



Council of the
European Union

Brussels, 11 March 2015
(OR. en)

6971/15

LIMITE

AGRI 111
AGRILEG 49
PHYTOSAN 14
CODEC 322

Interinstitutional File:
2013/0141 (COD)

WORKING DOCUMENT

From:	Presidency
To:	Working Party on Plant Health (Protection and Inspection)
No. prev. doc.:	9613/14, 9613/14 ADD 1, 15549/14, 5670/15
No. Cion doc.:	9574/13
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on protective measures against pests of plants - Presidency compromise text

Delegations will find in Annex the Presidency compromise text including suggestions for changes to the abovementioned Commission proposal.

The suggested new wording as compared to the Commission proposal is presented in **bold underlined characters** and the suggested deletions in ~~**bold strikethrough**~~. Changes as compared to the version in doc. 15549/14 and 5670/15 are highlighted with a **colour**.

At this stage only Articles 1 to 90 and Annexes V, VI have been redrafted. Recitals have not been subject to changes.

2013/0141 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on protective measures against pests of plants

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 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 Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (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 Community³ sets out a plant health regime.

¹ OJ C , , p. .

² OJ C , , p. .

³ OJ L 169, 10.7.2000, p. 1.

- (2) On 21 November 2008, the Council invited the Commission to proceed to an evaluation of that plant health regime⁴.
- (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) 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.
- (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.
- (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.

⁴ 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.

- (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 [*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)⁵ [*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.
- (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'.
- (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.
- (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, **and breeding and exhibitions**.

⁵ OJ L ...,, p. ...

- (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.
- (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.
- (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~~ **demarcated** areas, consisting of an infested zone and a buffer zone.
- (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.

- (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.
- (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.
- (17a) Where a Union quarantine pest has become established and cannot be eradicated, the Commission should adopt Union measures as regards the containment of that pest.**
- (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.
- (19) Under certain conditions Member States should be allowed to adopt more stringent eradication measures than required by Union legislation.
- (20) Special provisions should apply to priority pests as regards the information of the public, surveys, contingency plans, **action eradication** plans and co-financing of measures by the Union, in particular.
- (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.

- (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.
- (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.
- (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.
- (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.
- (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, **and** breeding ~~and exhibitions~~. Proper safeguards should be set and information should be provided to those concerned.

- (27) A derogation from the Union rules for introduction into and movement within the Union territory should be provided for plants, plant products and other objects in transit.
- (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.
- (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.
- (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.
- (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.
- (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.

- (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.
- (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 .../.... on⁶ *[Office of Publications to insert number, title and, in a footnote, the OJ reference for the Regulation on plant reproductive material]*.
- (35) Professional operators operating at more than one premise should be given the possibility to register separately for each of those premises.
- (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.
- (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.

⁶ OJ L ...,, p. ...

- (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.
- (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.
- (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.
- (42) In order to ensure the credibility of the plant passports, rules should be established concerning their contents.
- (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.
- (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.
- (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.

- (46) Authorised operators should possess the necessary knowledge concerning pests.
- (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.
- (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.
- (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.
- (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.
- (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.
- (54) In order to ensure that the exceptions for Union quarantine pests used for scientific purposes, trials, varietal selections, or breeding ~~or exhibitions~~ are implemented in a manner that does not pose any pest 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.
- (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.
- (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.
- (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.
- (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.

- (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.
- (60) In order to avoid **pest 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.
- (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.
- (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.
- (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 maximum figure for small quantities of particular plants, plant products or other objects to be exempted from plant passports.

- (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.
- (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.
- (66) In order to enhance the scope and utility of the ~~pest 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.
- (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.
- (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.
- (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.

(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 regulated non-quarantine~~ 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 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, 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. 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 powers⁷.

- (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 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 regulated non-~~ **quarantine** 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, 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 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

⁷ OJ L 55, 28.2.2011, p. 13.

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 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, without any modifications, the plants, plant products and other objects listed in Point I of Part A of Annex V to Directive 2000/29/EC, and for the adoption of the initial list of the plants, plant products and other objects, for which a plant 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-rollers⁸ and Council Directive **2006/91/EC of 7 November 2006** ~~69/466/EEC of 8 December 1969~~ on control of San José Scale⁹ 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.

⁸ OJ L 352, 28.12.1974, p. 41–42.

⁹ OJ L **312, 11.11.2006, p.42–44** ~~323, 24.12.1969, p. 5–6.~~

- (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 2021.
- (75) Regulation (EU) No .../2013 on¹⁴ [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 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.

¹⁰ OJ L 323, 24.12.1969, p. 1–2.

¹¹ OJ L 259, 18.10.1993, p. 1–25.

¹² OJ L 235, 21.8.1998, p. 1–39.

¹³ OJ L 156, 16.6.2007, p. 12–22.

¹⁴ OJ L ...,, p.

- (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.
- (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.
- (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:

Chapter I

Subject matter, scope and definitions

Article 1

Subject matter and scope

1. This Regulation lays down rules to determine the ~~phytosanitary~~ 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.

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.~~

~~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.~~

~~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:~~

~~(a) an addition to Annex I of one or more territories that are referred to in Article 355(1) of the Treaty;~~

~~(b) a removal from Annex I of one or more territories that are referred to in Article 355(2) of the Treaty.~~

For the purposes of this Regulation references to third countries shall be read as references to third countries, Ceuta and 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.

For the purposes of this Regulation, references to the Union territory shall be read as references to the Union territory without Ceuta, Melilla ~~or~~ and the territories that are referred to in Article 355(1) of the Treaty, other than the islands of Madeira and the Azores.

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 **or without** foliage;
 - (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 **and spores**;
 - (l) buds, budwood, cuttings, scions, grafts;

- (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 ~~or regulated non-quarantine~~ pests, 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:

- (a) it retains all or part of its natural round surface, with or without bark, and is in separate pieces or constructions made thereof;
- (b) it has not retained its natural round surface due to sawing, cutting or cleaving, and is in separate pieces or constructions made thereof;
- (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;

(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;

- (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, and which are capable of and intended for producing entire plants, including themselves through their own growth
- (4) 'other object' means any material or object, other than plants or plant products, capable of harbouring or spreading pests, including soil or growing medium;

- (5) 'competent authority' means a competent authority as defined in Article 2(5) of Regulation (EU) No .../.... [*Office of Publications, please insert number of Regulation on Official Controls*];
- (6) 'lot' means a number of units of a single commodity, identifiable ~~for phytosanitary purposes~~ by its homogeneity of composition, ~~and~~-origin and other relevant elements, forming part of a consignment;

(6a) 'trade unit' means the smallest applicable commercial or other useable unit, which may be the subset or the whole of a lot;

- (7) 'professional operator' means any person, governed by public or private law, involved professionally in, **and legally responsible for**, one or more of the following activities concerning plants, plant products and other objects:
- (a) planting;
 - (b) ~~breeding~~growing;
 - (c) production, including growing, multiplying and maintaining;
 - (d) introduction into, ~~and~~-movement within, and out of the Union territory;
 - (e) making available on the market;
 - (ea) **storage, collection and dispatching**

(7a) 'registered operator' means a professional operator registered in accordance with Article 61;

(7b) 'authorised operator' means a registered operator authorised by the competent authority in accordance with Article 84 to issue plant passports in accordance with Article 84 , or to ~~issue any~~apply a mark in accordance with Articles 91, 91a and 92, ~~for to take any specific action pursuant to the implementing acts adopted in accordance with Article 27 or 29~~;

(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;

~~(8a) — 'internet client' means a final user obtaining plants, plant products or other objects by sales through distant contracts.~~

(9) 'test' means an official examination, other than visual, to determine if pests are present or to identify pests;

(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 their **devitalisation**;

(10a) 'incidence' means the proportion or number of units in which a pest is present in a sample, consignment, field or other defined population;

(10b) 'establishment' means the perpetuation, for the foreseeable future, of a pest within an area after entry;

(10c) 'eradication' means the application of phytosanitary measures to eliminate a pest from an area;

(10d) 'containment' means the application of phytosanitary measures in and around an infested area with the single purpose to prevent the spread of a pest out of that area.

~~(10e) — 'internet client' means a final user obtaining consignments of plants, plant products or other objects by sales through distant contracts.~~

(10ee) 'quarantine station' means any official station for holding plants, plant products or other objects in quarantine

(10f) 'confinement facility' means any facility, other than quarantine stations, where plants, plant products or other objects are kept under confinement conditions.

~~[(10g) — 'single authority' means the competent authority responsible for coordination and contacts with the other Member States and the Commission for the purposes of this Regulation]~~

(10h) ‘traceability number’ means a number used for traceability purposes, including numbers referring to lot, batch, series, date of production, professional operator documents.

Chapter II

Quarantine pests

SECTION 1

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 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;
- (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, those parts of **that territory** ~~it~~ where it is **not widely distributed** ~~distributed to a limited extent~~, in accordance with point (3) of Section 1 of Annex II;
- (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
- (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.

SECTION 2

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).

Article 5

Prohibition of introduction, ~~and movement,~~ holding, multiplication or release of Union quarantine pests

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.**

~~No action shall be taken intentionally which may contribute to the introduction into, establishment and spread within, the Union territory of a Union quarantine pest.~~

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'.

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.

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.

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.

That implementing act shall be adopted in accordance with the ~~advisory~~ examination procedure referred to in Article 99(~~32~~).

3. The Commission shall amend the implementing act referred to in paragraph 2, where an ~~assessment~~ pest risk analysis ~~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 pest risk assessment available to the Member States.

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.

- ~~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.~~

~~Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 99(2).~~

Article 6

Priority pests

1. A Union quarantine pest, **with the exception of pests fulfilling the conditions set out in point (c) of point (2) of Section 1 of Annex II, shall be referred to as** is a 'priority pest' if it fulfils all of the following conditions:
 - ~~(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;~~
 - (b) its potential economic, environmental or social impact is most severe for the Union territory as set out in Section 2 of Annex II;
 - (c) it is listed in accordance with paragraph 2.
2. The Commission shall, by means of an implementing act, establish and amend a list of the priority pests, hereinafter: 'list of priority pests'.

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.

The Commission shall make that assessment available to the Member States.

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.

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

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.

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, in order to adapt those criteria to the development taking into account the developments of relevant international standards.**
- ~~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 and international standards.~~

Article 8

Union quarantine pests used for scientific, technical ~~orand~~ educational purposes, trials, varietal selections, or breeding ~~or exhibitions~~

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, **and the holding, multiplication and release of Union** quarantine pests for use for scientific, **technical, orand 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, and multiplication and release and use of the pest concerned do not result in the establishment or spread of that pest within the Union territory, taking into account the identity, biology and means of dispersal of the pest, the activity envisaged, the interaction with the environment and other relevant factors relating to the risk posed by that pest.

~~if all of the following requirements are fulfilled:~~

- ~~(a) — the introduction, movement and use of the pest concerned do not result in the establishment or spread of that pest within the Union territory if adequate restrictions are imposed;~~
- ~~(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;~~
- ~~(c) — the scientific and technical qualifications of the personnel by whom the activity involving that pest is to be carried out are appropriate.~~

~~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).~~

~~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.~~

3. Where an authorisation is granted, it shall include all of the following conditions:
- (a) the pest is to be kept in a location and under conditions ~~storage facilities, confinement facilities, or quarantine stations, or confinement facilities, as referred to in Article 56,~~ found to be appropriate by the competent authorities and referred to in the authorisation;
 - (b) the activity involving the pest is to be carried out in a ~~confinement facility, found to be appropriate by the competent authority, or a~~ quarantine station, or confinement laboratory facility under confinement conditions (hereinafter: a 'confinement facility'), designated by the competent authority in accordance with Article 56 ~~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;
 - (d) the pest is to be accompanied by the authorisation when introduced into, ~~or~~ moved within or multiplied in the Union territory.
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 Union quarantine pest concerned.
5. The competent authority shall monitor compliance with the conditions referred to in paragraph 3 and the limitation and the restrictions referred to in paragraph 4 and take the necessary action in case those conditions, that limitation or those restrictions are not complied with. Where appropriate, that action shall be the revocation of the authorisation referred to in paragraph 1.

6. The Commission shall ~~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**:

- (a) the exchange of information between Member States and the Commission concerning the introduction into, ~~and~~ movement within, **holding, and and multiplication and release in** the Union territory of the pests concerned;
- (b) the ~~requirements for the assessments and~~**procedure and conditions for granting the** authorisation referred to in paragraph ~~12~~; and
- (c) the ~~requirements for the~~ monitoring of compliance, **and** the actions **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).

~~6a. The Commission may, by means of an implementing act, set out harmonised rules on the procedures and conditions for granting the authorisation referred to in paragraph 2.~~

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

Article 9

~~Notification of Union quarantine pests to the competent authorities~~

~~1. Where any person, one becomes aware of the presence of a Union quarantine pest, in an area where that pest was not known to occur, or has reason to suspect such a presence, that person shall notify, in writing, the competent authority within five ten calendar days.~~

~~Where the notification is not submitted in writing, the competent authority shall officially record it.~~

~~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.~~

~~2a. The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out the cases in which paragraph 1 does not apply as regards pests that are repeatedly found present in a certain area.~~

~~2a. The obligation for notification as referred to in paragraph 1 shall not apply to the following cases:~~

~~(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);~~

~~(b) Union quarantine pests subject to eradication measures requiring ten years or more, except for the [three] years preceding the abolition of a demarcated area.~~

Article 10

~~Measures in case of suspicion of the presence of a Union quarantine pest~~

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.

1a. Paragraph 1 shall also apply for a pest that is not included in the list of Union quarantine pests, where the competent authority concerned considers that that pest may fulfil the conditions for inclusion in the list of Union quarantine pests.

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.

~~Where a competent authority suspects 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 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 confirm')~~ whether that pest is present or not.

Article 11

Notification of Union quarantine pests to the Commission and the other Member States

Confirmation by the competent authorities of the presence of a Union quarantine pest

Where a competent authority suspects the presence of a Union quarantine pest, or a pest which may fulfil the conditions for inclusion in the list of Union quarantine pests, 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 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 confirm') whether that pest is present or not. Pending the official confirmation of the presence of that pest, the Member States may impose quarantine restrictions to eliminate the risk of its spread.

