANTINE PEST REQUIRING TEMPORARY MEASURES AS REFERRED TO IN ARTICLES 21(1), 28(1), 29(1) AND 30**
SUBSECTION 1	**SUBSECTION 1**		**SUBSECTION 1**
CRITERIA FOR A PRELIMINARY ASSESSMENT TO IDENTIFY PESTS WHICH PROVISIONALLY QUALIFY AS A UNION QUARANTINE PEST REQUIRING TEMPORARY MEASURES AS REFERRED TO IN ARTICLE 28(1)	**CRITERIA FOR A PRELIMINARY ASSESSMENT TO IDENTIFY PESTS WHICH PROVISIONALLY QUALIFY AS A UNION QUARANTINE PEST REQUIRING TEMPORARY MEASURES AS REFERRED TO IN ARTICLE 28(1)**		**CRITERIA FOR A PRELIMINARY ASSESSMENT TO IDENTIFY PESTS WHICH PROVISIONALLY QUALIFY AS A UNION QUARANTINE PEST REQUIRING TEMPORARY MEASURES AS REFERRED TO IN ARTICLE 28(1)**
(5) Identity of the pest			
The pest shall meet the criterion defined in point (1) of Section 1.			
(6) Presence of the pest in the Member State´s territory			

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The pest is not previously known to be present in the territory of a Member State. Based on the information available to that Member State, the pest is also not previously known to be present in Union territory, or is considered to fulfil the conditions set out in points (b) or (c) of point (2) of Section 1 as regards the Union territory.		The pest is not previously known to be present in the territory of a Member State. Based on the information available to that Member State, the pest is also not previously known to be present in **the** Union territory, or is considered to fulfil the conditions set out in points (b) or (c) of point (2) of Section 1 as regards the Union territory.	Ok with Council text
(7) Probability of establishment and spread of the pest in the Union territory, or the specific part(s) of the Union territory where it is not present			
Based on the information available to the Member State, the pest meets the criteria defined in points (3)(b) and (c) of Section 1 as regards its territory and, to the extent possible for the Member State to assess this, the Union territory.			
(8) Potential economic, social and environmental impact of the pest			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
Based on the information available to the Member State, the pest has unacceptable economic, social and/or environmental impacts as regards its territory and, to the extent possible for the Member State to assess this, the Union territory, if it would establish and spread in that territory, as concerns one or several of the areas defined in point (4) of Section 1.		Based on the information available to the Member State, the pest ~~has~~ **would have** unacceptable economic, social and/or environmental impacts as regards its territory and, to the extent possible for the Member State to assess this, the Union territory, if it would establish and spread in that territory~~, as concerns one or several of the areas defined in point (4) of Section 1~~.	Ok with Council text
Those impacts shall include at least one or more of the direct effects listed under point (4)(a) to (g) of Section 1.			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
SUBSECTION 2	**SUBSECTION 2**		**SUBSECTION 2**
CRITERIA FOR A PRELIMINARY ASSESSMENT TO IDENTIFY PESTS WHICH PROVISIONALLY QUALIFY AS A UNION QUARANTINE PEST REQUIRING TEMPORARY MEASURES AS REFERRED TO IN ARTICLE 29(1)	**CRITERIA FOR A PRELIMINARY ASSESSMENT TO IDENTIFY PESTS WHICH PROVISIONALLY QUALIFY AS A UNION QUARANTINE PEST REQUIRING TEMPORARY MEASURES AS REFERRED TO IN ARTICLE 29(1)**		**CRITERIA FOR A PRELIMINARY ASSESSMENT TO IDENTIFY PESTS WHICH PROVISIONALLY QUALIFY AS A UNION QUARANTINE PEST REQUIRING TEMPORARY MEASURES AS REFERRED TO IN ARTICLE 29(1)**
(9) Identity of the pest			
The pest shall meet the criterion defined in point (1) of Section 1.			
(10) Presence of the pest in the Union territory			
The pest is not previously known to be present in Union territory or is considered to fulfil the conditions set out in points (b) or (c) of point (2) of Section 1 as regards the Union territory.			
(11) Probability of establishment and spread of the pest in the Union territory, or the specific part(s) of the Union territory where it is not present			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
Based on the information available to the Union, the pest meets the criteria defined in points (3)(b) and (c) of Section 1 as regards the Union territory.			
(12) Potential economic, social and environmental impact of the pest			
Based on the information available to the Union, the pest has unacceptable economic, social and/or environmental impacts as regards the Union territory, if it would establish and spread in that territory, as concerns one or several of the areas defined in point (4) of Section 1.		Based on the information available to the Union, the pest ~~has~~ **would have** unacceptable economic, social and/or environmental impacts as regards the Union territory, if it would establish and spread in that territory**.** ~~as concerns one or several of the areas defined in point (4) of Section 1~~**.**	Ok with Council text
Those impacts shall include at least one or more of the direct effects listed under point (4)(a) to (g) of Section 1.			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
SECTION 4	**SECTION 4**		**SECTION 4**
CRITERIA TO IDENTIFY PESTS WHICH QUALIFY AS A UNION QUALITY PEST AS REFERRED TO IN ARTICLE 36 AND 38	**CRITERIA TO IDENTIFY PESTS WHICH QUALIFY AS A UNION QUALITY PEST AS REFERRED TO IN ARTICLE 36 AND 38**		**CRITERIA TO IDENTIFY PESTS WHICH QUALIFY AS A UNION QUALITY PEST AS REFERRED TO IN ARTICLE 36 AND 38**
(13) Identity of the pest			
The pest shall meet the criterion defined in point (1) of Section 1.			
(14) Probability of spread in the Union territory of the pest			
The spread of the pest shall be assessed to take place mainly via specific plants for planting, rather than via natural spread or via movement of plant products or other objects.		The ~~spread~~ **transmission** of the pest shall be assessed to take place mainly via specific plants for planting, rather than via natural spread or via movement of plant products or other objects.	Ok with Council text
That assessment shall include, as appropriate, the following aspects:			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(a) the number of life cycles of the pest on the concerned hosts;			
(b) the biology, epidemiology and survival of the pest;			
(c) possible natural, human-assisted or other pathways for transmission of the pest to the concerned host and pathway efficiency, including mechanisms of dispersal and dispersal rate;			
(d) secondary infestation and transmission of the pest from the concerned host to other plants and vice versa;		(d) **subsequent** ~~secondary~~ infestation and transmission of the pest from the concerned host to other plants and vice versa;	Ok with Council text
(e) climatological factors;			
(f) cultural practices before and after harvest;			
(g) soil types;			
(h) susceptibility of the concerned host and relevant stages of host plants;			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(i) presence of vectors for the pest;			
(j) presence of natural enemies and antagonists of the pest;			
(k) presence of other hosts susceptible to the pest;			
(l) prevalence of the pest in the Union territory;			
(m) intended use of the plants.			
(15) <u>Potential economic, social and environmental impact of the pest</u>			
Infestations of the plants for planting referred to in point (2) with the pest shall have an unacceptable economic impact on the intended use of those plants as regards one or more of the following points:			
(a) crop losses in terms of yield and quality;			
(b) extra costs of control measures;			
(c) extra costs of harvesting and grading;			
(d) costs of replanting;			
(e) losses due to the necessity of growing substitute crops;		(e) losses due to the necessity of growing substitute ~~crops~~ **<u>plants</u>**;	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(f) effects on existing production practices;			
(g) effects on other host plants at the place of production;			
(h) effects on the establishment, spread and impact of other pests, due to the capacity of the pest concerned to act as a vector for those other pests;			
(i) effects on producer costs or input demands, including control costs and costs of eradication and containment;			
(j) effects on producer profits that result from changes in production costs, yields or price levels;			
(k) changes to domestic or foreign consumer demand for a product resulting from quality changes;			
(l) effects on domestic and export markets and prices paid;			
(m) effects on employment.			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
As regards points (a) to (h), direct effects on hosts in the endangered area shall be taken into account. Those effects shall be assessed on the basis of the types, amount and frequency of the respective damage.		DELETED	Ok with Council text
As regards points (i) to (m), indirect effects within and outside the endangered area shall be taken into account.		DELETED	Ok with Council text
ANNEX III	**ANNEX III**		**ANNEX III**
Elements to identify plants for planting which pose phytosanitary risks for the Union territory, as referred to in Articles 47(2) and 48	**Elements to identify plants for planting which pose phytosanitary risks for the Union territory, as referred to in Articles 47(2) and 48**	**Elements to identify plants ~~for planting~~ which pose ~~phytosanitary~~ pest risks for the Union territory, as referred to in Articles 47(2) and 48**	**Elements to identify plants for planting which pose phytosanitary risks for the Union territory, as referred to in Articles 47(2) and 48**
Plants for planting from third countries shall be considered likely to pose phytosanitary risks for the Union territory, as referred to in Article 47(1), where those plants for planting fulfil at least three of the following conditions, including at least one of the conditions provided in points (1)(a), (b) and (c):	**AM 132** Plants for planting from third countries shall be considered likely to pose phytosanitary risks for the Union territory, as referred to in Article 47(1), where those plants for planting fulfil at least ~~three~~ *one* of the following conditions~~, including at least one of the conditions provided in points (1)(a), (b) and (c)~~:	Plants ~~for planting~~ **or plant products** from third countries shall be considered likely to pose ~~phytosanitary~~ **pest** risks for the Union territory, as referred to in Article 47(1), where those plants ~~for planting~~ **or plant products** fulfil at least three of the following conditions, including at least one of the conditions provided in points (1)(a), (b) and (c):	AM withdrawn Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(16) Characteristics of the plants for planting		(1) Characteristics of the plants ~~for planting~~ **or plant products**	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) They belong to**, or are produced from,** a plant genus or family known to ~~**commonly**~~ **host ~~polyphagous pests, or monophagous~~ commonly hosted** pests known to have major impact to plant species grown in the Union territory which have major economic, social or environmental importance to the Union territory.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(c) They belong to a plant genus or family known to commonly harbour pests without signs and symptoms of those pests, or with a latent period for the expression of those signs or symptoms of at least three months, implying that the presence of pests on those plants for planting is likely to be missed during official controls at introduction into the Union territory, without recourse to sampling and testing or submission to quarantine procedures.		(c) They belong to**, or are produced from,** a plant genus or family known to commonly harbour pests without signs and symptoms of those pests, or with a latent period for the expression of those signs or symptoms of at least three months, implying that the presence of pests on those plants ~~for planting~~ **or plant products** is likely to be missed during official controls at introduction into the Union territory, without recourse to sampling and testing or submission to quarantine procedures.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(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.			
(17) Origin of the plants for planting		(2) Origin of the plants ~~for planting~~ **or plant products**	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating 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.			
		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 :	Ok with Council text
		1. As regards plants for planting other than seeds:	Ok with Council text
		(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	Ok with Council text

