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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2016/2031 of the European Parliament and of the Council as regards multiannual survey programmes, notifications concerning the presence of regulated non-quarantine pests, temporary derogations from import prohibitions and special import requirements and establishment of procedures for granting them, temporary import requirements for high risk plants, plant products and other objects, the establishment of procedures for the listing of high risk plants, the content of phytosanitary certificates, the use of plant passports and as regards certain reporting requirements for demarcated areas and surveys of pest - Further Revised Presidency text - Comments from FI, PL, HR

Delegation will find in Annex the comments from Finland, Poland, Croatia on the above.

Comments from Finland

Finland would like to thank the Belgian Presidency for submitting further revised drafting changes to the proposal. Specially we thank the changes made to article *1a Amendment to Regulation (EU) 2017/625* and deletion of wood packaging material.

We have still some comments concerning differences in recitals and related articles.

It is stated in recital (6b) that:

“As experience has shown, on certain occasions the Member States need the assistance of experts to allow for swift action against new outbreaks of particular pests in their territories... In order to protect the Union territory from possible outbreaks in third countries bordering the Union territory or presenting an imminent phytosanitary risk for that territory, that team could also be available to provide third countries with urgent assistance, upon request of one or more Member States, concerning the outbreaks in their territories of Union quarantine pests and pests subject to the measures adopted pursuant to Article 30 of that Regulation.”

It seems that the recital above is not totally in line with the proposed article which states:

“In well justified cases, the team may also provide urgent assistance to third countries bordering the Union territory or presenting an imminent phytosanitary risk for that territory, upon the request by one or more Member States and of the third country concerned, concerning the outbreaks in their territories of Union quarantine pests and pests subject to the measures adopted pursuant to Article 30 of that Regulation.”

In recital (33a) it is said that:

“experience has shown that the notification of the absence of the phytosanitary certificate or other official attestations in the case of plants, plant products or other objects introduced into the Union as part of passengers’ personal luggage or through postal services intended for personal consumption or use, increases the administrative burden for the competent authorities disproportionately in relation to the phytosanitary risk concerned.

The notification of those consignments, if they are subject to the measures referred to in Article 1(2), point (g) of Regulation (EU) 2017/625, should therefore be exempted from Article 66(5) of that Regulation if the non-compliance concerns the relevant phytosanitary certificate or other official attestations as referred to in Article 99(1) of Regulation (EU) 2016/2031.”

In the proposed article the following is stated:

“Plants, plant products or other objects subject to the measures referred to in Article 1(2), point (g) which enter the Union as part of passengers’ personal luggage or through postal services intended for personal consumption or use, shall be exempted from the notification obligation under the first subparagraph if the non-compliance concerns the relevant phytosanitary certificate or another official attestation.”

In broad sense, also notifications concerning inadequate additional declarations, wrong information on PCs, or even presence of quarantine pests (PC should not have been issued by the third country) etc. concern the relevant phytosanitary certificate. Therefore, if only the absence of PC or another attestation is intended to be covered, we propose to modify the proposed article as follows:

“Plants, plant products or other objects subject to the measures referred to in Article 1(2), point (g) which enter the Union as part of passengers’ personal luggage or through postal services intended for personal consumption or use, shall be exempted from the notification obligation under the first subparagraph if the non-compliance concerns the absence of relevant phytosanitary certificate or another official attestation.”

Comments from Poland

Referring to the new compromise text presented by the Presidency (5593/24 of 18 January 2024), Poland would like to propose the following amendments:

I. Point (9) of the draft, paragraph (6) of the new Article 42a of the regulation 2016/2031:
6. The application period of the implementing acts referred to in paragraphs 1 **and 4** shall not be longer than 5 years. However, that period may be renewed **for a period no longer than 5 years**, and the derogation concerned may be subject to amended conditions, if justified on the basis of an updated assessment.

II. Article 1a:

Article 1a

Amendment to Regulation (EU) 2017/625

In Article 66(5) of Regulation (EU) 2017/625, the following subparagraphs are added:

‘Plants, plant products or other objects subject to the measures referred to in Article 1(2), point (g) which enter the Union as part of passengers’ personal luggage or through postal services intended for personal consumption or use, **or in the case of wood packaging material in use controlled at a border crossing point where no border control post has been designated**, shall be exempted from the notification obligation under the first subparagraph if the non-compliance concerns the relevant phytosanitary certificate or another official attestation as referred to in Article 99(1) of Regulation (EU) 2016/2031.

The competent authorities shall keep a record of those non-compliances and shall annually report a summary of those records to the Commission and to the competent authorities of the other Member States’.

Adequate justification for the proposed changes has been provided in previous emails.



Comments from Croatia

Generally, Croatia supports this proposal is of great importance for the rational acceptance of new elements, we need to take care that these costs are reduced to a minimum, and synergy is also important in the context of the obligation to report, in order to avoid unnecessary duplication

Comments from Croatia on the amended Presidency draft of 18 January 2024 for a Regulation of the European Parliament and of the Council amending the Plant Health Regulation (EU) 2016/2031 (doc. no. 5593/24)

We agree with the RO's comment that it will be a big burden for customs, but I think that they should also be aware of the risks surrounding the unwanted introduction of harmful organisms into the EU

Article 1a

In connection with the justification in recital (33a), the following text amendment is proposed:

[Article 1a

Amendment to Regulation (EU) 2017/625

In Article 66(5) of Regulation (EU) 2017/625, the following subparagraphs are added:

‘Plants, plant products or other objects subject to the measures referred to in Article 1(2), point (g) which enter the Union as part of passengers’ personal luggage or through postal services intended for personal consumption or use, or in the case of wood packaging material in use shall be exempted from the notification obligation under the first subparagraph if the non-compliance concerns the relevant official attestation.

The competent authorities deal with such goods as stated/prescribed in Article 64 paragraph 3 (h).

The competent authorities shall keep a record of those non-compliances **according to a given form or some other IT tool** and shall annually report a summary of those records to the Commission and to the competent authorities of the other Member States