- ~~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:~~**
 - ~~(a) its competent authority has received an official confirmation of 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;~~**
 - ~~(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.~~**

~~2. In the cases referred to in points (a) and (b) of paragraph 1, The notifications referred to in that paragraph 1 shall be submitted within five three working days following the date of the official confirmation by the competent authority of the presence of the respective Union quarantine pest.~~

~~In the cases referred to in point (c) of paragraph 1, the notifications referred to in that paragraph 1 shall be submitted within three working days following the date of that official confirmation.~~

~~The notifications concerned shall be submitted by the Single Authority, referred to in Article 3(2) of Regulation [Official Controls], of the Member State concerned.~~

~~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 shall concern pests requiring swift action, in view of their biology and possibility of rapid and wide spread, and Those delegated acts may also determine the time limit within which those notifications shall be submitted.~~

~~3a The Commission may, by means of implementing acts, lay down specific rules concerning the following elements, in addition to those laid down in Article 97(2):~~

~~(a) the information items to be included in the notifications referred to in paragraphs 1 and 3;~~

~~(b) the format of those notifications and instructions on how to fill in that format;~~

~~(c) — deadlines, other than the deadlines indicated in paragraphs 2 and 3, for the submission of particular information items as referred to in point (a).~~

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

Article 12

~~Information on Union quarantine pests provided to professional operators by the competent authorities~~

Notification of Union quarantine pests by the Member States to the Commission and the other Member States

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-conditions~~ is fulfilled:

- (a) its competent authority has ~~received an official confirmation~~officially confirmed ~~of the presence in its territory of a Union quarantine pest not known to be present in that Member State;~~
- (b) its competent authority has officially confirmed the presence in its territory of a Union quarantine pest, if that pest is found to be present in a part of its territory where it was previously not present;
- (c) its competent authority has officially confirmed the presence in its territory of a Union quarantine pest in a consignment of plants, plant products or other objects introduced into, intended to be introduced into, or moved within the Union territory.

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

[moved to art. 97a]

2. In the cases referred to in points (a) and (b) of paragraph 1, Tthe notification shall be submitted within [five] three working days following the date of the official confirmation by the competent authority of the presence of the respective Union quarantine pest.

In the cases referred to in point (c) of paragraph 1, the notification shall be submitted within three working days following the date of that official confirmation.

3 The Commission may, by means of implementing acts, lay down specific rules concerning the following elements :

(a) the information items to be included in the notifications referred to in paragraph 1;

(b) the format of those notifications and instructions on how to fill in that format;

(c) deadlines, other than the deadlines indicated in paragraph 2 , for the submission of particular information items as referred to in point (a);

(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.

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

~~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 without delay immediately informed of the presence of the Union quarantine pest concerned.~~

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

Where ~~one of the conditions referred to in of one of the points of~~ Article 12(1) ~~are is~~ fulfilled, the competent authority concerned shall ensure that professional operators, whose plants, plant products or other objects may be affected, are without delay ~~immediately~~ informed of the presence of the Union quarantine pest concerned.

~~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 relevant categories of professional operators or other persons.~~

Article 14

Notification of imminent dangers

Information on priority pests provided to the public by the competent authorities

When ~~one of~~ the conditions ~~referred to in~~ points (a) or (b) of Article 12(1) ~~are~~ 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 ~~particular~~ relevant categories of professional operators or other persons.

- ~~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.~~**

~~Subparagraph 1 shall also apply for a pest that is not included in the list of Union quarantine pests, where the competent authority concerned considers that that pest may fulfil the conditions for inclusion in the list of Union quarantine pests.~~

- ~~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.~~**

Article 15

Measures to be taken immediately by professional operators

1. Where a professional operator suspects, 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 take actions to confirm that presence. As appropriate, it shall also take precautionary measures to prevent the establishment and spread of that pest.

~~Where a professional operator suspects, becomes aware, or receives an official confirmation 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 on the actions to be taken, concerned, In accordance with the respective instructions of the competent authority, the professional operator shall 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.~~

- 1a. Where a professional operator becomes aware of, or 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 notify that presence to the competent authority and following the notification referred to in Article 9, it shall immediately 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.

- 1b. Where a professional operator becomes aware of such a presence, without the need to receive that confirmation, the provisions of paragraph 1a shall apply.

~~That professional operator shall, where so instructed by 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~~

- ~~2. Where so instructed by the That competent authority, shall, where appropriate, ensure that the professional operator concerned shall immediately withdraws from the market the plants, plant products and other objects which are under its control and in which that pest may be present.~~
2. The professional operator shall immediately take the phytosanitary measures necessary to prevent the spread of that pest. Where applicable, the professional operator shall take those measures in accordance with the respective instructions of the competent authority.
- 2a. Where so instructed by the competent authority, the professional operator shall also take the phytosanitary measures, and necessary 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. Where applicable, the professional operator shall take those measures in accordance with the respective instructions of the competent authority.
- ~~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, where so instructed by the competent authority, 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.~~
3. Where so~~Unless otherwise~~ instructed by the competent authority, The competent authority shall, where appropriate, ensure that the professional operator concerned shall without delay immediately recalls, from the final users, from the market withdraw from the market the plants, plant products and other objects which are under its control and 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.~~

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, inform 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 ~~recall~~ shall include guidelines on the necessary measures to be taken during shipment of ~~the respective recalled~~ plants, plant products and other objects to reduce the risk of spread or escape of the pests concerned.

4. Where paragraphs 1, 1a, 1b, or 2 or 3 apply~~ies~~, 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~~. Without prejudice to Article 1413, ~~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.

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, in an area where that pest was not known to occur, 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 concerning that presence which is in its possession.

2. Following the notification referred to in paragraph 1, that person shall ~~Where anyone, other than the professional operators referred to in Article 15, suspects, becomes aware, or receives an official confirmation that a Union quarantine pest is present in plants, plant products or other objects which are under its control, he shall immediately~~ consult with the competent authority on the actions to be taken. In accordance with the respective instructions of the competent authority, ~~he that person~~ shall take the phytosanitary measures necessary to prevent the spread of that pest, and eliminate that pest from the plants, plant products or other objects concerned and from his premises.

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:

- (c) 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);
- (d) Union quarantine pests subject to eradication measures requiring eight years or more, except for the three years preceding the abolition of a demarcated area.

Article 16

Eradication of Union quarantine pests

1. ~~Following the official confirmation referred to in Article 121(1)(a) or (b), Where the presence of a Union quarantine pest is officially confirmed,~~ the competent authority shall immediately take all necessary 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.

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.

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.

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.~~

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.

Article 17

Establishment of ~~restricted~~ demarcated areas

1. Following the official confirmation referred to in Article 1~~2~~4(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: 'demarcated ~~restricted~~ area'), where the measures for the purpose of the eradication referred to in Article 16(1) or the containment referred to in Article 27(2) are to be taken.

The demarcated ~~restricted~~ area shall consist of an infested zone, as provided for in paragraph 2, and a buffer zone, as provided for in paragraph 3.

2. The infested zone shall, as applicable, contain:
 - (a) all plants known to be infested by the pest concerned;
 - (b) all plants showing signs or symptoms indicating possible infestation by that pest;
 - (c) all other plants liable to be 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;
 - (ca) land, soil, water courses or other elements infested, or liable to be infested, by the pest concerned.

3. The buffer zone shall be adjacent to the infested zone and shall surround it.

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.

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 needs to be established.

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.

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.~~

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.
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.

Article 18

Surveys and modifications of ~~restricted~~ demarcated areas, and lifting of restrictions

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).
2. Where, whether or not as a result of an ~~annual~~ survey as referred to in paragraph 1, a competent authority finds a presence of the pest concerned in the buffer zone, the Member State concerned shall immediately notify that presence to the Commission and the other Member States specifying that the pest was found present in a buffer zone.
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.
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 into the verification of the pest-free status of that area.
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 conditions and the likelihood of the eradication measures having been successful.

5a. By derogation to paragraph 1, annual surveys need not ~~to~~ be carried out ~~in~~ the infested zone of demarcated areas established for:

- (a) pests subject to eradication measures requiring ~~eighteen~~ years or more, except for the ~~{three}~~ years preceding the ~~planned~~ abolition of a demarcated area referred to in paragraph 45 and which are listed pursuant to the implementing act referred to in subparagraph 2;**
- (b) pests subject to the containment measures referred to in Article 27(2), as regards the infested zone.**

The Commission shall, by means of an implementing act, further specify the pests referred to in point (a). That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3)

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.**
- 2. Where so requested by the Commission or by any other Member State, a Member State shall submit a report on specific measures taken in accordance with Articles 16, 17 and 18.**

~~Member States shall prepare a report on the measures taken in accordance with Articles 16, 17 and 18.~~

~~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.~~

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~~ in order to adapt those ~~criteria-measures and principles~~ to the developments of ~~technical and scientific knowledge or~~ ~~technical and scientific knowledge and relevant international standards.~~

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.

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 ~~eco~~climatic conditions or to the absence of its host species.

~~Without prejudice to Article 18, those surveys do not need to be carried out for pests subject to the containment measures referred to in Article 27(2) in the infested zone of the demarcated area 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 of professional operators and other persons, and shall also cover, as appropriate, the movement of the plants, plant products or other objects concerned. 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.

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, the areas information on where the surveys were conducted, the timing of those surveys, the pests 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 of those reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).

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 and duration per area, 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.

2. Member States shall notify their multi-annual survey programmes upon their establishment to the Commission and the other Member States on request ~~on request~~.
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 further specify the elements in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).

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), as far as it is allowed in relation to the biology of the pest concerned or the ecoclimatic conditions. 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.
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

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’.

Those contingency plans do not need to be drawn up 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 their host plants.

2. The contingency plan shall include the following:

- (a) the roles and responsibilities of the bodies involved in the execution of the plan, in case of a confirmed or suspected presence of the priority pest concerned, the chain of command and procedures for the co-ordination of actions taken by competent authorities, other public authorities, as referred to in Article 3(2) of Regulation (EU) No .../.... [*Office of Publications, please insert number of Regulation of Official Controls*], delegated bodies or natural persons involved, as referred to in Article 25(1) of Regulation (EU) No .../.... [*Office of Publication, please insert number of Regulation of Official Controls*], laboratories and professional operators, including co-ordination with neighbouring Member States and neighbouring third countries, where appropriate;
- (b) access of competent authorities to premises of professional operators, **other relevant operators** and ~~of~~ natural persons;

(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;
- (c) measures to be taken concerning the information of the Commission, the other Member States, the professional operators concerned and the public, as regards the presence of the priority pest concerned and the measures taken against it, in case a presence of the pest concerned is officially confirmed or suspected;
- (d) arrangements for recording findings of the presence of the priority pest concerned;
- (e) the available assessments as set out in Article 6(2), and any assessment of the Member State as regards the risk of the priority pest concerned for its territory;

- (f) the risk management measures to be implemented as regards the priority pest concerned, in accordance with Section 1 of Annex IV, and the procedures to be followed;
- (g) principles for the geographical demarcation of ~~restricted~~ **demarcated** areas;
- (h) protocols describing the methods of visual examinations, sampling and laboratory testing; and
- (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).**

Where appropriate, points ~~(a)~~ **(c)** to (i) shall take the form of instruction manuals.

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.

3. Within ~~two~~ **three** ~~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.

4. Member States shall communicate their contingency plans to the Commission and to the other Member States on request.

Article 25

Simulation exercises for priority pests

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**.

Those exercises shall take place with regards to all priority pests concerned within a reasonable period of time.

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.

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.

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:~~

~~(a) the frequencies, contents and format of simulation exercises;~~

~~(b) simulation exercises covering more than one priority pest;~~

~~(c) co-operation between Member States, and of Member States with third countries;~~

~~(d) contents of the reports on simulation exercises provided for in paragraph 3.~~

~~Eradication~~ 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 points (a) or (b) of Article 1~~2~~4(1)(~~a~~), the competent authority shall immediately adopt a plan setting out the measures for the eradication of the pest concerned, as provided for in Articles 16, 17 and 18, 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.

2. Member States shall notify, on request, ~~on request~~, to the Commission and the other Member States ~~the action eradication plans and an annual report on the measures taken in accordance with Articles 16, 17 and 18 or, where appropriate, Article 27(2), under the action eradication plans concerned.~~

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:
 - (a) Article 1~~10~~ concerning measures to be taken by competent authorities in case of suspicion of the presence of a Union quarantine pest; ~~as well as measures to be taken against the establishment and spread of that pest pending official confirmation of its presence;~~
 - (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
 - (c) Article 16 concerning eradication of Union quarantine pests;
 - (d) Article 17 concerning establishment of ~~restricted~~ demarcated areas;
 - (e) Article 18 concerning surveys, modifications of ~~restricted~~ demarcated areas and lifting of restrictions;
 - (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 for priority pests;
 - (j) Article 26 concerning action ~~eradication~~ plans for priority pests.

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

2. Where, as regards a ~~restricted~~ **demarcated** area, ~~it is the Commission~~ **concludes**~~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.

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.
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 ecological 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.
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.
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).
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 ~~major~~ non-compliance by professional operators **or persons other than professional operators** with the measures adopted pursuant to this Article, **which creates a risk of spreading of 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 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 ~~5(1) and~~ 16 to 19 shall apply.

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 ~~that~~ Member State, the Member State concerned shall take the necessary measures to prevent the entry into, and establishment and spread, of that pest in the Union territory.

Where a Member State competent authority suspects the presence in its territory of a pest fulfilling the criteria referred to in the first subparagraph, Article 1~~10~~ shall apply accordingly. Pending the official confirmation of the presence of that pest, the Member States may impose quarantine restrictions to mitigate the risk of its spread.

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.

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.

Article 29

Measures by the Union concerning pests not listed as Union quarantine pests

1. Where the Commission receives **a** ~~the~~ notification **as** referred to **in Article 124(1), or** in the first subparagraph of Article 28(3), or has other evidence concerning the presence in, or imminent danger of entry into, **or movement 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).

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 ~~it is 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~~ **demarkated** 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.
3. ~~Where it is concluded~~ **In case the Commission concludes** that prevention measures in ~~areas~~ **locations** outside ~~restricted~~ **demarkated** 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.
5. ~~The Commission may decide, by means of implementing acts, 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 **pursuant to Article 28. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).**
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).
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 ~~major~~ non-compliance by professional operators with the measures adopted pursuant to this Article, **which creates a risk of spreading of quarantine pests.**

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.~~

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 **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.

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.

SECTION 3

PROTECTED ZONE QUARANTINE PESTS

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'.

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, and the holding, and multiplication and release within protected zones of protected zone quarantine pests.**

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(~~32~~).

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.**

~~Where Article 35 applies, an implementing act shall be adopted in accordance with the advisory procedure referred to in Article 99(2).~~

4. With the application referred to in paragraph 1, the Member State concerned shall submit:
- (a) a description of the boundaries of the protected zone concerned, including maps; and
 - (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.