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		such plants;	

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

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		2. As regards other plants, plant products or other objects:	Ok with Council text
		(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 commonly harbour and provide a significant pathway for pests without signs and symptoms of those pests, or with a latent period for the expression of those signs or symptoms, implying that the presence of pests is likely to be missed during inspections at introduction into the Union territory;	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
ANNEX IV	**ANNEX IV**		**ANNEX IV**
Measures and principles for the management of the risks of pests	**Measures and principles for the management of the risks of pests**		**Measures and principles for the management of the risks of pests**
SECTION 1	**SECTION 1**		**SECTION 1**
MEASURES TO MANAGE THE RISKS OF QUARANTINE PESTS AS REFERRED TO IN ARTICLES 16(1), 20, 24(2), 27(4), 28(1), 29(4), 40(2), 41(2), 44(3), 49(2) AND 50(2)	**MEASURES TO MANAGE THE RISKS OF QUARANTINE PESTS AS REFERRED TO IN ARTICLES 16(1), 20, 24(2), 27(4), 28(1), 29(4), 40(2), 41(2), 44(3), 49(2) AND 50(2)**	**MEASURES TO MANAGE THE RISKS OF QUARANTINE PESTS AS REFERRED TO IN ARTICLES 16(1), 20, 24(2), 27(4), 27(6), 28(1), 29(4), 29(6), 40(2), 41(2), 41A(4), 44(3), 49(2) ~~AND~~, 50(2) AND 70(2)**	**MEASURES TO MANAGE THE RISKS OF QUARANTINE PESTS AS REFERRED TO IN ARTICLES 16(1), 20, 24(2), 27(4), 28(1), 29(4), 40(2), 41(2), 44(3), 49(2) AND 50(2)**
The management of the risks of quarantine pests shall consist of one or more, as appropriate, of the following measures:			
(18) Measures targeting prevention and elimination of infestation of cultivated and wild plants			
(a) Restrictions as regards the identity, nature, origin, ancestry, provenance and production history of cultivated plants.			

