



Council of the
European Union

Brussels, 6 March 2015
(OR. en)

6924/15

LIMITE

AGRI 108
AGRILEG 45
PHYTOSAN 12
CODEC 313

Interinstitutional File:
2013/0141 (COD)

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	5670/15
No. Cion doc.:	9574/13 - COM(2013) 267 final
Subject:	Proposal for a Regulation of the European Parliament and of the Council on protective measures against pests of plants - <i>Delegations' comments</i>

Delegations will find in Annex comments received from the Dutch delegation on the Presidency compromise text for the above proposal.

Text suggestions from the Netherlands for the articles 62 – 84

Art 62.2.e. Procedure for registration

- (e) *Description of the plants and plant products by their commodity type, family, genus or species, where appropriate, and nature of other objects, concerned by the activities of the professional operator.*

Motivation: better wording to express that the objective is that the plants are described including the option to use commodity type, which is especially important for the production and trade of ornamentals which covers a very wide range of families and genera.

Art 62.4.

4. Registered 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. *That application shall be submitted immediately if it applies to changes in the data referred to in point (a) of paragraph 2 and on an annual basis before 15 May if it applies to changes in the data of point (b), (c), (d) and (e) of paragraph 2.*

Motivation: Any changes in contact details shall be communicated immediately to allow the competent authorities to contact the operator at any moment without delay. The other information is especially for growers an annual issue and annual updates will also work for the competent authorities for traders. To have actual data from growers mid May is an appropriate date.

Art 67.2 Phytosanitary certificate for introduction into the Union territory

Where applicable, the phytosanitary certificate shall specify under the heading 'Additional Declaration', and in accordance with the implementing acts adopted pursuant to Articles 27(1),(2), 29(1),(2), 37(2) and (5a), 41(1) and (2), [41a] and 50(1) and (2), which specific requirement is fulfilled, where the respective implementing act there is a choice between allows for several different options for such requirements. *This specification shall include the full text of the relevant option as well as a reference to the position of the relevant option provided in the respective implementing act.*

Motivation: Either the full text or the option alone may create problems, e.g. when the full text is in Portuguese or when the text is needed for re-export purposes. This is reflected by the current way of working, some Member States now require the reference and other require the full text, this is confusing for third countries that may export to several Member States.

Art 72.1. Invalidation of phytosanitary certificate

Second subparagraph:

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. *Electronic certificates shall be invalidated in an electronic way such that the certificate is marked as invalid.*

Motivation: To allow for a similar option in the case of electronic phytosanitary certificates to be invalidated, in these cases a stamp will not work.

Art. 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 registered professional operator within a Member State *or in border areas between Member States if approved by the competent authorities of the Member States involved.*

Motivation: farmers that have field on both sides of a border between Member states may have to transport their harvest to premises on the other side of the border. This is allowed in case of a border between a Member state and a third country and should also be possible between Member States, but then only when both Member States involved agree. This is now also current practice.

Art 84.1.a.

- (a) *When the examinations are carried out by the professional operator pursuant to article 82.2. the professional operator 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 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;*

Motivation: Operators have the option of the competent authority to perform the examination, e.g. because these inspections can then be used for export certification which is not the case for their own examinations. This may for instance continue in seed potatoes. In these cases they do not need to fulfil the first requirement.