4a. ~~Those~~ 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.~~

The Commission **may, by means of implementing acts,** ~~shall be empowered to adopt delegated acts, in accordance with Article 98,~~ laying 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).**

4b. ~~By way of derogation to point (b) of paragraph 4, the Commission may recognise a temporary protected zone pursuant to paragraph 1. By way of derogation to the requirement of the three years referred to in point (b) of paragraph 4, Member States shall submit the results of a survey showing that during a period preceding the application, the quarantine pest concerned was not present in the territory concerned., where the Member State submits evidence from surveys during less than three years preceding the application referred to in paragraph 1, supplemented with other evidence supporting the presumed absence of the pest in the envisaged protected zone.~~

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

4c. ~~The Commission shall amend the implementing act referred to in paragraph 3 by amending the scientific name of a pest, where such an amendment is justified by the development of scientific knowledge.~~

~~Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 99(2).~~

4d. Member States shall notify the Commission, the other Member States and inform, via publication on the official website of the competent authority internet, the professional operators about of the boundaries of the protected zones in their territory, including maps.

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:
 - (a) Articles 109 to 142 concerning the confirmation, notification and information as regards the presence of Union quarantine pests;
 - (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~~ demarcated areas and surveys in those ~~restricted~~ demarcated areas.
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 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.

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.
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

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, and take into account the relevant international standards. The provisions of Article 21(2) shall apply accordingly for the surveys carried out on protected zone quarantine pests.~~

The Commission may, by means of implementing acts, ~~shall be empowered to adopt delegated acts, in accordance with Article 98,~~ laying down detailed rules for those 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).~~

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.

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 and, the other Member States and, via the internet, the professional operators of the amendment to that protected zone, including maps.~~

The Member States concerned shall publish on the official website of its competent authority the amendment to that protected zone, including maps. That publication shall be appropriate to ensure that all professional operators concerned have access to it.

Where that amendment concerns the extension of a protected zone, Articles 32, ~~33 and 34~~ shall apply.

2. On application by the Member State referred to in paragraph 1, the Commission shall revoke the recognition of a protected zone or shall reduce its size by amending the implementing act referred to in Article 32(3). That amendment shall be adopted in accordance with the ~~advisory examination~~ procedure referred to in Article 99 (32).
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~~ **demarcated** area has been designated, in accordance with Article 33(1), within three months after the presence of that pest was confirmed;
 - (b) the eradication measures 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) .

~~By derogation to the first subparagraph, the implementing act referred to in Article 32(3) may specify a period longer than 24 months where the biology of pest so justifies;~~
 - (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.

Chapter III

Union Regulated non-quarantine ~~Union quality~~ pests

Article 36

Definition of ~~Union quality~~ Union regulated non-quarantine pests

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:

- (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;
- (d) it is transmitted mainly through specific plants for planting, in accordance with point (2) of Section 4 of Annex II;
- (e) its presence on those plants for planting has an unacceptable economic impact, as regards the intended use of those plants for planting, in accordance with point (3) of Section 4 of Annex II;
- (f) feasible and effective measures are available to prevent its presence on the plants for planting concerned.

**Prohibition or restriction of the introduction and movement of Union ~~Union quality regulated~~
non-quarantine pests on plants for planting**

1. **Professional operators shall not introduce a Union ~~A Union quality regulated non-~~
quarantine pest ~~shall not be introduced~~ into, or moved 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:**

- (a) movement of plants for planting within, or between, the premises of the
professional operator concerned;**
- (b) ~~movement of plants for planting to operators other than professional operators;~~**
- (c) movement of plants for planting necessary for their disinfection; and**
- (d) ~~movement for reason of sales to final users.~~**

2. The Commission shall, by means of an implementing act, establish a list setting out the
~~Union quality~~ **Union 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.

That list shall include the pests, and the respective plants for planting, as set out in the
following acts:

- (a) Section II of Part A of Annex II of Directive 2000/29/EC;
- (b) points (3) and (6) of Annex I to Council Directive 66/402/EEC of 14 June 1966 on
the marketing of cereal seed¹⁵ and point (3) of Annex II thereto;

¹⁵ OJ L 125, 11.7.1966, p. 2309.

(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 vine¹⁶;

- (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/EEC¹⁷;
- (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/EEC¹⁸;
- (e) point (b) of Annex II to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed¹⁹;
- (f) point (6) of Annex I to Council Directive 2002/56/EC²⁰ of 13 June 2002 on the marketing of seed potatoes and point B 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 plants²¹ and point (5) of Annex II thereto.

That implementing act shall be adopted in accordance with the examination advisory procedure referred to in Article 99(~~32~~).

Pests listed in Annex I, and in ~~Section I of~~ Part A and in Part B of Annex II of Directive 2000/29/EC and listed as a Union quarantine pest pursuant to Article 5(2), shall not be included in that list.

¹⁶ OJ L 93, 17.4.1968, p. 15.

¹⁷ OJ L 250, 7.10.1993, p. 1.

¹⁸ OJ L 250, 7.10.1993, p. 9.

¹⁹ OJ L 193, 20.7.2002, p. 33.

²⁰ ~~OJ L 193, 20.7.2002, p. 60.~~

²¹ OJ L 193, 20.7.2002, p. 74.

3. The Commission shall amend the implementing act referred to in paragraph 2, where ~~an~~ **pest risk analysis 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.

The Commission shall make that assessment available to the Member States.

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.

4. Where Article 36(e) is only fulfilled for one or more of the **of pre-basic, basic, or certified material, or pre-basic, basic or certified seed or seed potatoes, or standard or CAC material, 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, 2008/72/EC and 2008/90/EC categories referred to in Article 12(1) of Regulation (EU) No .../....** ~~{Office of Publications, please insert number of Regulation on plant reproductive material law}~~, the list referred to in paragraph 1 shall set out those categories stating that the prohibition of introduction and movement provided for in paragraph 1 only applies to those categories.
5. Where Article 36(e) is only fulfilled if the pest concerned is present **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:

- (a) it is possible **for professional operators** to ensure ~~by measures taken by the professional operator~~ that the **incidence** ~~presence~~ of that **Union** ~~Union quality regulated non-quarantine~~ pest on those plants for planting does not exceed that threshold; and

- (b) it is possible to verify whether that threshold is not exceeded in lots of those plants for planting.

The principles for the management of the risk of pests set out in Section 2 of Annex IV shall apply.

5a. The implementing act referred to in paragraph 2 may specify the measures referred to in point (f) of Article 36 that are necessary to prevent the presence of specific Union regulated non-quarantine pests on the plants for planting concerned.

Those measures may include ~~one or more~~ one or more:

- (a) **Restrictions on the identity, nature, origin, provenance, ancestry, production method, production history and traceability of the plants for planting concerned;**
- (b) **Requirements as regards the absence of symptoms of the Union regulated non-quarantine pest concerned on the plants for planting concerned at the place of production and its immediate vicinity in a given time period or production period, and the rogueing out and destruction of symptomatic and infested plants;**
- (c) **Requirements as regards surveillance, visual examination, sampling and laboratory testing of the plants for planting concerned, the growing medium and the production site for the presence of the Union regulated non-quarantine pests concerned, including through the certification schemes referred to in Article 82(4) and through subjection to quarantine procedures;**
- (d) **Requirements as regards physical, chemical and biological treatment of the plants for planting concerned.**

For the purposes of points (a) to (d), those measures may include requirements with regard to the issuance of an official statement or other attestation to attest compliance with the provisions referred to in point (a) to (d).

The Commission shall amend that implementing act as necessary to ensure that those measures are justified.]

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.~~

~~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, for purposes of consolidating amendments.~~

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~~ Union 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 relevant international standards.

Article 39

~~Union quality~~ Union regulated non-quarantine pests used for scientific, technical or and
educational purposes, ~~or~~ trials, varietal selection or breeding ~~varietal selections or breeding or~~
~~exhibitions~~

The prohibition provided for in Article 37 shall not apply to Union ~~Union quality~~ regulated non-
quarantine pests present on the plants for planting concerned, and used for scientific technical and
educational purposes, ~~or~~ trials, ~~or~~ varietal selection or breeding ~~varietal selections or breeding or~~
~~exhibitions~~.

Chapter IV

Measures concerning plants, plant products and other objects

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

1. The Commission shall adopt an implementing act, containing the plants, plant products and other objects **originating in third countries**, and the prohibitions and the third countries concerned, as set out in Part A 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, ~~where applicable~~, 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 Tariff²² (hereinafter: 'CN code'). **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.**

²² OJ L 256, 7.9.1987, p. 1.

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.

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.

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 **of origin**, concerned by that listing.

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.

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.~~

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.

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 concerned, as set out in Part A of Annex IV to Directive 2000/29/EC.

That implementing act shall be adopted in accordance with the **examination** ~~advisory~~ procedure referred to in Article 99~~(2)~~**(3)** of this Regulation.

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. **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.**

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'.

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 as appropriate**.

The acceptability of the level of that **pest phytosanitary** risk shall be assessed, and the measures to reduce that risk to an acceptable level shall be adopted, in accordance with the principles set out in Section 2 of Annex IV on principles for the management of the risks of pests. Where appropriate, the acceptability of that level of **pest phytosanitary** risk shall be assessed, and those measures shall be adopted, with regards to one or more specific third countries or parts thereof.

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

On duly justified imperative grounds of urgency to address a serious **pest phytosanitary** risk, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 99(4).

3. **A plant, plant product or other object listed in the implementing act provided for in paragraph 1 may only be introduced into, or moved within, the Union territory if the special requirements, or equivalent requirements, are fulfilled.**

4. In case plants, plant products or other objects have been introduced into, or moved within, the Union territory in violation of paragraph 3, Member States shall adopt the necessary measures, as referred to in Article xx of Official controls Regulation, and 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, 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.~~

[Article 41a

Specific import conditions for the introduction into the Union territory
of plants for planting

1. Without prejudice to Article 41, plants for planting may only be introduced into the Union if it has been proven, on the basis of a risk assessment carried out in accordance with the criteria listed in Annex IIIa, that those plants for planting do not pose a pest risk of an unacceptable level by its likelihood to host a Union quarantine pest.
2. The Commission shall, by means of an implementing act, and in accordance with Section 2 on Annex IV, list the plants for planting referred to in paragraph 1 when the pest risks identified are considered acceptable. That implementing act may lay down 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.
That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).
In case a plant for planting included in that implementing act is proven to pose a pest risk of an unacceptable level and that risk cannot be reduced to an acceptable level by measures referred to in paragraph 2, the Commission shall amend that implementing act accordingly.

- ~~3. By way of derogation to the provisions referred to in paragraphs 1 and 2, Member States may authorise, on the request of a professional operator, the introduction into their territories of plants for planting which are not included in the implementing act referred to in paragraph 2.~~
- ~~That authorisation may be provided where a provisional assessment shows that the plants for planting concerned comply with paragraph 1.~~
- ~~The Member State concerned shall immediately notify to the Commission and to the other Member States that authorisation and the results of that assessment.~~
- ~~4. Where the Commission receives a notification referred to in paragraph 3, it shall assess whether the plants for planting subject to that authorisation comply with paragraph 1.~~
- ~~Where the Commission concludes that those plants for planting comply with paragraph 1, it shall amend accordingly the implementing act referred to in paragraph 2.~~
- ~~Where the Commission concludes that those plants for planting do not comply with paragraph 1, the Member State concerned shall revoke the authorisation referred to in paragraph 3.~~
- ~~Where appropriate, the Commission may decide, by means of implementing acts, that the authorisation granted pursuant to paragraph 3 are to be amended.~~
- ~~5. Member States shall notify to the Commission and the other Member States of any imports that took place under the authorisation referred to in paragraph 3.~~
- ~~Member States shall also notify to the Commission and the other Member States where the introduction of plants for planting of into the Union territory was refused or where such plants have been introduced into the Union territory in violation of paragraph 1. The third country from which those plants for planting were exported into the Union territory shall also be notified.~~
- ~~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).]~~

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:
 - (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.
2. Where appropriate, the Commission shall investigate, in the third country concerned, and in accordance with Article 119 of the Regulation (EU) No .../... [*Office of Publications, please insert number of Regulation on Official Controls*], whether points (a) and (b) are fulfilled.
3. The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 99(3).

Information to be provided to travellers, clients of postal services ~~and internet clients~~

1. Member States, seaports, airports, air transport operators and ~~other~~ 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.

That information shall be provided in the form of posters or and/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. or, in the case of sales through other means than through the internet, through the respective means.~~

That information shall also be made available through the internet by postal services and by professional operators involved in sales through distance contracts to their clients for the 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 at least in the form of posters.~~

The Commission shall ~~be empowered to adopt, by means of~~ an implementing act, setting out 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(~~32~~) 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.~~

- ~~23.~~ Member States shall, on request, annually submit to the Commission a report summarising the information provided pursuant to this Article.

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 **all of** the following conditions:
 - (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');
 - (b) they are introduced into areas of Member States immediately across that border (hereinafter: 'Member State frontier zones');
 - (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;
 - (d) they do not pose any risk of spreading **Union** quarantine pests caused by movements within the frontier zone.

Those plants, plant products and other objects shall only **be moved** into and within the Member State frontier zones, and only under the official control of the competent authority.

2. ~~The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out the following:~~

The Commission may, by means of an implementing act, lay down uniform rules concerning:

- (a) the maximum width of third country frontier zones and Member State frontier zones, as appropriate for the specific plants, plant products and other objects individually;
- (b) the maximum distance of the movement of the plants, plant products and other objects concerned within the third country frontier zones and Member State frontier zones; and

- (c) the procedures concerning the authorisation of the introduction into, and movement within, the Member State frontier zones of plants, plant products and other objects referred to in paragraph 1.

The width of those zones shall be 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 advisory procedure referred to in Article 99(32) of this Regulation.

3. The Commission may lay down, by means of implementing acts, specific conditions or measures concerning the introduction into Member State frontier zones of particular plants, plant products and other objects, and specific third countries, which are subject to this Article.

Those acts shall be adopted in accordance with Section 1 of Annex IV on measures to manage the risks of quarantine pests and Section 2 of that Annex on principles for the management of the risks of pests, **and, where appropriate,** taking into account the **development of** scientific and technical **knowledge developments and international standards.**

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

4. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and the other Member States where plants, plant products or other objects have been introduced into, or moved within, the frontier zones as referred to in paragraphs 1, **and 2 and 3** in violation of those paragraphs.