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(b) Restrictions on the cultivation, harvesting and use of plants.			
(c) Restrictions on the use of plant products, premises, land, water, soil, growing media, facilities, machinery, equipment and other objects.			
(d) Surveillance, visual examination, sampling and laboratory testing of plants, plant products, premises, land, water, soil, growing media, facilities, machinery, equipment and other objects for the presence of quarantine pests.			
(e) Surveillance for breakdown or change in the effectiveness of a resistant plant species or plant variety which relates to a change in the composition of the quarantine pest or its biotype, pathotype, race or virulence group.			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(f) Physical, chemical and biological treatment of plants, plant products, premises, land, water, soil, growing media, facilities, machinery, equipment and other objects, infested or potentially infested with quarantine pests.			
(g) Destruction of plants, plant products and other objects, infested or potentially infested with quarantine pests or for preventive purposes.			
(h) Information, data recording, communication and reporting obligations.			
		(ha) Registration of professional operators concerned.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
For the purposes of point (b), those measures may include requirements with regard to the testing of plant species and plant varieties for resistance to the quarantine pest concerned and the listing of plant species and plant varieties found to be resistant to the quarantine pest concerned.			
For the purposes of point (f), those measures may include requirements with regard to:			
(i) the registration, authorisation and official supervision of professional operators applying the treatment concerned;			
(j) the issuance of a phytosanitary certificate, plant passport, label or other official attestation for the treated plants, plants products or other objects and the placing of the mark referred to in Article 91(1) following the application of the treatment concerned.			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(19) Measures targeting consignments of plants, plants products and other objects			
(a) Restrictions on the identity, nature, origin, provenance, ancestry, production method, production history and traceability of plants, plant products and other objects.			
(b) Restrictions on the introduction, movement, use, handling, processing, packaging, storage, distribution and destination of plants, plant products and other objects.			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(c) Surveillance, visual examination, sampling, laboratory testing of plants, plant products and other objects for the presence of quarantine pests, including through subjection to quarantine procedures.	**AM 135** (c) Surveillance, visual examination, sampling, laboratory testing of plants, plant products and other objects for the presence of quarantine pests, including through subjection to quarantine procedures ***and pre-shipment inspections in third countries***.		Reworded AM accepted (c) Surveillance, visual examination, sampling, laboratory testing of plants, plant products and other objects for the presence of quarantine pests, including through subjection to quarantine procedures **and pre-export inspections in third countries**.
(d) Physical, chemical and biological treatment and, where appropriate, destruction of plants, plant products and other objects, infested or potentially infested with quarantine pests.			
(e) Information, data recording, communication and reporting obligations.			
		(ea) Registration of professional operators concerned.	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
For the purposes of points (a) to (d), those measures may include requirements with regard to:			
(f) the issuance of a phytosanitary certificate, plant passport, label or other official attestation, including the placing of the mark referred to in Article 91(1) to attest compliance with the provisions referred to in point (a) to (d);			
(g) the registration, authorisation and official supervision of professional operators applying the treatment referred to in point (d).			
(20) Measures targeting pathways for quarantine pests, other than consignments of plants, plant products or other objects			
(a) Restrictions on the introduction and movement of quarantine pests as a commodity.			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(b) Surveillance, visual examination, sampling and laboratory testing and where appropriate destruction of commodities of quarantine pests.			
(c) Restrictions on plants, plant products and other objects carried by travellers.			
(d) Surveillance, visual examination, sampling and laboratory testing and where appropriate treatment or destruction of plants, plant products and other objects carried by travellers.			
(e) Restrictions on vehicles, packaging and other objects used in transport of commodities.			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(f) Surveillance, visual examination, sampling and laboratory testing and where appropriate treatment or destruction of vehicles, packaging and other objects used in transport of commodities.			
(g) Information, data recording, communication and reporting obligations.			
		(ga) Registration of professional operators concerned.	Ok with Council text
SECTION 2	**SECTION 2**		**SECTION 2**
PRINCIPLES FOR THE MANAGEMENT OF THE RISKS OF PESTS AS REFERRED TO IN ARTICLES 16(1), 17(2), 27(4), 28(1), 29(4), 31(1), 37(5), 44(3), 47(2), 68(3), 69(3), 70(2), 74(3) AND 75(3)	**PRINCIPLES FOR THE MANAGEMENT OF THE RISKS OF PESTS AS REFERRED TO IN ARTICLES 16(1), 17(2), 27(4), 28(1), 29(4), 31(1), 37(5), 44(3), 47(2), 68(3), 69(3), 70(2), 74(3) AND 75(3)**	**PRINCIPLES FOR THE MANAGEMENT OF THE RISKS OF PESTS AS REFERRED TO IN ARTICLES 16(1), 17(~~2~~),3), 20, 27(4), 27(6), 28(1), 29(4), 29(6), 31(1), 37 (2A) AND (5), 40(2), 41(2), 44(3), 47(2), 47(4), 49(2), 50(2), 68(3), 69(3), 70(2), 74(3) AND 75(3)**	**PRINCIPLES FOR THE MANAGEMENT OF THE RISKS OF PESTS AS REFERRED TO IN ARTICLES 16(1), 17(2), 27(4), 28(1), 29(4), 31(1), 37(5), 44(3), 47(2), 68(3), 69(3), 70(2), 74(3) AND 75(3)**
The management of the risks of Union quarantine pests, protected zone quarantine pests and Union quality pests shall respect the following principles:		The management of the risks of Union quarantine pests, protected zone quarantine pests and Union ~~quality~~ **regulated non-quarantine** pests shall respect the following principles:	Ok with Council text

