



Council of the  
European Union

Brussels, 24 January 2024  
(OR. en)

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**Interinstitutional File:  
2023/0378(COD)**

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**5593/24  
ADD 3**

**LIMITE**

**AGRILEG 20  
PHYTOSAN 11**

**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 the Netherlands

Delegations will find in Annex comments from the Netherlands on the above.

1. The first one concerns the amendment to Article 66(5) of the OCR (2017/625). We think that the text proposed in the PRES-text is correct, but it doesn't cover all the sorts of packages entering the EU. We therefore suggest to amend this text as follows to cover also packages coming from e-commerce/couriers:

*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 **for personal***

***consumption or use** or ~~through postal services intended for personal consumption or use,~~*

***small consignments of goods sent to natural persons which are not intended to be placed***

***on the market** ~~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 phytosanitary certificate or another official attestation as referred to in*

*Article 99(1) of Regulation (EU) 2016/2031 official attestation.*

*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'.*

*[That report shall be submitted via the IMSOC,]*

The proposed amendments are in line with the relevant text in the Implementing Regulation 2019/2122. If accepted, the recital 33a should be amended accordingly.

2. The second comment concerns the date of application. We thank you for accepting the proposal in Article 2 to have the 36-Month period in the PHR-proposal. As you know this is a very important point for us. We can understand that the second part of our comment is not part of the PRES-text (yet). If that is not accepted in the legislative text, we would like to have this mentioned in a statement as part of the minutes of the COPHS.

**Therefore, once the PRM proposal is adopted, an amendment to the 36-month period mentioned in Article 2 of this proposal will be included in the PRM text in which the application date of Article 71(2) PHR will be aligned with the date of application of the PRM.**

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