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 be notified.**

Exception from prohibitions and requirements for phytosanitary transit

1. By way of derogation from Article 40(3) and Article 41(3), ~~Member States~~competent authorities 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 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; fulfil the following conditions:
 - ~~(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;~~
 - ~~(aa) — The professional operator responsible for the consignment in transit shall communicate the information referred to in Article 54 (1) of Regulation [official controls] through the TRACES system, both at the entry point and at the exit point;~~
 - ~~(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;~~
 - ~~(c) — they are introduced into, passed through and, without delay, moved out of the Union territory under official control by the competent authorities concerned.~~

~~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. The professional operator responsible for the consignment in transit shall communicate the information referred to in Article 54 (1) of Regulation [official controls] through the TRACES system.~~

- 1a. ~~Member States~~Competent authorities ~~can~~ shall prohibit phytosanitary transit if ~~the~~
~~plants, plant products or other objects concerned do it does~~ not comply, or there is
reasonable evidence that ~~theyit~~ will not comply, with paragraph 1.**
- 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.~~**
- 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.~~**
- 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).~~**
- 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.~~**

**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.**

†

Plants, plant products and other objects used for scientific technical or and educational purposes, trials, varietal selection and breeding and exhibitions ~~and exhibitions~~

1. By way of derogation from Articles 40(3), 41(3), 41a(1) and (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 and-or educational purposes, trials, varietal selection and breeding and exhibitions ~~and exhibitions.~~

That authorisation shall be granted for the activity concerned only if adequate restrictions are 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, 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 pest risk posed by those plants, plant products or other objects.

~~, if all of the following requirements are fulfilled:~~

- ~~(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;~~
- ~~(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;~~
- ~~(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.~~

~~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.~~

~~It shall assess the storage facilities in which those plants, plant products or other objects are to be kept, as referred to in paragraph 1(b), and the scientific and technical qualifications of the personnel by whom the activity involving those plants, plant products or other objects is to be carried out, as referred to in paragraph 1(c).~~

~~On the basis of those 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.~~

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 a location and under conditions ~~storage facilities~~ found to be appropriate by the competent authorities 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;
- (c) the activity involving those plants, plant products or other objects 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;
- (d) those plants, plant products or other objects are to be accompanied by the authorisation when introduced into or moved within the Union territory.

3a. By way of derogation to point (b) of paragraph 3, where that authorisation concerns exhibitions, the Member State may decide to authorise the presence of the plants, plant products or other objects concerned outside those quarantine stations, or confinement facilities, if no risk of spread of Union quarantine pests exist.

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 Union quarantine pests concerned.

5. The competent authority shall monitor compliance with the conditions referred to in paragraph 3 and the limitation and the restrictions referred to in paragraph 4 and take the necessary action in case those conditions, that limitation or those restrictions are not complied with.

Where appropriate, that action shall be the revocation of the authorisation referred to in paragraph 1.

6. The Commission **may, by means of an implementing act** ~~shall be empowered to adopt delegated acts, in accordance with Article 98, laying down~~ **set out** detailed **uniform specific** rules concerning **the following elements**:

- (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 **procedures and conditions for granting requirements for the assessments and the** authorisation referred to in paragraph **12**; and
- (c) the **requirements for the** monitoring of compliance **and**, the actions **to be taken** in case of non-compliance ~~and notification thereof~~, as referred to in paragraph 5.

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

~~7. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and the other Member States where plants, plant products or other objects have been introduced into, or moved within, the Union territory in violation of the provisions of paragraphs 1 to 4.~~

~~Where applicable, those 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.~~

~~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.~~

~~7a. The Commission may, by means of an implementing act, set out uniform rules on the procedures and conditions for granting the authorisation referred to in paragraph 2.~~

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

Temporary measures concerning plants, plant products and other objects provisionally assessed to pose unacceptable pest risks for planting

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 other objects for planting from third countries, where the following conditions are fulfilled:
 - (a) there is ~~no or little~~ insufficient phytosanitary experience, such as new species or pathways, as regards trade in the plants, plant products and other objects for planting concerned originating in or dispatched from the third country concerned;
 - (b) no assessment has been carried out ~~by the Union~~ 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;
 - (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 for which measures have been adopted pursuant to Article 29.

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 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:

- (a) systematic and intensive visual inspection and intensive sampling, at the point of introduction, of each lot of plants, plant products or other objects for planting introduced into the Union territory and testing of samples;
- ~~(aa) requirement of a phytosanitary certificate,~~
- (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 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;
- (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

In the case of (a) and (b) a phytosanitary certificate, as referred to in Article 67 shall be required for the introduction into the Union of the plant concerned.

3. The measures referred to in paragraph 1 shall apply for an appropriate [and reasonable] period of time, maximum of two years, pending the identification of pests likely to be associated with those plants, plant products or other objects from those third countries and the assessment of the risks posed by those pests in accordance with to Section 1 of Annex II. ~~This period may be prolonged once for a maximum of two years.~~

~~3a — A third country or a Member State may submit a request to the Commission to derogate from the measures referred to in paragraph 1.~~

~~The request shall be accompanied by technical evidence enabling a full assessment of all phytosanitary risks to the Union territory and of the potential phytosanitary safeguards to manage those risks. The Commission shall assess the risks and potential measures and repeal or amend the implementing act referred to in paragraph 1.~~

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).
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. ~~and exhibitions.~~

6. **By 31 March each year** Member States shall **submit a report to the** ~~notify the~~ Commission and the other Member States **on the application** ~~where a plant, plant product or other object has been subject to~~ **of** the measures referred to in points (a) or (b) of paragraph 2, **during the preceding year**.

Member States shall notify the Commission and the other Member States where, following the application of the measures referred to in points (a) or (b) of paragraph 2, a pest has been found which is likely to pose new **pest phytosanitary** risks.

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~~ **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.

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, **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** ~~of technical and scientific knowledge and~~ **relevant international standards**.

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 pest 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 Article 47(1), [Article 49](#) it shall notify in writing the Commission and the other Member States of the Union measures it would like to be taken, together with the technical or scientific justification for those measures.

1a. If it considers that those Union measures are not being, or cannot be, taken in sufficient time to mitigate that risk, it may take temporary measures to protect its territory against the imminent danger. Those temporary measures, and the technical justification for those measures, shall be notified immediately to the Commission and the other Member States.

2. Where the Commission receives the notification referred to in the first subparagraph of 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), and Article 47(1) and Article 49, or whether any new measure should be adopted pursuant to those Articles.

3. Where, on the basis of the 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).

SECTION 2

MEASURES RELATING TO PROTECTED ZONES

Article 49

Prohibition of introduction of plants, plant products and other objects into protected zones

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(~~32~~) of this Regulation.

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

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.

1a. 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.

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

In case a plant, plant product or other object 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 **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 **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.

On duly justified imperative grounds of urgency to address a serious 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 shall not be introduced into the respective protected zone from the third country, or area of the Union territory, concerned.~~
- ~~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).~~
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.

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~~.

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 protected zones are fulfilled.

1. The Commission shall adopt an implementing act, containing the plants, plant products and other objects, the respective protected zones and the requirements, as set out in Part B of Annex IV to Directive 2000/29/EC.

That implementing act shall be adopted in accordance with the ~~advisory~~ **examination** procedure referred to in Article 99(~~32~~) of this Regulation.

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

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.

2. In case a plant, plant product or other object, coming from outside the protected zone concerned poses a ~~pest 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 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'.

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 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 ~~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.

On duly justified imperative grounds of urgency to address a serious ~~pest phytosanitary~~ risk, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 99(4).

3. ~~A plant, plant product or other object listed in the implementing act provided for in paragraph 1 may only be introduced into, or moved within, the respective protected zone if the special requirements for protected zones are fulfilled.~~
4. Member States shall notify, through the electronic notification system referred to in Article 97, the Commission and other Member States where plants, plant products or other objects have been introduced into, or moved within, the protected zone concerned, in violation of the measures adopted pursuant to this Article.

Where applicable, the 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.~~

Article 51

Information to be provided to travellers, and clients of postal services ~~and internet clients~~ as regards 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 and their movement within 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 accordingly as regards the plants, plant products and other objects listed pursuant to Article 49(1) and (2) and Article 50(1) and (2) **which are introduced from the frontier zone of a third country into the respective protected zones bordering that frontier zone.** ~~with regard to protected zones bordering third country frontier 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.

Article 54

Plants, plant products and other objects used for scientific, technical or and educational purposes, trials, varietal selection, and breeding and exhibitions ~~and exhibitions~~ as regards protected zones

By way of derogation from the prohibitions and requirements provided for in Articles 49(1a3) and 50(3), 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 and educational purposes, trials, varietal selection, and breeding and exhibitions ~~and exhibitions~~.

SECTION 3

OTHER MEASURES CONCERNING PLANTS, PLANT PRODUCTS AND OTHER OBJECTS

Article 55

General requirements for vehicles, machinery and packaging material ~~and vehicles~~

1. Vehicles, machinery and 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, 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, and from the pests referred to in the implementing acts adopted pursuant to Article 29(1) . Those plants, plant products or other objects 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 those pests.

~~The same shall apply to vehicles transporting such plants, plant products and other objects.~~

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.~~

~~The v~~Vehicles transporting plants, plant products and other objects 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.

3. Paragraphs 1 ~~and 2~~ shall apply to protected zones also as regards the respective protected zone quarantine pests.

Designation of quarantine stations and or confinement facilities

1. **For the purposes referred to in Articles 8, and ~~Article 46 and 47 (2)~~, Member States shall designate in their territory quarantine stations and or confinement facilities for ~~plants, plant products, other objects and pests~~, or authorise the use of designated quarantine stations or confinement facilities in ~~an~~ other Member States, ~~provided that those stations and facilities fulfil the requirements set out in paragraph 2 and provided that, where applicable, that the other Member State has given its consent for that authorisation.~~**

That designation or authorisation shall also concern the contingency plans referred to in Article 57(1).

1a. Those quarantine stations shall fulfil the requirements set out in Articles 56a, and 57 to 59~~a~~, and those confinement facilities shall fulfill the requirements set out in Article 56b, and as applicable in Articles 57 to 59~~a~~.

1b. The competent authority may, ~~in addition~~, on request, designate a facility of a professional operator as a quarantine station or confinement facility provided that it fulfils the requirements ~~set out in~~ referred to in paragraph ~~1a~~2.

2. **Quarantine stations and confinement facilities shall meet the following conditions to ensure adequate mitigation of the risk of spread of quarantine pests:**
 - ~~(a)~~ **they provide physical isolation of the pests, plants, plant products and other objects to be kept in quarantine and ensure they cannot be accessed or removed from those stations or facilities without consent of the competent authority;**
 - ~~(b)~~ **where the activities carried out in the quarantine stations or confinement facilities concern plants, plant products or other objects, they provide suitable growing or incubation conditions conducive for the development on those plants, plant products and other objects of signs and symptoms of quarantine pests;**

- ~~(c) — they have surfaces of smooth and impervious material allowing effective cleaning and decontamination;~~
- ~~(d) — they have surfaces resistant to deterioration and to attack by insects and other arthropods;~~
- ~~(e) — they have irrigation, sewage and ventilation systems which exclude the transmission or escaping of quarantine pests;~~
- ~~(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;~~
- ~~(g) — they provide for protective clothing and shoe covering;~~
- ~~(h) — they have, if appropriate, systems for de-contamination of personnel and visitors upon exit of the station;~~
- ~~(i) — a definition 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;~~
- ~~(j) — a sufficient number of suitably qualified, trained and experienced personnel is available;~~
- ~~(ja) — the persons responsible to carry out the respective tasks are identified.~~

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 56a

Conditions to be fulfilled by quarantine stations

Quarantine stations shall meet the following conditions to prevent the spread of quarantine pests:

- (a) they provide physical isolation of the pests, plants, plant products and other objects to be kept in quarantine and ensure they cannot be accessed or removed from those stations or facilities without consent of the competent authority;
- (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;
- (c) they have internal surfaces of smooth and impervious material allowing effective cleaning and decontamination;
- (d) they have surfaces resistant to deterioration and to attack by insects and other arthropods;
- (e) they have irrigation, sewage and ventilation systems which exclude the transmission or escaping of quarantine pests;
- (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;
- (g) they provide for protective clothing and shoe covering;
- (h) they have, if appropriate, systems for de-contamination of personnel and visitors upon exit of the station;
- (i) a definition 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;

- (i) a sufficient number of suitably qualified, trained and experienced personnel is available;-
- (ja) the persons responsible to carry out the respective tasks are identified.

Article 56b

Requirements for confinement facilities

Confinement facilities shall meet the following conditions to prevent the spread of quarantine pests:

- (a) they provide physical isolation of the pests, plants, plant products and other objects to be kept in quarantine and ensure they cannot be accessed or removed from those ~~stations or~~ facilities without consent of the competent authority;
- (b) where the activities carried out in the confinement facilities concern plants, plant products or other objects, they provide suitable growing or incubation conditions conducive for the development on those plants, plant products and other objects of signs and symptoms of quarantine pests;
- (c) they have surfaces resistant to deterioration and to attack by insects and other arthropods;
- (d) they have systems for sterilisation, decontamination or destruction of infested plants, plant products and other objects, waste and equipment before removal from the stations;
- (e) a definition 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;

- (f) a sufficient number of suitably qualified, trained and experienced personnel is available;
- (g) the persons responsible to carry out the respective tasks are identified.

Article 57

Operation of quarantine stations and confinement facilities

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 quarantine pests and ensure that a contingency plan is available to effectively eliminate any unintended presence of quarantine pests and prevent their spread.
- 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, based on that the contingency plan referred to in paragraph 1. The obligations set out for professional operators in Articles 15 shall apply accordingly to the person responsible for the quarantine station or confinement facility. to eliminate that presence of that pest and prevent its the spread of the pest. It shall notify the competent authority of that presence and of that action and follow the instructions of the competent authority.
- ~~2. The person responsible for the quarantine station or confinement facility shall ensure that personnel and visitors wear protective clothing and shoe covering and, where appropriate, are subject to decontamination upon leaving that station or facility.~~
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 **or facility**;
- (c) the 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 **inside the quarantine station or confinement facility and in its immediate vicinity**.

Those records shall be kept for three years.

Supervision of quarantine stations and confinement facilities and revocation of designation

1. The competent authority shall regularly inspect ~~organise audits or inspections of~~ the quarantine stations and confinement facilities, ~~at least once per year~~, to verify whether those stations and facilities meet the respective conditions referred to in Articles ~~56a(2)~~, 56b and ~~Article 57~~. The frequency of those inspections shall be determined by the competent authority according to the pest risk related to the operation of the quarantine station.
2. ~~The competent authority shall revoke the designation referred to in Article 56(1) without delay where:~~
 - (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;~~
 - (b) ~~the person responsible for that quarantine station fails to take appropriate and timely remedial action.~~

On the basis of the audit or inspection referred to in paragraph 1, the competent authority may request the person responsible for the quarantine station or confinement facility to implement corrective actions as regards compliance with Articles 56a, 56b and 57those provisions, either immediately or within a specifiede period of time, to ensure compliance with those provisions in Articles 56a, 56b and 57Article 56(2) and Article 57.

In case the competent authority concludes that the quarantine station or confinement facility fails to comply with ~~in~~ Articles 56a, 56b and 57Article 56(2) or Article 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).

in spite of its request for corrective action, it shall revoke the designation referred to in Article 56(1).