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(1) Necessity			
Measures to manage the risk of a pest shall be applied only where such measures are necessary to prevent the introduction, establishment and spread of that pest.		Measures to manage the risk of a pest shall be applied only where such measures are necessary to prevent the ~~introduction~~ **entry**, establishment and spread of that pest.	Ok with Council text
(2) Proportionality			
Measures taken to manage the risk of a pest shall be consistent with the risk posed by the pest concerned and the level of protection that is required.		Measures taken to manage the risk of a pest shall be ~~consistent with~~ **proportionate to** the risk posed by the pest concerned and the level of protection that is required.	Ok with Council text
(3) Minimal impact			
Measures taken to manage the risk of a pest shall represent the least restrictive measures available, and result in the minimum impediment to the international movement of people, commodities and conveyances.			
(4) Non-discrimination			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
Measures taken to manage the risk of a pest shall not be applied in such a way as to constitute either a means of arbitrary or unjustified discrimination or a disguised restriction, particularly on international trade. They shall be no more stringent for third countries than measures applied to that same pest if present within the Union territory, if third countries can demonstrate that they have the same phytosanitary status and apply identical or equivalent phytosanitary measures.			
(5) Technical justification			

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Measures taken to manage the risk of a pest shall be technically justified on the basis of conclusions reached by using an appropriate risk analysis or, where applicable, another comparable examination and evaluation of available scientific information. Those measures should reflect, and, where appropriate, be modified or removed to reflect new or updated risk analysis or relevant scientific information.	**AM 136** Measures taken to manage the risk of a pest shall be technically justified on the basis of conclusions reached by using an appropriate risk analysis or, where applicable, another comparable examination and ***an EFSA supervised*** evaluation of available scientific information. Those measures should reflect, and, where appropriate, be modified or removed to reflect new or updated risk analysis or relevant scientific information.		AM withdrawn
(6) Feasibility			
Measures taken to manage the risk of a pest should be such as to allow that the objective of those measures is likely achieved.			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
ANNEX V	**ANNEX V**		**ANNEX V**
Contents of phytosanitary certificates for introduction into the Union territory	**Contents of phytosanitary certificates for introduction into the Union territory**		**Contents of phytosanitary certificates for introduction into the Union territory**
PART A	**PART A**		**PART A**
PHYTOSANITARY CERTIFICATES FOR EXPORT AS REFERRED TO IN ARTICLE 71(1)	**PHYTOSANITARY CERTIFICATES FOR EXPORT AS REFERRED TO IN ARTICLE 71(1)**		**PHYTOSANITARY CERTIFICATES FOR EXPORT AS REFERRED TO IN ARTICLE 71(1)**
Model Phytosanitary Certificate	**Model Phytosanitary Certificate**		**Model Phytosanitary Certificate**
No.___			
Plant Protection Organization of ___			
TO: Plant Protection Organization(s) of___			
I. Description of Consignment			
Name and address of exporter:___			
Declared name and address of consignee:___			
Number and description of packages:___			
Distinguishing marks:___			
Place of origin:___			
Declared means of conveyance:___			
Declared point of entry:___			
Name of produce and quantity declared:___			
Botanical name of plants:___			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
This is to certify that the plants, plant products or other regulated articles described herein have been inspected and/or tested according to appropriate official procedures and are considered to be free from the quarantine pests specified by the importing contracting party and to conform with the current phytosanitary requirements of the importing contracting party, including those for regulated non-quarantine pests.			
They are deemed to be practically free from other pests.[33]			
II. Additional Declaration			
[Enter text here]			

[33] Optional clause

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
III. Disinfestation and/or Disinfection Treatment			
Date___			
Treatment___			
Chemical (active ingredient)___			
Duration and temperature___			
Concentration___			
Additional information___			
Place of issue___			
(Stamp of Organization)___			
Name of authorized officer___			
Date___			
(Signature)			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
No financial liability with respect to this certificate shall attach to _____ (name of Plant Protection Organization) or to any of its officers or representatives.[34]			
PART B			
PHYTOSANITARY CERTIFICATES FOR RE-EXPORT AS REFERRED TO IN ARTICLE 71(1)			
Model Phytosanitary Certificate for Re-Export			
No.___			
Plant Protection Organization of _____ (contracting party of re-export)			
TO: Plant Protection Organization(s) of _____ (contracting party(ies) of import)			

[34] Optional clause

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
I. Description of Consignment			
Name and address of exporter:___			
Declared name and address of consignee:___			
Number and description of packages:___			
Distinguishing marks:___			
Place of origin:___			
Declared means of conveyance:___			
Declared point of entry:___			
Name of produce and quantity declared:___			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
Botanical name of plants:___			
This is to certify that the plants, plant products or other regulated articles described above _____ were imported into (contracting party of re-export) _____ from _____ (contracting party of origin) covered by Phytosanitary Certificate No. _____,			
Original ☐ certified true copy ☐			
of which is attached to this certificate; that they are			
Packed ☐ repacked ☐			
in			
Original ☐ new ☐			
containers, that based on the			
original phytosanitary certificate ☐			
And			
additional inspection ☐			
they are considered to conform with the current phytosanitary requirements of the importing contracting party, and that during storage in _____ (contracting party of re-export), the consignment has not been subjected to the risk of infestation or infection.			
II. Additional Declaration			
[Enter text here]			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
III. Disinfestation and/or Disinfection Treatment			
Date___			
Treatment___			
Chemical (active ingredient)___			
Duration and temperature___			
Concentration___			
Additional information___			
Place of issue___			
(Stamp of Organization)			
Name of authorized officer___			
Date___			
(Signature)			
No financial liability with respect to this certificate shall attach to _____ (name of Plant Protection Organization) or to any of its officers or representatives.[35]			

[35] Optional clause.