~~Instead of revoking that designation, the competent authority may suspend it for a specified period of time, until the respective corrective actions are implemented.~~

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.~~

Article 59

~~Rules concerning the designation, authorisation, operation and supervision of quarantine stations and confinement facilities and the R~~**elease of plants, plant products and other objects from quarantine stations and confinement facilities**~~Release of plants, plant products and other objects from quarantine stations and confinement facilities~~

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 quarantine pests not listed as Union quarantine pests~~**referred to in the implementing acts adopted pursuant to Article 29(1)**, or, where applicable, protected zone quarantine pests.

01a. ~~Competent authorities may authorise the movement of plants, plant products or other objects infested by a Union quarantine pest 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.~~

~~1a The Commission may, by means of implementing acts, set out procedures and conditions for the following elements:~~

- a) ~~designation, authorisation, operation and supervision of quarantine stations, including specific requirements for scientific and educational purposes, trials, varietal selections, or breeding~~
- b) ~~release of plants, plant products and other objects from those stations;~~

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

2. ~~By derogation to paragraph 1, Competent authorities may authorise the movement of plants, plant products and other objects which have not been found free from quarantine pests from the quarantine stations and confinement facilities to other quarantine stations or confinement facilities, or to destruction facilities or any other appropriate locations, only if measures are taken to ensure that no Union quarantine pests and quarantine pests not listed as Union quarantine pests, or, where applicable, protected zone quarantine pests, are spread into the Union territory or, where applicable, in the protected zone territory area concerned.~~

Article 59a

Rules concerning the designation, authorisation, operation and supervision of quarantine stations and confinement facilities and the release of plants, plant products and other objects

The Commission may, by means of implementing acts, set out procedures and conditions for the designation, authorisation, operation and supervision of quarantine stations and confinement facilities and the release of plants, plant products and other objects from those stations and facilities.

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

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

The Commission may, by means of implementing acts, set out specific rules concerning the application of Articles 56, 56a, 56b, 57, 58 and 59 as regards the following elements:

- a) designation, authorisation, operation and supervision of quarantine stations, including specific requirements for scientific and educational purposes, trials, varietal selections, or breeding
- b) release of plants, plant products and other objects from those stations;

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~~

- ~~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.~~
- ~~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.~~
- ~~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:~~

- ~~(a) it is recognised by that third country as being present in its territory and not under official control;~~
- ~~(b) it can be reasonably assumed that it does not qualify as a quarantine pest with respect to the territory of that third country.~~

Chapter V

Registration of professional operators and traceability

Article 61

Official register of professional operators

1. ~~————~~ The competent authority shall keep and update a register containing the professional operators, whose seat or premises are in the territory under its competence and who carry out the activities, listed in the second subparagraph 1a, in the territory of the Member State concerned, and are covered by one of the following points:

- ~~(a) — they are professional operators whose activities concern plants, plant products or other objects covered by specific measures adopted pursuant to an implementing act provided for in points (a) to (c) of Articles 27(1), Article 27(2) or (3), 29(1), (2) or (3), or special requirements adopted pursuant to Articles 40(1), 41(1) or (2), [41a], 47(1), 49(1) or (2) or 50(1) or (2), or subject to the provisions of Articles 43(1) or (2), 44(1), 45(1), 51, 52 or 53;~~**
- ~~(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].~~**

1a. ——— This pParagraph 1 shall apply as regards the following activities:

- ~~(a) — planting;~~**
- ~~(b) — growing;~~**
- ~~(c) — production;~~**
- ~~(d) — introduction into the Union territory;~~**
- ~~(e) — movement within the Union territory;~~**

- (f) ~~movement out of the Union territory;~~
- (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];~~
- (h) ~~sales through distance contracts, in case the seat of the professional operators concerned is in a Member State.~~

~~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'.~~

The competent authority shall keep and update a register containing:

- a) professional operators introducing into, or moving within, the Union of plants, plant products and other objects referred to in the implementing acts adopted pursuant to Articles 27(1), 29 (1), 41(1), [41a], 47 (1), 49(1), 50(1), 68(1), 69(1), 74 (1), 75 (1) unless those implementing acts allow an exception from such registration;
- b) professional operators authorised to issue plant passports according to Article 84;
- c) professional operators authorised to applying the marks of wood packaging material, as referred to in Articles 92 and 93;
- d) professional operators within the meaning of Article 3 (6) of Regulation (EU) No.../... [plant reproductive material];
- e) professional operators who according to Article 94 or 95 request the competent authority to issue the a phytosanitary certificates referred to in Articles 94, 95 and 96 for the export of plants, plant products and other objects;
- f) professional operators providing information according to Articles 43 or 51;

- g) 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;
- h) ~~professional operators responsible for phytosanitary transit according to Article 45(1) or 53;~~
- i) professional operators growing the relevant plants in demarcated areas referred to in Article 17, or established in accordance with the implementing acts adopted pursuant to Articles 27(1) and 29(1), unless those implementing acts specify otherwise.
- ia) Professional operators other than the ones referred to in points a) to i), if so required by the implementing act adopted pursuant to Articles 27(1), 29 (1), 41(1), [41a], 47 (1), 49(1), 50(1).

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 that are covered by any other of their activities.

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

- (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.

3a The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out one or more of the following:

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

3b **The Commission may, by means of an implementing act, set out the maximum figure for small quantities of particular plants, plant products or other objects as referred to in point (a) of paragraph 3. Those figures shall be established as appropriate to the plants, plant products and other objects concerned and the respective pest risks.**

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

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.
2. That application shall include at least the following elements:
 - (a) name, address of the seat and contact details of the professional operator;
 - (b) a statement concerning the intention of the professional operator to exercise one or more ~~each~~ of the activities referred to in Article 61(1) concerning plants, plant products and other objects;
 - (c) a statement concerning the intention of the professional operator to carry out, as applicable, each one or more of the following activities:
 - (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];~~
 - (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;

(e) the commodity types, families, genera, or ~~and~~ 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).

3. The competent authorities shall register a professional operator where the application for registration contains the elements of paragraph 2.

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) of Directive 2000/29/EC, or in accordance with implementing directive 2014/96 and all elements of paragraph 2 are available to that competent authority. Where appropriate, the professional operator concerned shall submit an update of those elements within three months from the date of application of this Regulation .

4. Registered ~~professional~~ operators shall, where ~~appropriate~~applicable, submit annually an update concerning any changes of 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 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) That application shall be submitted no later than 30 days, or 9030 days in the case of ornamentals, after the change of those data.

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.

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.

Article 63

Content of the register

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:

- (a) the official registration number, which shall include the two-letter code indicated in norm ISO 3166-1-alpha-2²³ for the Member State in which the professional operator is registered ;
- ~~(b) — the two-letter code indicated in norm ISO 3166-1-alpha-2²⁴ for the Member State in which the professional operator is registered;~~
- (c) as applicable, an indication ~~whether the professional operator is authorised~~ for which each of the activities referred to in point (c) of Article 62(2) the professional operator is approved-authorised, and, as applicable, the specific plants, plant products or other objects concerned .

Article 64

Availability of information of official registers

1. The Member State keeping the register shall, ~~on motivated request~~, make available, on motivated request, the information it contains ~~available~~ to the other Member States or the Commission, for their own use.

²³ ISO 3166-1:2006, Codes for the representation of names of countries and their subdivisions – Part 1: Country codes. International Organisation for Standardization, Geneva.

²⁴ ~~ISO 3166-1:2006, Codes for the representation of names of countries and their subdivisions – Part 1: Country codes. International Organisation for Standardization, Geneva.~~

2. The Member State keeping the register shall make available, on justified motivated request, the information referred to in points (a), (b) and (c) of Article 62(2) and point (c) of Article 63, with regards to one particular professional operator, with the exception of points (d) and (e) of Article 62(2), 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.

3. This Article shall apply without prejudice to national and Union rules on confidentiality, access to information and private data protection.

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 27(1)(points a to c), (2) and (3), 29(1), (2), (3), 37(5a), 40(1), 41(1) and (2), 43(1), (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 and 74(1)(a) shall keep a record for each ~~lot~~ smallest applicable commercial or other usable unit (hereinafter: trade unit) of plant, plant product or other object supplied, allowing that operator to identify the professional operators supplying it.
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 (5a), 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 and 74(1)(a) shall keep a record allowing that professional operator to identify, for each ~~lot~~ trade unit of plant, plant product or other object it supplied, the professional operators to whom it was supplied.
- 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) following to the request of a registered operator, that operator shall ensure, for the purpose of ensuring traceability pursuant to paragraphs 1 and 2, that it records the following information as regards that plant passport:
 - (a) the professional operator who supplied the trade unit concerned and;
 - (b) the professional operator to whom the trade unit concerned was supplied.
 - (c) relevant plant passport information
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, ~~format~~ and accessibility of the records to be kept by the professional operators referred to in paragraphs 1 and 2. ~~Those implementing acts may set out, for particular plants, plant products or other objects, a deadline different than the one referred to in the first subparagraph, where so justified by the length of the cultivation period of the respective plant.~~

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

4. On request, they 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.
5. Paragraphs 1 to 4 shall not apply to the professional operators referred to in points (b) and (c) of Article 61(3).

~~6. — 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) on request of a professional operator, that operator shall ensure, for the purpose of ensuring traceability pursuant to paragraph 2, that it records the following information as regards that plant passport:~~

~~(a) — the professional operator who supplied the trade unit concerned and;~~

~~(b) — the professional operator to whom the trade unit concerned was supplied.~~

Article 66

Movements of plants, plant products and other objects within and between the premises of the professional operator

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 **or** procedures to allow identification of the movements of **those**~~their~~ plants, plant products and other objects within **and between** their own premises.

The first subparagraph shall not apply to the professional operators referred to in points **(b) and (c)** of Article 61(3).

2. The information, as identified by the systems **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.

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

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;
 - (b) it complies with the provisions of Article 37(1) concerning the presence of Union **quality regulated non-quarantine** pests on plants for planting;
 - (c) it complies with the requirements referred to in Article, [37(5a)], 41(1), (2), [41a] **or, where applicable, in Article 50(1), (2)**;
 - (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).

2. ~~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, whenever where the respective implementing act, adopted pursuant to Articles 27(1),(2), 29(1),(2), 37(2) and (5a), 41(1) and (2), [41a] and 50(1) and (2), there is a choice between allows for several different options for such requirements. ~~That~~is specification shall include a reference to the relevant ~~option provided provision of in~~ those respective implementing acts. and the full wording of that provision.
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 [41a and] 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 development of scientific and technical developments and the development of the relevant international standards.

Plants, plant products and other objects for which phytosanitary certificates are required

1. The Commission shall, by means of an implementing act, establish a list of the plants, plant products and other objects, and the respective third countries of origin or dispatch, for which a phytosanitary certificate is required for introduction into the Union territory.

That list shall include:

(a0) all plants for planting, other than seeds;

- (a) the plants, plant products and other objects listed in Point I of Part B of Annex V to Directive 2000/29/EC;
- (b) plants, plant products and other objects for which requirements have been adopted pursuant to Articles 27(1)(c) and **Article** 29(1) concerning their introduction into the Union territory;
- (c) seeds listed pursuant to Article 37(2);
- (d) plants, plant products and other objects listed pursuant to Articles 41(1) and (2).

Points (a0) to (d) shall not apply, however, **and a phytosanitary certificate shall not be required** where the act adopted pursuant to Articles 27(1)(c), 29(1) or 41(1) and (2) requires proof of compliance in the form of an official mark, as referred to in Article 91(1), or another official attestation, as referred to in Article 93(1).

That implementing act shall be adopted in accordance with the **advisory examination** procedure referred to in Article 99(32).

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

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

3. **Further to paragraph 2,** 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).

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)**.

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:

- (a) the plants, plant products and other objects listed in Point II of Part B of Annex V to Directive 2000/29/EC;
- (b) plants, plant products and other objects listed pursuant to Article 50(1) or (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(**32**).

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

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~~ **examination** procedure referred to in Article 99(~~32~~).

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.

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(**1**).

Article 70

Exceptions for travellers' luggage ~~and clients of postal services,~~ 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:

- (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;~~ or as consignments delivered by postal services to final users
- (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~~.

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.

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 **pest 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.

Article 71

Conditions to be fulfilled by a phytosanitary certificate

1. Without prejudice to obligations under the International Plant Protection Convention and taking into account relevant international standards, t~~t~~^fThe 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.

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, issued by the country of origin.

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 **national plant protection organisation** ~~Union or one of a its~~ Member States;
 - (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 **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.

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.

The Commission shall **by means of an implementing act set out specific rules concerning** ~~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. **That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).**

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*].

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*].

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 by the Member State concerned**.

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).**

SECTION 2

PLANT PASSPORTS REQUIRED FOR THE MOVEMENT OF PLANTS, PLANT PRODUCTS AND OTHER OBJECTS WITHIN THE UNION TERRITORY

Article 73

Plant passports

A plant passport shall be an official ~~label-attestation~~ 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.

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:

- (a) all plants for planting, other than seeds;
- (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;
- (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) **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.**

That implementing act shall be adopted in accordance with the **advisory examination** procedure referred to in Article 99(~~12~~**3**).

- 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 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).

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~~.

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 and movement within certain protected zones.

That list shall include:

- (a) 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~~ examination procedure referred to in Article 99(~~12~~3).

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).

That implementing act shall be adopted in accordance with the ~~advisory~~ examination procedure referred to in Article 99(~~32~~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).

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~~.

Article 76

Exception for direct supply to 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 **supplied directly** to a final user, ~~other than an internet client~~.

This exception shall not apply to:

- (a) final users receiving those plants, plant products or other objects through distant sales;**
- (b) final users of plants, plant products or other objects for which a plant passport for protected zones is required pursuant to Article 75.**

2. _____ The Commission shall be empowered to adopt delegated acts, in accordance with Article 98, setting out ~~the maximum figure for small quantities of~~ the cases where, for particular plants, plant products or other objects, the exception of paragraph 1 shall only apply for 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.

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 **registered** professional operator, which are in close proximity to each other within a Member State. Where such movements take place in areas between two or more Member States, the derogation from the requirement for a plant passport shall be approved by all of the respective competent authorities.

Article 78

Content and format of the plant passport

1. The plant passport shall take the form of a distinct ~~label~~ attestation label, made on any substrate suitable for printing the elements referred to in paragraph 2 ~~which shall be printed on any suitable substrate,~~ 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 the information on it shall be unchangeable and indelible durable.
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 number may not be required where plants for planting fulfil the following conditions:

- (a) they are delivered from one professional operator to another;

(b) they are prepared in such a way that they are ready for the sale to final users without any further preparation and no risk of spread of Union quarantine pests exist;

- (c) They belong to types or species listed by the implementing act referred to in paragraph (2a).

~~The plant passport for introduction into, and movement within, a protected zone shall contain the elements set out in Part B of Annex VI.~~

- 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 apply.

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

- 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.

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 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, 2008/72/EC and 2008/90/EC of Article 10 of that Regulation, the plant passport shall be included, in a distinct form, in the official label produced in accordance with the respective provisions of those Directives~~Article 22 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.

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.

This paragraph shall not apply in case the competent authority issues the plant passport but not the official label referred to in the first subparagraph, nor in case the competent authority issues that official label but not the plant passport.

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 knowledge, and international standards developments.**
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).

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 **such plants, plant products or other objects** ~~them~~.

- 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 functioning of the mode for the issuance of those system which generate plant passports. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 99(3).

A plant passport may be only be issued in an electronic form [hereinafter 'electronic plant passport'], containing all the elements referred to in paragraph 2, provided that the technical modalities have been set out through that implementing act.

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.

2. ~~Plant passports may, however, be issued by the~~ Competent authorities may decide to issue plant passports, following to the request of ~~where~~ a registered operator ~~requests so.~~

3. Authorised operators shall only issue plant passports in the premises, collective warehouses and dispatching centres **which are under their responsibility and declared by them pursuant to** ~~referred to in~~ Article 62(2)(d).

~~**3a — Plant passports shall only be issued for plants, plant products and other objects introduced into the Union territory, pursuant to Article 89(1), in the place where those plants, plant products and other objects are released for free circulation by the customs authorities.**~~

~~Article 79a~~

~~Traceability as regards plant passports~~

~~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) on request of a professional operator, that operator shall ensure that it records the following information as regards that plant passport:~~

~~(a) — the professional operator who supplied the lot concerned and;~~

~~(b) — the professional operator to whom the lot concerned was supplied.~~

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~~which fulfils the following requirements:

- (a) it is free from Union quarantine pests;
- (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(5a) concerning the measures to be taken;
- (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 relevant provisions measures adopted pursuant to Article 16 (3), points (a) to (c) of Article 27(1), Article and 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).

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 which** fulfils all of the requirements of Article 80, and in addition the following requirements:
 - (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 **for plants, plant products or other objects originating in the demarcated area concerned and which may host the protected zone pest concerned.**

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, **and that no Union quarantine pests or, where appropriate, protected zone quarantine pests, are present in the immediate vicinity of the place of production of those plants, plant products or other objects.**

Where so required by the implementing acts adopted pursuant to Articles 27(1), 29(1), 41(1), or 50(1), that examination shall be carried out in the immediate vicinity of the place of production of the plants, plant products or other object concerned.

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 **as well as the area in the immediate vicinity of the location concerned.**

2. The examination shall be carried out by the authorised operator, or, in the cases referred to in point (c) of paragraph 3 and in where applicable under Article 79(2), or pursuant to point (c) of paragraph 3, by the competent authorities.
 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;
 - (b) it shall be carried out at the premises, ~~collective warehouses and dispatching centres~~ referred to in Article 62(2)(d); ~~and~~
 - (c) it shall be made by visual examination. In case of suspicion of the presence of a Union quarantine pest, or in the case of the suspicion of the presence of a protected zone quarantine pest in the respective protected zone, the visual examination shall be complemented by inspections, sampling and testing by the competent authority or, pursuant to Article 25(1) of Regulation [official controls], by a delegated body, or by an official laboratory, designated pursuant to Article 36(1) of that Regulation, in the case of possible latent presence and, in the case of suspicion of the presence of a Union quarantine pest, Union regulated non-quarantine pest or, in case of a protected zone, the protected zone quarantine pest concerned, by sampling and testing; 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; and
- (ca) its results shall be recorded and stored for at least three years.

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 (5a)], 41(1) and (2), and 50(1) and (2). Where those examination requirements or measures require that that examination is carried out by the competent authority, that examination shall not be carried out by the authorised operator referred to in paragraph 2.

4. The Commission ~~shall~~ may by means of implementing acts ~~be empowered to adopt delegated 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 ~~pest phytosanitary~~ risks they may present. Those examinations shall, where appropriate, concern certain plants for planting belonging to pre-basic, basic, or certified material, or pre-basic, basic or certified seed or seed potatoes, or standard or CAC material, 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, 2008/72/EC and 2008/90/EC ~~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.~~

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

Where the Commission adopts such an implementing ~~delegated~~ act for specific plants for planting, and those plants for planting are subject to certification schemes pursuant to 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 ~~Article 20(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)~~, the Commission shall set out the requirements as regards the ~~respective~~ examinations for the presence of Union quarantine pests and Union regulated non-quarantine pests and the examinations for other characteristics of the plants for planting pursuant to that Regulation ~~shall be combined~~ 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 international standards ~~developments~~.

Article 83

Attaching of the plants passports

Plant passports shall be attached by the **authorised professional** operators **concerned, or, where so applicable under Article 79(2), by the competent authorities, to the trade unit 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.

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') **for particular commodity types, families, genera, or species of plants, plant products and other objects** where that professional operator complies with the following conditions:
 - (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 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

(ba) its operations are subject to at least one audit per year by the competent authority.

2. The Commission ~~shall be empowered to adopt delegated~~ may, by means of implementing acts, ~~in accordance with Article 98~~, setting 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 qualification requirements criteria are met.

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

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), and (5a), Article 41(3), Article 80 and Article 82, and, where applicable, Article 33(2), Article 50(3) and Article 81.

It shall keep for at least 3 years records concerning the identification and monitoring of those points.

2. The authorised operator referred to in paragraph 1 shall ensure that appropriate ~~provide appropriate~~ training is provided, when necessary appropriate, 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.

Pest Phytosanitary risk management plans

1. Authorised operators may have in place pest risk management plans, as referred to in Article 19 of the Regulation (EU) No .../.... [Office of Publications, please insert number of Regulation on Official Controls] ~~Where point (c) of Article 19 of the Official Controls Regulation applies,~~ The competent authority ~~shall~~ **may** approve, for the purpose of point (c) of Article 19 of the Official Controls Regulation, ~~as appropriate, pest phytosanitary risk management those plans of authorised operators, if those plans they~~ **fulfil all of the following conditions:**
 - a) they set out ~~setting out the~~ measures **which are appropriate** ~~implemented for~~ by those operators to fulfil the obligations set out in Article 85(1);
 - b) they fulfil the requirements set out in paragraph 2.**
2. The ~~pest phytosanitary~~ risk management plans ~~s~~ shall cover, where appropriate in the form of **standard operating procedure instruction** 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;
 - (d) an analysis of the critical points referred to in Article 85(1) and the measures taken by the authorised operator to mitigate the **pest phytosanitary** 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 159(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, and the attachingment 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.~~

3a. Where the competent authority becomes aware that a pest risk management plan does not comply with the conditions referred to in 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.

Inspections and withdrawal of authorisation

- 014 The competent authority shall regularly carry out inspections 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).**
- 1.** Where the competent authority becomes aware that an authorised operator does not comply with **the provisions referred to in paragraph (01) Article 78(1), (2), (3), Article 82(1), (2), (3) or (4), Article 83, or Article 84(1), Article 85(1), (2), or Article 88(1), (2), (3), (5),** 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.**
- 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.

Replacing a plant passport

1. An authorised operator which has received **a trade unit of 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 **trade unit**~~lot~~, replacing the plant passport initially issued for that **trade unit**~~lot~~, provided that the conditions of paragraph 3 are fulfilled.
2. Where ~~a lot of~~ **a trade unit of** plants, plant products or other objects, for which a plant passport has been issued, is divided into two or more **trade units** ~~lots~~, the authorised operator responsible for those new **trade units**~~lots~~, or the competent authority acting on request of a professional operator, shall issue a plant passport for each new **trade unit**~~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 **trade unit**~~lot~~.

~~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.~~
3. A plant passport, as provided for in paragraphs 1 and 2, may only be issued if the following conditions are fulfilled:
 - (a) **the traceability requirements referred to in Article 65 (2a6) concerning the identity of** the plants, plant products or other objects concerned **is**~~is~~**are fulfilled**
guaranteed; and

- (b) ~~where appropriate~~**as applicable,** the plants, plant products or other objects concerned continue to comply with the requirements referred to in Articles 80 and 81.

(c) the characteristics of the plants, plant products or other objects concerned do not change

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 **as** referred to in paragraphs 1 and 2, the authorised operator concerned shall retain the replaced plant passport **or its content** for **at least** three years.

In case **the replacement of a plant passport as referred to in paragraphs 1 and 2 is carried out** ~~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 **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, replacing the lot traceability number, as referred to in Annex VI.

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 ~~by the competent authority~~ 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.

~~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 place of those checkpoint 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*]~~of [OC Regulation].~~

2. ~~Following the issuance of a plant passport referred to in paragraph 1, t~~ The competent authority ~~authorised operator issuing that plant passport~~ shall, ~~where applicable,~~ 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 (~~a0e~~) of Article 95(2) applies, that phytosanitary certificate shall be replaced by a certified copy of it.

Obligation to remove the plant passport

1. The professional operator which has under its control a **trade unit**~~lot~~ of plants, plant products or other objects, shall remove the plant passport from that **trade unit**~~lot~~, in case it becomes aware that any of the requirements of Articles 78 to ~~82, 84, 82, 84 or 85, Article 88, or Article 89~~ are not fulfilled, and notify the competent authority accordingly.

~~The professional operator shall invalidate that plant passport by drawing a clearly visible and indelible diagonal red line over it.~~

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.

2. In case the professional operator fails to comply with paragraph 1, the competent authorities shall remove the plant passport from the **trade unit**~~lot~~ 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 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, replacing the lot number, as referred to in Annex VI, and a statement concerning that invalidation.

~~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, replacing the lot number, as referred to in Annex VI, and a statement concerning that invalidation.~~

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. ~~That professional operator shall also inform the competent authority under the competence of which it operates.~~
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.

SECTION 3

OTHER ATTESTATIONS

[Article 41b]

Specific import conditions for the introduction into the Union territory of wood packaging material

1. **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 is marked with the mark referred to in Article 91, attesting that it has been subject to the treatments specified in Part A of Annex VII.**
2. **The Commission shall be empowered to adopt delegated acts in accordance with Article 98 to amend and supplement Part A of Annex VII to take into account the development of international standards.**
3. **The Commission shall by means of implementing acts and following international standards specify requirements as regards the treatments 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.]**

Article 91

Marking of wood packaging material, wood, or other objects

1. **The mark applied on the wood packaging material referred to in Article 41b, or on wood packaging material, wood, or other objects as specified in the implementing acts adopted pursuant to Articles 27(1) or (2), 29(1) or (2), 41(1) or (2), 50(1) or (2), shall have the content and be in a format as specified in Part B of Annex VII.**

Where the mark is applied in the Union territory, for the purposes of movement within, or out of, the Union territory, of the wood packaging material, wood or other objects, it shall only be applied by a registered operator authorised in accordance with Article 92.

Without prejudice to obligations under the International Plant Protection Convention, ~~tThe 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.~~

~~**The size, font type used and position of the mark on the wood packaging material shall be sufficient to be both visible and legible to inspectors without the use of a visual aid. The mark shall be rectangular or square in shape and contained within a border line with a vertical line separating the logo referred to in point (a) of Annex VII from the other elements of the mark. Small gaps in the border, the vertical line and other components of the mark may be present.**~~

~~**That mark shall be durable, not transferable and placed in a location that is visible when the wood packaging material is in use, preferably on at least two opposite sides of the wood packaging material.**~~

2. The Commission shall be empowered, in accordance with Article 98, to adopt delegated acts amending and supplementing Part B of Annex VII to adapt ~~that mark it~~ to the development of international standards.
3. ~~The mark shall only be applied by a professional registered operator authorised in accordance with Article 92.~~
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).~~

Article 91a

Repairing of wood packaging material

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 :
 - (a) the person carrying out that repair is an operator authorised according to Article 92;
 - (b) material and treatment used are suitable for repair;
 - (c) the mark is applied anew, as appropriate.
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.
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.

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)~~ **and repairing wood packaging material according to Article 91a** shall be granted **by the competent authority on application** to a registered operator provided that it fulfils the following conditions:
 - (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)~~**and 91a**;
 - (b) it operates appropriate facilities **and equipment** to carry out that treatment (hereinafter: 'treatment facilities');

~~(ba) its operations are subject to at least one audit per year by the competent authority.~~

The Commission **may, by means of an implementing act** ~~shall be empowered, in accordance with Article 98, to adopt delegated acts~~ **specify amending and supplementing** the requirements for authorisation, where appropriate in view of the development of scientific and technical knowledge **and international standards. Those requirements may also concern conditions and rules for the repair of wood packaging material. 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.~~

2. ~~By way of derogation from paragraph 1, T~~the authorisation referred to in ~~that~~ paragraph 1 may be granted, concerning the marking of wood packaging material entirely composed of ~~treated~~-wood which has been subject to the treatments referred to in Part A of Annex VII, where the registered operator fulfils all of the following conditions:

- (a) it exclusively uses wood treated in ~~from treatment~~ facilities operated by a registered operator authorised pursuant to paragraph 1 and accompanied by a plant passport attesting that treatment or wood purchased from third countries that was treated and marked as required pursuant to Article 27(1) or (2), Article 29(1) or (2), Article 41(1) or (2) or Article 50(1) or (2);
- (b) it ensures that the wood used for that purpose can be traced back to those treatment facilities or the third country treatment facilities concerned;
- (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

~~(ea) its operations are subject to at least one audit per year by the competent authority.~~

3. The competent authority shall supervise the ~~professional~~ registered operators authorised pursuant to paragraphs 1 and 2, 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.

~~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.~~

4. Where the competent authority becomes aware that a professional operator does not comply with the requirements referred to in paragraphs 1 ~~or~~, 2 ~~or~~ 3, that authority shall without delay take the measures necessary to ensure that **the** non-compliance with those provisions does not continue.

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.

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).
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).

SECTION 4

EXPORT OF PLANTS, PLANT PRODUCTS AND OTHER OBJECTS FROM THE UNION TERRITORY

Article 94

Phytosanitary certificate for export from the Union

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~~ **official 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, **when all of the following conditions are fulfilled:**

(a) ~~that~~ professional operator is registered by that competent authority in accordance with Article 61 falls under the territorial competence of the competent authority which

(aa) ~~and the professional operator~~ has under its control the plant, plant product or other object to be exported;

(b) it is ensured that that plant, plant product or other object complies with the import requirements of the third country concerned;

The competent authority ~~may~~ shall also issue a phytosanitary certificate at the request of persons other than professional operators, provided that the conditions set out in the first subparagraph are fulfilled.