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
ANNEX VI			Ok with Council text (whole Annex)
Plant passports			
PART A			
PLANT PASSPORTS FOR MOVEMENT WITHIN THE UNION TERRITORY AS REFERRED TO IN THE FIRST SUBPARAGRAPH OF ARTICLE 78(2)			
(1) The plant passport for movement within the Union territory shall contain the following elements:			
(h) in its upper left hand corner, the words 'Plant Passport';		(i) **the words 'Plant Passport'** in its upper ~~left~~ **right** hand corner, ~~the words 'Plant Passport'~~ **in one of the official languages of the European Union and in English, separated by a slash**;	
(j) in its upper right hand corner, the flag of the European Union;		(b) ~~in its upper right hand corner~~ the flag of the European Union **in its upper left hand corner, printed in colour or in black and white** ;	

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(k) the letter 'A.', followed by the botanical name of the plant species or taxon concerned, in case of plants and plant products, or, where appropriate, the name of the object concerned;		(c) the letter 'A.', followed by the botanical name of the plant species or taxon concerned, in case of plants and plant products, or, where appropriate, the name of the object concerned**, and, optionally, the name of the variety** ;	
(l) the letter 'B.', followed by subsequently the two-letter code, referred to in point (b) of Article 63, for the Member State in which the professional operator issuing the plant passport is registered, a hyphen and the registration number of the professional operator concerned;-FR		(d) the letter 'B.', followed by subsequently the two-letter code, referred to in point (b) of Article 63, for the Member State in which the professional operator issuing the plant passport is registered, a hyphen and the registration number of the professional operator concerned **who issues the plant passport or for whom the plant passport is issued by the competent authority**;	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(m) the letter 'C.', followed by the lot number of the plant, plant product or the other object concerned;		(e) the letter 'C.', followed by the **traceability code** ~~lot number~~ of the plant, plant product or the other object concerned;	
(n) the letter 'D.', optionally followed by the name of the third country of origin or two-letter code, referred to in point (b) of Article 63, for the Member State of origin.		(f) the letter 'D.', ~~optionally~~ **where applicable** followed by**:**	
		(i) the name of the third country of origin**,** or	
		(ii) two-letter code, referred to in point (b) of Article 63, ~~for~~ **of** the Member State of origin.	
(2) The lot number referred to in point 1(e) may be replaced by a reference to a unique traceability barcode, hologram, chip or other data carrier, present on the lot.		(2) The lot~~ number~~ **traceability code** referred to in point 1(e) may **also** be ~~replaced~~ **supplemented** by a reference to a unique traceability barcode, hologram, chip or other data carrier, present on the~~ lot~~ **trade unit**.	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
PART B	**PART B**		**PART B**
PLANT PASSPORTS FOR MOVEMENT INTO AND WITHIN PROTECTED ZONES AS REFERRED TO IN THE SECOND SUBPARAGRAPH OF ARTICLE 78(2)	**PLANT PASSPORTS FOR MOVEMENT INTO AND WITHIN PROTECTED ZONES AS REFERRED TO IN THE SECOND SUBPARAGRAPH OF ARTICLE 78(2)**		**PLANT PASSPORTS FOR MOVEMENT INTO AND WITHIN PROTECTED ZONES AS REFERRED TO IN THE SECOND SUBPARAGRAPH OF ARTICLE 78(2)**
(1) The plant passport for movement into and within protected zones shall contain the following elements:			
(o) in its upper left hand corner, the words 'Plant Passport ─ ZP';		(a) **the words 'Plant Passport ─ ZP'** in its upper ~~left~~ **right** hand corner, ~~the words 'Plant Passport ─ ZP'~~ **in one of the official languages of the European Union and in English, separated by a slash**;	
(p) immediately underneath those words, the scientific name(s) of the protected zone quarantine pest(s) concerned;		(b) immediately underneath those words, the scientific name(s) **or the code(s)** of the **respective** protected zone quarantine pest(s) ~~concerned~~; **, as referred to in Article 32(3);**	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(q) in the upper right hand corner, the flag of the European Union;		(c) ~~in the upper right hand corner,~~ the flag of the European Union **in its upper left hand corner, printed in colour or in black and white** ;	
(r) the letter 'A.', followed by the botanical name of the plant species or taxon concerned, in case of plants and plant products, or, where appropriate, the name of the object concerned;		(d) the letter 'A.', followed by the botanical name of the plant species or taxon concerned, in case of plants and plant products, or, where appropriate, the name of the object concerned **and, optionally, the name of the variety**;	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(s) the letter 'B.', followed by subsequently the two-letter code, referred to in point (b) of Article 63, for the Member State in which the professional operator issuing the plant passport is registered, a hyphen and the registration number of the professional operator concerned;		(e) the letter 'B.', followed by subsequently the two-letter code, referred to in point (b) of Article 63, for the Member State in which the professional operator issuing the plant passport is registered, a hyphen and the registration number of the professional operator concerned **who issues the plant passport or for whom the plant passport is issued by the competent authority**;	
(t) the letter 'C.', followed by the lot number of the plant, plant product or the other object concerned;		(f) the letter 'C.', followed by the ~~lot number~~ **traceability code** of the plant, plant product or the other object concerned;	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(u) the letter 'D.', optionally followed by the name of the third country of origin or two-letter code, referred to in point (b) of Article 63, for the Member State of origin.		(g) the letter 'D.', ~~optionally~~ **where appropriate** followed by **:**	
		(i) the name of the third country of origin**,** or	
		(ii) two-letter code, referred to in point (b) of Article 63, ~~for~~ **of** the Member State of origin~~.~~ **and, in case of replacement of the plant passport, the registration number of the professional operator concerned who issued the initial plant passport or for whom the initial plant passport was issued by the competent authority as referred in Article 88 (1) and (2).**	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(2) The lot number referred to in point 1(f) may be replaced by a reference to a unique traceability barcode, hologram, chip or other data carrier, present on the lot.		(2) The ~~lot number~~ **traceability code** referred to in point 1(f) may **also** be ~~replaced~~ **supplemented** by a reference to a unique traceability barcode, hologram, chip or other data carrier, present on the ~~lot~~ **the trade unit** .	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
PART C	**PART C**		**PART C**
PLANT PASSPORTS FOR MOVEMENT WITHIN THE UNION TERRITORY, COMBINED WITH A CERTIFICATION LABEL, AS REFERRED TO IN THE SECOND SUBPARAGRAPH OF ARTICLE 78(3)	**PLANT PASSPORTS FOR MOVEMENT WITHIN THE UNION TERRITORY, COMBINED WITH A CERTIFICATION LABEL, AS REFERRED TO IN THE SECOND SUBPARAGRAPH OF ARTICLE 78(3)**		**PLANT PASSPORTS FOR MOVEMENT WITHIN THE UNION TERRITORY, COMBINED WITH A CERTIFICATION LABEL, AS REFERRED TO IN THE SECOND SUBPARAGRAPH OF ARTICLE 78(3)**
(1) The plant passport for movement within the Union territory, combined in a joint label with the official label referred to in Article 19 of Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on plant reproductive material law*], or the master certificate referred to in Article 122 of that Regulation, shall contain the following elements:		(1) The plant passport for movement within the Union territory, combined in a joint label with **the official label** ~~referred to in Article 19 of Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on plant reproductive material law*],~~ ~~or the master certificate referred to in Article 122 of that Regulation~~**for seeds or other propagating material referred to respectively in**	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		Articles 10(1) of Directive 66/401/EEC, Article 10(1) of Directive 66/402/EEC, Article 10(1) of Directive 68/193/EEC, Article 12 of Directive 2002/54/EC, Article 28(1) of Directive 2002/55/EC, Article 13(1) of Directive 2002/56/EC, and Article 12(1) of Directive 2002/57/E, and the label for pre-basic, basic or certified material as referred to in point (b) of Article 9(1) of Directive 2008/90/EC , shall contain the following elements:	
(v) in the upper left hand corner of the joint label, the words 'Plant Passport';		(a) **the words 'Plant Passport'** in the upper ~~left~~ **right** hand corner of the joint label, ~~the words 'Plant Passport'~~ **in one of the official languages of the European Union and in English, separated by a slash;**	

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(w) in the upper right hand corner of the joint label, the flag of the European Union.		(b) **the flag of the European Union** in the upper **left** ~~right~~ hand corner of the joint label, ~~the flag of the European Union~~ **printed in colour or in black and white**;	
The plant passport shall be positioned in the joint label immediately above, and have the same width as, that official label or, where applicable, that master certificate.			
Where point (c), (d), (e) or (f) as referred to in point (1) of Part A is not contained in that official label or, where applicable, that master certificate, that point shall be provided in the plant passport referred to in the first subparagraph.		DELETED	
The plant passport shall be positioned in the joint label immediately above, and have the same width as, that official label or, where applicable, that master certificate.		The plant passport shall be positioned in the joint label immediately above, and have the same width as, that official label ~~or, where applicable, that master certificate~~.	
(2) Point (2) of Part A shall apply accordingly.			

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PART D	**PART D**		**PART D**
PLANT PASSPORTS FOR MOVEMENT INTO AND WITHIN PROTECTED ZONES, COMBINED WITH A CERTIFICATION LABEL, AS REFERRED TO IN THE THIRD SUBPARAGRAPH OF ARTICLE 78(3)	**PLANT PASSPORTS FOR MOVEMENT INTO AND WITHIN PROTECTED ZONES, COMBINED WITH A CERTIFICATION LABEL, AS REFERRED TO IN THE THIRD SUBPARAGRAPH OF ARTICLE 78(3)**		**PLANT PASSPORTS FOR MOVEMENT INTO AND WITHIN PROTECTED ZONES, COMBINED WITH A CERTIFICATION LABEL, AS REFERRED TO IN THE THIRD SUBPARAGRAPH OF ARTICLE 78(3)**
(1) The plant passport for movement into and within protected zones, combined in a joint label with the official label referred to in Article 19 of Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on plant reproductive material*] law, or the master certificate referred to in Article 122 of that Regulation, shall contain the following elements:		(1) The plant passport for movement into and within protected zones, combined in a joint label with **the official label** ~~referred to in Article 19 of Regulation (EU) No …/…. [*Office of Publications, please insert number of Regulation on plant reproductive material*] law, or the master certificate referred to in Article 122 of that Regulation,~~**for seeds or other propagating material referred to respectively in Articles 10(1) of Directive 66/401/EEC, Article 10(1) of Directive 66/402/EEC, Article 10(1) of Directive 68/193/EEC, Article 12 of Directive 2002/54/EC, Article 28(1) of Directive 2002/55/EC, Article 13(1) of**	

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		Directive 2002/56/EC and Article 12(1) of Directive 2002/57/EC, and the label for pre-basic, basic or certified material as referred to in point (b) of Article 9(1) of Directive 2008/90/EC, shall contain the following elements:	
(x) in the upper left hand corner of the joint label, the words 'Plant Passport ─ ZP';		(a) **the words 'Plant Passport ─ ZP'** in the upper ~~left~~ **right** hand corner of the joint label **in one of the official languages of the European Union and in English, separated by a slash;**	
(y) immediately underneath those words, the scientific name(s) of the protected zone quarantine pest(s) concerned;		(b) immediately underneath those words, the scientific name(s) **or code(s)** of the protected zone quarantine pest(s) concerned;	
(z) in the upper right hand corner of the joint label, the flag of the European Union.		(c) **the flag of the European Union** in the upper **left** ~~right~~ hand corner of the joint label~~, the flag of the European Union~~ **printed in colour or in black and white**;	

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Where point (d), (e), (f) or (g) as referred to in point (1) of Part B is not contained in that official label or, where applicable, that master certificate, that point shall be provided in the plant passport referred to in the first subparagraph.		DELETED	
The plant passport shall be positioned in the joint label immediately above, and have the same width as, that official label or, where applicable, that master certificate.			
(2) Point (2) of Part B shall apply accordingly.			

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		ANNEX VIA	Ok with Council text (whole Annex)
		Criteria to identify plants referred to in Article 68a, which do not require a phytosanitary certificate	
		The assessment referred to in Article 68a shall take into account 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.	

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		(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.	