2. **[Without prejudice to obligations under the International Plant Protection Convention,]** ~~t~~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 **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;**

(a00) **official information on the pest status in the area of origin of the plants, plant products or other objects concerned;**

(a) a plant passport, as referred to in Article 73, accompanying the plants, plant products or other objects concerned, **where that plant passports 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 plants, plant products or other objects concerned has been introduced into the Union territory from a third country;

~~(e) official inspections, sampling and testing of the plant, plant product or other object concerned.~~

3. The phytosanitary certificate for export shall be in the text and format of the model
~~contain the elements~~ set out in Part A of Annex VIII.

In case the pythosanitary certificate is not issued electronically, the paper used shall contain a watermark or embossed seal of the competent authority that signs the certificate. The colour of the paper shall be white. The colour of the printing shall be green.

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 them it to ~~scientific and technical developments and~~ 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 and, where appropriate, details regarding the procedures to be fulfilled for its issuance. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).~~
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*].

Article 95

Phytosanitary certificate for re-export from the Union

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 **from the Union (hereinafter: ‘the phytosanitary certificate for re-export’)** shall, ~~where possible,~~ **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 when the following conditions are fulfilled:

- (a) that professional operator is registered by that competent authority in accordance with Article 61 falls under the territorial competence of the competent authority;**
- (aa) he professional operator has under its control the plant, plant product or other object to be re-exported,**
- (b) it is ensured that that plant, plant product or other object complies with the import requirements of the third country concerned;**

~~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.~~

The competent authority shall ~~may~~ also issue a phytosanitary certificate for re-export at the request of persons other than professional operators, provided that the conditions set out in the first subparagraph are fulfilled.

2. **Without prejudice to obligations under the International Plant Protection Convention, t**~~The phytosanitary certificate for re-export shall be issued provided that the information available allows to certify compliance with the 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;
- (b) the plant, plant product or other object concerned has not been exposed to any risk of infestation ~~or infection~~ 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~~
- (ca) 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.
4. The phytosanitary certificate for re-export shall **be in the text and format of the model** ~~contain the elements~~ set out in Part B of Annex VIII.

In case the pythosanitary certficate is not issued electronically, the paper used shall contain a watermark or embossed seal of the competent authority that signs the certificate. The colour of the paper shall be white. The colour of the printing shall be brown.

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 **the development of 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 **and, where appropriate, details regarding the procedures to be fulfilled for its issuance**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).
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*].

Article 96

Pre-export certificates

1. The **competent authorities of the** Member State from which the plants, plant products 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 other objects were grown, **stored** produced or processed, shall exchange information as necessary for issuing, ~~without delay,~~ the phytosanitary certificate for export.
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, **or presence below a specified threshold**, of particular pests in the plants, plant products or other objects concerned;

(aa) the origin of the plants, plant products or other objects concerned in a specific field, production site, place of production or area;

(b) the **pest status in the field, production site, place of production or area of** origin of the plants, plant products or other objects concerned;

(ba) 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, **stored** or processed, **whereby the competent authority can confirm the compliance of those products with the requirements of the third country of destination**, while those plants, plant products or other objects are on the premises of the professional operator concerned.

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 **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]** ~~by electronic means~~.

The pre-export certificate, or its certified copies, may be attached to the respective phytosanitary 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, **amending and supplementing Part C of Annex VIII, to adapt it to the technical and scientific developments.** ~~setting out the contents of the pre-export certificate.~~
6. The Commission shall adopt, by means of implementing acts, the format specifications of the pre-export certificate **and lay down the procedures for its issuance.** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 99(3).

Chapter VII

Supporting measures by the Commission

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*].

- ~~2. Where the notification concerns the presence of a quarantine 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.~~

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 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) and 57(1). Those rules shall concern one or more the following elements :

- (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).**
- (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.**

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

Chapter VIII

Final provisions

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.
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.
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.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to 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, 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.

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.

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.

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.

Article 101

Repeals

1. Directive 2000/29/EC is repealed.

The following acts are also repealed:

(a) Directive 69/464/EEC;

~~(b) Directive 69/466/EEC;~~

(c) Directive 74/647/EEC ;

(d) Directive 93/85/EEC;

(e) Directive 98/57/EC;

(ea) Directive 2006/91/EC;

(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.

Amendment of Regulation (EU) 652/2014

Regulation (EU) No 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;'

(1a) In Article 5 (2), the following point (c) is inserted after point (b):

**'(c) the programmes for the control of ~~organisms harmful to plants or plant~~
~~products~~ pests in the outermost regions of the Union as referred to in Article
25;'**

(2) In Article ~~16~~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), 28(1) or 29(1) of Regulation (EU) No [...] / [...] of the European Parliament and of the Council [on protective measures against pests of plants]*;

(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.

* 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]

- (3) Article 178 is **replaced by the following amended as follows:**

'Article 178

Conditions

The measures referred to in Article 167 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 (EU) No [...]/*;**
- (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 [...]/[...]*.

*** 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]**

~~(a) In the first paragraph, points (a) and (b) are replaced by the following:~~

~~'(a) they concern Union quarantine pests not known to occur in the Union territory, listed pursuant to Article 5(2) of Regulation (EU) No [...]/[...]*;~~

~~(b) they concern priority pests listed pursuant to Article 6(2) of Regulation (EU) No [...]/[...]*;~~

~~(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]**

(b) — ~~The second 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]~~

(4) In paragraph 1 of Article 189, point (dea) is replaced by the following: Paragraph 1 of Article 19 is amended as follows:

'(dea) 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 167, 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'

(a) — ~~The following point (ea) is inserted after point (c):~~

~~'(ea) 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;~~

~~* — 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]~~

~~(b) — Point (d) is replaced by the following:~~

~~'(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).'~~

~~(e) — The following second subparagraph is added:~~

~~'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.'~~

(5) Article ~~1920~~ is amended as follows:

(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 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 [...]/* as not known to occur in the Union territory;
- (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*]

- (b) 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;

Article 102a

Amendment of the Regulation (EU) No 228/2013²⁵

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:

²⁵ **OJ L 78 of 20.3.2013, p.23**

'The Union shall contribute to the financing of the programmes for the control of organisms harmful to plants or plant products in the outermost regions in accordance with the provisions of Regulation (EU) No [...] /2013* for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material'

* 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]

Article 102b

Amendment of Regulation (EU) 1143/2014

Regulation (EU) No 1143/2014 is amended as follows:

(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) No [...] /2014 on the prevention and management of the introduction and spread of invasive alien species]

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.

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.
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.

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

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)~~

~~The territories of:~~

- ~~1. — Guadeloupe~~
- ~~2. — French Guiana~~
- ~~3. — Martinique~~
- ~~4. — Réunion~~
- ~~5. — Saint Martin~~
- ~~6. — Mayotte~~
- ~~7. — Ceuta~~
- ~~8. — Melilla~~
- ~~9. — The Canary Islands~~

ANNEX II

Criteria for the qualification of pests according to their risk to the Union territory

SECTION 1

CRITERIA TO IDENTIFY PESTS WHICH QUALIFY AS A QUARANTINE PEST, AS REFERRED TO IN ARTICLES 3, 7(1), ~~AND 28(2)~~ AND 29(1A)

(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.

(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~~ **not widely distributed**.

(3) Capability of entry, establishment and spread of the pest in the territory in question

(a) *Capability of entry*

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 **not widely** 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:

- (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;
- (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 **not widely** distributed ~~to a limited extent~~, if all of the following conditions are fulfilled:

- (i) hosts of the pest and, where relevant, vectors for transmission of the pest are available;
- (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*

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 not widely distributed ~~to a limited extent~~, if one or more of the following conditions is fulfilled:

- (i) the environment is suitable for natural spread of the pest;
- (ii) barriers to natural spread of the pest are insufficient;
- (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;

- (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

The entry, establishment and spread of the pest in the territory in question, or, if present, the part of that territory where it is not widely 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:

- (a) crop losses in terms of yield and quality;
- (b) costs of control measures;

- (c) costs of replanting and or losses due to the necessity of growing substitute plantserops;
- (d) effects on existing production practices;
- (e) effects on street trees, parks and ~~public and private green~~ natural and planted areas;
- (f) effects on native plants, biodiversity and ecosystem services;
- (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;
- (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 quality, production costs, yields or price levels;
- (j) changes to domestic or foreign consumer demand for a product resulting from quality changes;
- (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;
- (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;
- (p) costs of environmental restoration and prevention measures;

- (q) effects on food security **and food safety**;
- (r) effects on employment;
- (s) effects on water quality, recreation, tourism, 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.~~

~~As regards points (h) to (s), indirect effects within and outside the endangered area shall be taken into account.~~

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 **11** for **plantserops** with a total annual production value for the Union territory of at least [EUR 1 billion].

The plantserops referred to in the first subparagraph may be trees that are not in production.

- (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 ~~or~~ forestry sector concerned **or industries related to those sectors, including tourism and recreation**;
 - (ii) **significant** risks to food security or food safety;

(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.**

(c) Environmental impacts: the pest has the potential to cause one or more of the following effects:

(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 flora²⁶ and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds²⁷;

(ii) major and **long term** ~~permanent~~ increases of the use of plant protection products on the **plantserops** concerned.

(iia) 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.

²⁶ OJ L 206, 22.7.1992, p. 7.

²⁷ OJ L 20, 26.1.2010, p. 7.

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

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)

(1) Identity of the pest

The pest shall meet the criterion defined in point (1) of Section 1.

(2) Presence of the pest in the Member State's 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.

(3) 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.

(4) Potential economic, social and environmental impact of the pest

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.

Those impacts shall include at least one or more of the direct effects listed under point (4)(a) to (g) of Section 1.

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)

(1) Identity of the pest

The pest shall meet the criterion defined in point (1) of Section 1.

(2) 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.

(3) 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 Union, the pest meets the criteria defined in points (3)(b) and (c) of Section 1 as regards the Union territory.

(4) Potential economic, social and environmental impact of the pest

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.~~ Those impacts shall include at least one or more of the direct effects listed under point (4)(a) to (g) of Section 1.

SECTION 4

CRITERIA TO IDENTIFY PESTS WHICH QUALIFY AS A UNION ~~QUALITY~~ REGULATED NON-QUARANTINE PEST AS REFERRED TO IN ARTICLE 36 AND 38

(1) Identity of the pest

The pest shall meet the criterion defined in point (1) of Section 1.

(2) Probability of spread in the Union territory of the pest

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.

That assessment shall include, as appropriate, the following aspects:

- (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~~ subsequent infestation and transmission of the pest from the concerned host to other plants and vice versa;
- (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;
- (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.

(3) Potential economic, social and environmental impact of the pest

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 **plantserops**;

(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.

~~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.~~

~~As regards points (i) to (m), indirect effects within and outside the endangered area shall be taken into account.~~

ANNEX III

Elements to identify plants or plant products for planting which pose pest phytosanitary risks for the Union territory, as referred to in Articles 47(2) and 48

Plants ~~or plant products for planting~~ from third countries shall be considered likely to pose ~~pest phytosanitary~~ 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):

- (1) Characteristics of the plants or plant products for planting
 - (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.
 - (b) They belong to, or are produced from, 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.
 - (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.
 - (d) They are grown outdoors or produced from plants grown outdoors in the third countries of origin.
 - ~~(e) They are not treated with generic plant protection products prior to or during shipment.~~
 - ~~(f) They are not subject to official export controls and certification in the third country of origin.~~

- (g) They are not shipped in closed containers or packaging, or when shipped in such a way, the shipments because of their size cannot be opened in closed premises for purposes of official controls at introduction into the Union territory.

(2) Origin of the plants or plant products for planting

- (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).
- (b) They originate from, or are moved from, a third country which is not a member of the IPPC.

ANNEX IV

Measures and principles for the management of the risks of pests

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)

The management of the risks of quarantine pests shall consist of one or more, as appropriate, of the following measures:

- (1) 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.
 - (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.
 - (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.

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:

- (a) the registration, authorisation and official supervision of professional operators applying the treatment concerned;
- (b) 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.

(2) **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.
- (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.
- (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.

For the purposes of points (a) to (d), those measures may include requirements with regard to:

- (a) 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);
- (b) the registration, authorisation and official supervision of professional operators applying the treatment referred to in point (d).

(3) 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.
- (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.
- (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.

SECTION 2

PRINCIPLES FOR THE MANAGEMENT OF THE RISKS OF PESTS AS REFERRED TO IN ARTICLES 16(1), 17(32), 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 regulated non-quarantine~~ pests shall respect the following principles:

(1) Necessity

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.

(2) Proportionality

Measures taken to manage the risk of a pest shall be ~~consistent~~ proportionate to ~~with~~ the risk posed by the pest concerned and the level of protection that is required.

(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

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

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.

(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.

ANNEX V

Contents of phytosanitary certificates for introduction into the Union territory

PART A

PHYTOSANITARY CERTIFICATES FOR EXPORT AS REFERRED TO IN ARTICLE 71(1)

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: _____

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.*

II. Additional Declaration

[Enter text here]

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.*

* Optional clause

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)

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: _____

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.

*Insert tick in appropriate ☐ boxes

II. Additional Declaration

[Enter text here]

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.*

* Optional clause

ANNEX VI

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:
- (a) **the words 'Plant Passport' in its upper ~~left~~ right hand corner, ~~the words 'Plant Passport' unless specified otherwise in the implementing act referred to in Article 78(5)~~ in one of the official languages of the European Union and in English, separated by a slash;**
 - (b) **~~in its upper right hand corner,~~ the flag of the European Union ~~in its upper left right hand corner, printed in colour or in black and white unless specified otherwise in the implementing act referred to in Article 78(5);~~**
 - (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** ;

(ea) optionally, the name of the variety
 - (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;**

(e) the letter 'C.', followed by the ~~lot~~ **traceability**²⁸-number of the plant, plant product or the other object concerned;

(f) the letter 'D.', **where appropriate applicable** ~~optionally~~ 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~~ **of** the Member State of origin, if the plant passport is replaced in another Member State.

(2) The ~~lot~~ **traceability** number referred to in point 1(e) may **also** be **supplemented** ~~replaced~~ by a reference to a unique traceability barcode, hologram, chip or other data carrier, present on the ~~lot-trade unit~~ if certain plants or plant products can be identified by it.

(3) The plant passport elements can be arranged one below the other or side by side.

The examples below illustrate some acceptable variants of the required elements:

²⁸ [Traceability number: lot, batch, serial, week, supplier documents, delivery notes, cars etc. number used for traceability purposes.]