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ANNEX VII		DELETED	Ok with Council text (whole Annex)
Mark for wood packaging material referred to in Article 91(1)		DELETED	
The mark applied to wood packaging material pursuant to Article 91(1) shall contain the following elements:		DELETED	
(a) on its left hand, the logo of the IPPC;		DELETED	
(b) on its right hand, subsequently the two-letter code, referred to in point (b) of Article 63, for the Member State in which the professional operator applying that mark is registered, a hyphen, the registration number of the professional operator concerned, and the letters 'HT'.		DELETED	
No other information shall be contained within the border of the mark.		DELETED	
The mark shall not be hand drawn.		DELETED	

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ANNEX VIII			Ok with Council text (whole Annex)
Contents of phytosanitary certificates for export and re-export as referred to in Articles 94(3) and 95(4)			
PART A			
PHYTOSANITARY CERTIFICATES FOR EXPORT AS REFERRED TO IN ARTICLE 94(3)			
(1) The phytosanitary certificate for movement out of the Union territory, for the purpose of export to a third country, shall contain the following elements:			
(aa) the words 'Phytosanitary certificate', followed by subsequently:			
(i) the letters 'EU';			
(ii) the two-letter code, referred to in point (b) of Article 63, for the Member State in which the professional operator requesting the issuance of the phytosanitary certificate for export is registered;			

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(iii) a slash;			
(iv) a unique identification code for the certificate, consisting of numbers or a combination of letters and numbers, the letters representing, as applicable, the province and district of the Member State where the certificate is issued;			
(bb) the words 'Name and address of exporter', followed by the name and address of the registered operator requesting the issuance of the phytosanitary certificate for export;		b) the words 'Name and address of exporter', followed by the name and address of the registered operator**, or private person,** requesting the issuance of the phytosanitary certificate for export;	

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(cc) the words 'Declared name and address of consignee', followed by the declared name and address of the consignee;			
(dd) the words "Plant protection organisation of", followed by the name of the Member State of which the plant protection organisation issues the certificate, and subsequently the words 'to the plant protection organisation(s) of', followed by the name or, as applicable, names, of the country or, as applicable, countries of destination;			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(ee) the words 'Place of origin', followed by the place of origin of the plants, plant products or other objects included in the consignment for which the certificate is issued;		(e) the words 'Place of origin', followed by the place **or places** of origin of the plants, plant products or other objects included in the consignment for which the certificate is issued**. In all cases, the name of the country or countries of origin should be stated**;	
		(ea) an unnumbered box, this box is reserved for the EU logo. Optionally, other official logos can be added;	
(ff) the words "Declared means of conveyance", followed by the declared means of conveyance of that consignment;			
(gg) the words "Declared point of entry", followed by the declared point of entry into the country of destination of that consignment;			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(hh) the words "Distinguishing marks: number and description of packages; name of produce; botanical name of plants", followed by the number and type of packages included in the consignment;		(h) the words "Distinguishing marks: number and description of packages; name of produce; botanical name of plants", followed by **a description of the consignment including botanical name of plants or the name of the produce, distinguishing marks,** the number and type of packages included in the consignment;	
(ii) the words "Quantity declared", followed by the quantity of the plants, plant products or other objects included in that consignment, expressed by number or weight;			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(jj) the words 'This is to certify that the plants, plant products or other regulated articles described herein have been inspected and/or tested according to appropriate official procedures and aree considered to be free from the quarantine pests specified by the importing contracting party and to conform with the current phytosanitary requirements of the importing contracting party, including those for regulated non-quarantine pests. They are deemed to be practically free from other pests.';		(j) the words 'This is to certify that the plants, plant products or other regulated articles described herein have been inspected and/or tested according to appropriate official procedures and aree considered to be free from the quarantine pests specified by the importing contracting party and to conform with the current phytosanitary requirements of the importing contracting party, including those for regulated non-quarantine pests**'. Optionally, the following clause may be added: 'They** are deemed to be practically free from other pests.';	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(kk) the words "Additional declaration", followed by the additional declaration referred to in Article 67(2) and the statement referred to in Article 67(3) and, optionally, any further phytosanitary information relevant to the consignment. If there is insufficient space for the whole of the additional declaration, the text is to be continued on the back of the form;		(k) the words "Additional declaration", followed by the additional declaration referred to in Article 67(2) and the statement referred to in Article 67(3) and, optionally, any further phytosanitary information relevant to the consignment. If there is insufficient space for the whole of the additional declaration ~~the text is to be continued on the back of the form;~~ **an attachment may be added. The information in the attachment should only include what is required on the phytosanitary certificate. All the pages of the attachment should bear the number of the phytosanitary certificate and should be dated, signed and stamped in the same manner as required for the phytosanitary certificate. The phytosanitary certificate should refer to any attachments in the appropriate section;**	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(ll) the words 'Disinfestation and/or disinfection treatment';			
(mm) the word "Treatment", followed by the treatment that has been applied to that consignment;			
(nn) the words "Chemical (active ingredient)", followed by the active ingredient of the chemical used for the treatment referred to in point (m);			
(oo) the words "Duration and temperature", followed by the duration and, where applicable, temperature of that treatment;			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(pp) the word "Concentration", followed by the concentration of that chemical reached during that treatment;			
(qq) the word "Date", followed by the date on which that treatment was applied;			
(rr) the word "Additional information", followed by any additional information that the competent authority wishes to include in the certificate;			
(ss) the words 'Place of issue', followed by the place of issuance of the phytosanitary certificate;			
(tt) the word 'Date', followed by the date of issuance of the phytosanitary certificate;			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(uu) the words 'Name and signature of authorised officer', followed by the name and signature of the officer issuing and signing the phytosanitary certificate;			
(vv) the words 'Stamp of organisation', followed by the official stamp of the competent authority issuing the phytosanitary certificate.			
		(w) optionally, the sentence "No financial liability with respect to this certificate shall attach to (name of Plant Protection Organisation) or to any of its officials or representatives" may be added on the certificate below the frame.	
(2) The paper used shall contain the embossed seal of the competent authority that signs the certificate.		DELETED	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		In case the phytosanitary certificate is not issued electronically, the paper used shall contain a watermark, embossed seal or embossed logo determined by the competent authority that signs the certificate. The colour of the pre-printed text shall be green except for the number of the original certificate as referred to under paragraph (1) point (iv), which may be in another colour.	
		See Annex II to the Annex	
PART B	**PART B**		**PART B**
PHYTOSANITARY CERTIFICATES FOR RE-EXPORT AS REFERRED TO IN ARTICLE 95(4)	**PHYTOSANITARY CERTIFICATES FOR RE-EXPORT AS REFERRED TO IN ARTICLE 95(4)**		**PHYTOSANITARY CERTIFICATES FOR RE-EXPORT AS REFERRED TO IN ARTICLE 95(4)**
(1) The phytosanitary certificate for movement out of the Union territory, for the purpose of re-export to a third country, shall contain the following elements:			
(ww) the words 'Phytosanitary certificate for re-export', followed by subsequently:			
(i) the letters 'EU';			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(ii) the two-letter code, referred to in point (b) of Article 63, for the Member State in which the professional operator requesting the issuance of the phytosanitary certificate for re-export is registered;			
(iii) a slash;			
(iv) a unique identification code for the certificate, consisting of numbers or a combination of letters and numbers, the letters representing, as applicable, the province and district of the Member State where the certificate is issued;			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(xx) the words 'Name and address of exporter', followed by the name and address of the registered operator requesting the issuance of the phytosanitary certificate for re-export;			
(yy) the words 'Declared name and address of consignee', followed by the declared name and address of the consignee;			
(zz) the words "Plant protection organisation of", followed by the name of the Member State of which the plant protection organisation issues the certificate, and subsequently the words 'to the plant protection organisation(s) of', followed by the name or, as applicable, names, of the country or, as applicable, countries of destination;			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(aaa) the words 'Place of origin', followed by the place of origin of the plants, plant products or other objects included in the consignment for which the certificate is issued;		(e) the words 'Place of origin', followed by the place **or places** of origin of the plants, plant products or other objects included in the consignment for which the certificate is issued**. In all cases, the name of the country or countries of origin should be stated**;	
		(ea) an unnumbered box, this box is reserved for the EU logo. Optionally, other official logos can be added ;	
(bbb) the words "Declared means of conveyance", followed by the declared means of conveyance of that consignment;			
(ccc) the words "Declared point of entry", followed by the declared point of entry into the country of destination of that consignment;			