PART B

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:
- (a) **the words 'Plant Passport — ZP' in its upper ~~left~~ right hand corner, the words 'Plant Passport — ZP' unless specified otherwise in the implementing act referred to in Article 78(5) in one of the official languages of the European Union and in English, separated by a slash;**
 - (b) immediately underneath those words, the scientific name(s) or the code(s) ²⁹ of the respective protected zone quarantine pest(s) , as referred to in Article 32(3) concerned;
 - (c) **the flag of the European Union in ~~the~~ its upper ~~left~~ right hand corner, ~~the flag of the European Union printed in colour or in black and white unless specified otherwise in the implementing act referred to in Article 78(5);~~**
 - (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 ;
- (da) optionally, the name of the variety

- (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;**
 - (f) the letter 'C.', followed by the ~~lot~~ **traceability** number of the plant, plant product or the other object concerned;
 - (g) the letter 'D.', **where appropriate** ~~optionally~~ followed by:
 - (i) the name of the third country of origin, or
 - (ii) **in case of replacement of the plant passport** 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).**
- (2) The ~~lot~~ **traceability** 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 the ~~lot~~ **trade unit if certain plants or plant products can be identified by it.**
- (3) **The plant passport elements can be arranged one below the other or side by side.**

The examples below illustrate some acceptable variants of the required elements:

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)

- (1) The plant passport for movement within the Union territory, combined in a joint label with the official label 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 and Article 13(1) of Directive 2002/56/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, 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:

- (a) the words 'Plant Passport' in the upper left right hand corner of the joint label, the words 'Plant Passport' unless specified otherwise in the implementing act referred to in Article 78(5) in one of the official languages of the European Union and in English, separated by a slash;
- (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 unless specified otherwise in the implementing act referred to in Article 78(5);

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.~~

- (2) Point (2) of Part A shall apply accordingly.

(3) The plant passport elements can be arranged one below the other or side by side.

~~The examples below illustrate some acceptable variants of the required elements:~~

*****According to the Article 2 of the Commission Implementing Directive 2014/96/EU of 15 October 2014 on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of Council Directive 2008/90/EC**

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)

- (1) The plant passport for movement into and within protected zones, combined in a joint label with the official label 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 and Article 13(1) of Directive 2002/56/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, 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:

- (a) the words 'Plant Passport — ZP' in the upper ~~left~~ right hand corner of the joint label, the words 'Plant Passport — ZP' unless specified otherwise in the implementing act referred to in Article 78(5) in one of the official languages of the European Union and in English, separated by a slash;
- (b) immediately underneath those words, the scientific name(s) or code(s) of the protected zone quarantine pest(s) concerned;
- (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 unless specified otherwise in the implementing act referred to in Article 78(5);

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 (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.~~

- (2) Point (2) of Part B shall apply accordingly.

(3) The plant passport elements can be arranged one below the other or side by side.

~~The examples below illustrate some acceptable variants of the required elements:~~

*****According to the Article 2 of the Commission Implementing Directive 2014/96/EU of 15 October 2014 on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of Council Directive 2008/90/EC**

ANNEX VII

Mark for wood packaging material referred to in Article 91(1)

~~The mark applied to wood packaging material pursuant to Article 91(1) shall contain the following elements:~~

- ~~(a) — on its left hand, the following logo of the IPPC;~~
- ~~(b) — on its right hand, subsequently the two-letter treatment 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 following letters treatment code:~~
 - ~~(i) — in the case of heat treatment, 'HT';~~
 - ~~(ii) — in the case of dielectric heating, 'DH';~~
 - ~~(iii) — in the case of methylbromide treatment, 'MB'.~~

~~No other information shall be contained within the border of the mark.~~

~~The mark shall not be hand drawn.~~

PART A

TREATMENTS FOR WOOD PACKAGING MATERIAL AS REFERRED TO IN ARTICLE 41B

1. The wood packaging material referred to in Article 41b shall be made of debarked wood, but any number of visually separate and clearly distinct small pieces of bark may remain if they are:

(a) less than 3 cm in width (regardless of length) or,

(b) greater than 3 cm in width but with the total surface area of an individual piece of bark less than 50 square cm.

2. Without prejudice to the requirement laid down in paragraph 1, the wood packaging material referred to in Article 41b shall be subject to one of the following treatments:

(a) heat treatment;

(b) dielectric heating;

(c) methylbromide treatment (it is prohibited to apply the methylbromide treatment in the European Union).

PART B

CONTENT FORMAT AND REQUIREMENTS FOR THE MARK REFERRED TO IN ARTICLE 91(1)

1. The mark applied to wood packaging material pursuant to Article 91(1) shall contain the following elements:

- (a) on its left hand, the following logo of the IPPC;**
- (b) on its right hand, subsequently the two-letter treatmentcountry 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 following letters treatment code:**
 - (i) in the case of heat treatment, 'HT';**
 - (ii) in the case of dielectric heating, 'DH';**
 - (iii) in the case of methylbromide treatment, 'MB'.**

No other information shall be contained within the border of the mark.

2. The mark shall be sufficiently visible and legible without the use of visual aid. The mark shall further be:

- a) durable and not-transferable;**
- b) placed on a visible location on the wood packaging material and;**
- c) preferably located at two opposite sides of the wood packaging material.**

The use of red or orange shall be avoided. The mark shall not be hand drawn.

ANNEX VIII

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:
 - (a) 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;
 - (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;
 - (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;
 - (c) the words 'Declared name and address of consignee', followed by the declared name and address of the consignee;

- (d) 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;
- (e) 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. **In all cases, the name of the country of origin should be stated;**
- (f) the words "Declared means of conveyance", followed by the declared means of conveyance of that consignment;
- (g) the words "Declared point of entry", followed by the declared point of entry into the country of destination of that consignment;
- (h) 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;
- (i) 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;
- (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 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'. **Optionally, the following clause may be added:** 'They are deemed to be practically free from other pests.';

- (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;**
- (l) the words 'Disinfestation and/or disinfection treatment';
- (m) the word "Treatment", followed by the treatment that has been applied to that consignment;
- (n) the words "Chemical (active ingredient)", followed by the active ingredient of the chemical used for the treatment referred to in point (m);
- (o) the words "Duration and temperature", followed by the duration and, where applicable, temperature of that treatment;
- (p) the word "Concentration", followed by the concentration of that chemical reached during that treatment;
- (q) the word "Date", followed by the date on which that treatment was applied;
- (r) the word "Additional information", followed by any additional information that the competent authority wishes to include in the certificate;
- (s) the words 'Place of issue', followed by the place of issuance of the phytosanitary certificate;

- (t) the word 'Date', followed by the date of issuance of the phytosanitary certificate;
 - (u) the words 'Name and signature of authorised officer', followed by the name and signature of the officer issuing and signing the phytosanitary certificate;
 - (v) the words 'Stamp of organisation', followed by the official stamp of the competent authority issuing the phytosanitary certificate.
- (2) ~~**In case the pythosanitary certifeate is not issued electronically, t**~~**The paper used shall contain the watermark or embossed seal of the competent authority that signs the certificate.**

MODEL PHYTOSANITARY CERTIFICATE FOR

EXPORT

1. Name and address of exporter		2. PHYTOSANITARY CERTIFICATE No EU XX /00000000	
3. Declared name and address of consignee		4. Plant protection organisation of to plant protection organisation(s) of	
6. Declared means of conveyance		5. Place of origin	
7. Declared point of entry			
8. Distinguishing marks: number and description of packages; name of produce; botanical name of plants		9. Quantity declared	
10. 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			
11. Additional declaration			
DISINFESTATION AND/OR DISINFECTION TREATMENT		18. Place of issue	
12. Treatment		Date	
13. Chemical (active ingredient)	14. Duration and temperature	Name and signature of authorized officer	
15. Concentration	16. Date	Stamp of organisation	
17. Additional information			

EXPLANATORY NOTE

- Unnumbered box

This box is reserved for official use only

- Box 8

‘Description of packages’ means indication of the type of packages.

- Box 9

The quantity shall be expressed either by number or weight.

PART B

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:
 - (a) the words 'Phytosanitary certificate for re-export', 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 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;
 - (b) 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;

- (c) the words 'Declared name and address of consignee', followed by the declared name and address of the consignee;
- (d) 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;
- (e) 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;
- (f) the words "Declared means of conveyance", followed by the declared means of conveyance of that consignment;
- (g) the words "Declared point of entry", followed by the declared point of entry into the country of destination of that consignment;
- (h) 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;
- (i) 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;
- (j) the following text:

'This is to certify

- 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 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**
requirements of the importing country, and
- that during storage in (country of re-export) the consignment
has not been subjected to the risk of infestation or infection.
- * Insert tick in appropriate boxes',

in which text the required information shall be filled and the applicable boxes ticked;

- (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;**

- (l) the words 'Disinfestation and/or disinfection treatment';
 - (m) the word "Treatment", followed by the treatment that has been applied to that consignment;
 - (n) the words "Chemical (active ingredient)", followed by the active ingredient of the chemical used for the treatment referred to in point (m);
 - (o) the words "Duration and temperature", followed by the duration and, where applicable, temperature of that treatment;
 - (p) the word "Concentration", followed by the concentration of that chemical reached during that treatment;
 - (q) the word "Date", followed by the date on which that treatment was applied;
 - (r) the word "Additional information", followed by any additional information that the competent authority wishes to include in the certificate;
 - (s) the words 'Place of issue', followed by the place of issuance of the phytosanitary certificate;
 - (t) the word 'Date', followed by the date of issuance of the phytosanitary certificate;
 - (u) the words 'Name and signature of authorised officer', followed by the name and signature of the officer issuing and signing the phytosanitary certificate;
 - (v) the words 'Stamp of organisation', followed by the official stamp of the competent authority issuing the phytosanitary certificate.
- (2) ~~The paper used shall contain the embossed seal of the competent authority that signs the certificate.~~

MODEL PHYTOSANITARY CERTIFICATE FOR RE-EXPORT

1. Name and address of exporter		2. PHYTOSANITARY CERTIFICATE FOR RE-EXPORT No EU XX/00000000	
3. Declared name and address of consignee		4. Plant protection organisation of to plant protection organisation(s) of	
6. Declared means of conveyance		5. Place of origin	
7. Declared point of entry			
8. Distinguishing marks; number and description of packages; name of produce; botanical name of plants			9. Quantity declared
10. This is to certify - that the plants or plant products described above were imported into..... (country of re-export) from.....(country of origin) covered by phytosanitary certificate Nr. (*) ☐ 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 country, and -that during storage in (country of re-export) the consignment has not been subjected to the risk of infestation or infection. (*)Insert tick in the appropriate boxes			
11. Additional declaration			
DISINFESTATION AND/OR DISINFECTION TREATMENT		18. Place of issue	
12. Treatment		Date	
13. Chemical (active ingredient)	14. Duration and temperature	Name and signature of authorized officer	
15. Concentration	16. Date	Stamp of organisation	
17. Additional information			

EXPLANATORY NOTE

- Unnumbered box

This box is reserved for official use only

- Box 8

‘Description of packages’ means indication of the type of packages.

- Box 9

The quantity shall be expressed either by number or weight.

PART C (new)

PHYTOSANITARY CERTIFICATES FOR PRE-EXPORT AS REFERRED TO IN ARTICLE 96(5)

1 This document is issued by the competent authority of an EU MS according to [<i>Regulation on protective measures against pests of plants</i>] on request of a producer/trader in order to communicate to competent authorities of EU MS that certain phytosanitary procedures have been applied. <u>It may Not to be attached to the PC.</u>	2 INTRA-EU PRE-EXPORT CERTIFICATE <i>No. EU / Code MS / Internal individual reference number</i>
3 Producer/Trader	
4 Name of MS of origin 	
<i>Name of the competent authority [and if wanted logo of competent authority of origin]</i>	
5 Description of the consignment	6 Quantity declared
7 The plants, plant products or other regulated objects as described above <i>[Boxes of applicable options to be ticked; text of non-applicable options to be crossed out]</i> ☐ fulfil the requirements in accordance with [Article 41...] <i>[specify number of option applied]</i> ☐ have been inspected (e.g. during the growing season) and/or tested according to an appropriate official procedure <i>[if necessary list relevant procedures]</i> and found free <i>[name of the harmful organisms]</i> originate in a field ☐ a place of production ☐ an area ☐ officially recognized as being free from <i>[name of the harmful organisms]</i> Other official information <i>[e.g. related to the identification of the field/ production site/ place of production or the area]</i> 	
8 Place of issue and contact details (email/fax) Date	9 Stamp of the competent authority Name and signature of the authorized officer

ANNEX IX

Correlation table

Council Directive 69/464/EEC	This Regulation	Regulation (EU) No .../.... [<i>Office of Publications, please insert number of Regulation on Official Controls</i>]
Article 1	Article 27(1)	—
Article 2	Article 27(1)(d)	—
Articles 3, 4 and 5	Article 27(1)(c)	—
Article 6	Article 27(1)(e)	—
Article 7	—	—
Article 8	Article 8	—
Article 9	Article 31(1)	—
Articles 10 and 11	Article 27(1)(c)	—
Articles 12 and 13	—	—
Council Directive 93/85/EEC	This Regulation	Regulation (EU) No .../.... [<i>Office of Publications, please insert number of Regulation on Official Controls</i>]
Article 1	Article 27(1)	—
Article 2	Article 27(1)(f)	—
Article 3	Article 9	—
Articles 4 to 8	Article 27(1)(a), (b) and (c)	—
Article 9	—	—
Article 10	Article 8	—
Article 11	Article 31(1)	—
Article 12	Article 27(1)	—
Articles 13 to 15	—	—
Annexes I to V	Article 27(1)	—

Council Directive 98/57/EC	This Regulation	Regulation (EU) No .../.... [<i>Office of Publications, please insert number of Regulation on Official Controls</i>]
Article 1	Article 27(1)	—
Article 2	Article 27(1)(f)	—
Article 3	Article 9	—
Article 4 to 7	Article 27(1)(a), (b) and (c)	—
Article 8	—	—
Article 9	Article 8	—
Article 10	Article 31(1)	—
Article 11	Article 27(1)	—
Articles 12 to 14	—	—
Annexes I to VII	Article 27(1)	—
Council Directive 2007/33/EC	This Regulation	Regulation (EU) No .../.... [<i>Office of Publications, please insert number of Regulation on Official Controls</i>]
Article 1	Article 27(1)	—
Articles 2 and 3	Article 27(1) and (2)	—
Articles 4 to 8	Article 27(1)(f)	—
Articles 9 to 13	Article 27(1) and (2)	—
Article 14	Article 8	—
Article 15	Article 31(1)	—
Article 16	Article 27(1)	—
Article 17	Article 99	—
Articles 18 to 20	—	—
Annexes I to IV	Article 27(1)	—

Council Directive 2000/29/EC	This Regulation	Regulation (EU) No .../.... [<i>Office of Publications, please insert number of Regulation on Official Controls</i>]
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