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(ddd) the words "Distinguishing marks: number and description of packages; name of produce; botanical name of plants", followed by the number and type of packages included in the consignment;		(h) the words "Distinguishing marks: number and description of packages; name of produce; botanical name of plants", followed by **a description of the consignment including botanical name of plants or the name of the produce, distinguishing marks,** the number and type of packages included in the consignment;	
(eee) the words "Quantity declared", followed by the quantity of the plants, plant products or other objects included in that consignment, expressed by number or weight;			
(fff) the following text:			
'This is to certify			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
– that the plants or plant products described above were imported into ……..…… (country of re-export) from …….…. (country of origin) covered by phytosanitary certificate No …….…. ☐ original ☐ certified true copy of which is attached to this certificate,		– that the plants ~~or~~**,** plant products **or other regulated articles** described above were imported into ……..…… (country**(contracting party** of re-export) from ……. (country**/ contracting party** of origin) covered by phytosanitary certificate No …… ☐ original ☐ certified true copy of which is attached to this certificate,	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
– that they are ☐ packed ☐ repacked in ☐ original ☐ new containers,			
– that based on the ☐ original phytosanitary certificate and ☐ additional inspection, they are considered to conform with the current phytosanitary regulation of the importing country, and		– that based on the ☐ original phytosanitary certificate and ☐ additional inspection, they are considered to conform with the current phytosanitary ~~regulation~~ **requirements** of the importing country**/contracting party**, and	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
– that during storage in …… … (country of re-export) the consignment has not been subjected to the risk of infestation or infection.		– that during storage in …… (~~country~~**contracting party** of re-export) the consignment has not been subjected to the risk of infestation or infection.	
in which text the required information shall be filled and the applicable boxes ticked;			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(ggg) the words "Additional declaration", followed by the additional declaration referred to in Article 67(2) and the statement referred to in Article 67(3) and, optionally, any further phytosanitary information relevant to the consignment. If there is insufficient space for the whole of the additional declaration, the text is to be continued on the back of the form;		(k) the words "Additional declaration", followed by the additional declaration referred to in Article 67(2) and the statement referred to in Article 67(3) and, optionally, any further phytosanitary information relevant to the consignment. If there is insufficient space for the whole of the additional declaration, ~~the text is to be continued on the back of the form~~ **an attachment may be added. The information in the attachment should only include what is required on the phytosanitary certificate. All the pages of the attachment should bear the number of the phytosanitary certificate and**	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		should be dated, signed and stamped in the same manner as required for the phytosanitary certificate. The phytosanitary certificate should refer to any attachments in the appropriate section;	
(hhh) the words 'Disinfestation and/or disinfection treatment';			
(iii) the word "Treatment", followed by the treatment that has been applied to that consignment;			
(jjj) the words "Chemical (active ingredient)", followed by the active ingredient of the chemical used for the treatment referred to in point (m);			
(kkk) the words "Duration and temperature", followed by the duration and, where applicable, temperature of that treatment;			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(lll) the word "Concentration", followed by the concentration of that chemical reached during that treatment;			
(mmm) the word "Date", followed by the date on which that treatment was applied;			
(nnn) the word "Additional information", followed by any additional information that the competent authority wishes to include in the certificate;			
(ooo) the words 'Place of issue', followed by the place of issuance of the phytosanitary certificate;			
(ppp) the word 'Date', followed by the date of issuance of the phytosanitary certificate;			

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
(qqq) the words 'Name and signature of authorised officer', followed by the name and signature of the officer issuing and signing the phytosanitary certificate;			
(rrr) the words 'Stamp of organisation', followed by the official stamp of the competent authority issuing the phytosanitary certificate.			
		(w) optionally, the sentence "No financial liability with respect to this certificate shall attach to (name of Plant Protection Organisation) or to any of its officials or representatives" may be added on the certificate below the frame.	
(2) The paper used shall contain the embossed seal of the competent authority that signs the certificate.		DELETED	

Commission Proposal Cion (2013) 267 final -	EP Amendments	Council text	Negotiating text
		In case the phytosanitary certificate is not issued electronically, the paper used shall contain a watermark, embossed seal or embossed logo determined by the competent authority that signs the certificate. The colour of the pre-printed text shall be brown except for the number of the original certificate as referred to under paragraph (1) point (iv), which may be in another colour.	
		See Annex III to the Annex	
		PART C	
		PRE-EXPORT CERTIFICATES AS REFERRED TO IN ARTICLE 96(5)	
		See Annex IV to the Annex	